

Planning and Environment
Director of Planning and Environment,
Geoffrey Steeley OBE



Town Planning
Ref No 4/0172-94

Other
Ref No

TOWN & COUNTRY PLANNING ACT, 1990

To: W J & M Mash Ltd.
Torrington Farm
Grove Lane
Chesham
Bucks
HP5 32G

RECYCLING FACILITY IN ASSOCIATION
WITH CLAY EXTRACTION OPERATIONS

at: BOVINGDON AIRFIELD,
BOVINGDON

Brief description
and location of
proposed
development

In pursuance of their powers under the above Act and the Orders and Regulations for the time being in force thereunder, the Council hereby PERMIT the development proposed by you in your application dated 2nd February 1994 and received with sufficient particulars on 2nd February 1994 and shown on the plan (s) accompanying such application, subject to Conditions 1-19, which are detailed in the attached Schedule, along with the Reasons for the imposition of the Conditions.

Dated: 24 day of February 1995

Signed *Erin Davis*

Designation Head of Restoration,
Minerals & Waste Planning

Contd.

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

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 Secretary of State of the Environment 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 Department of the Environment at Tollgate House, Houlton Street, Bristol, BS2 9DJ.

The Secretary of State 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 Secretary of State 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 Secretary of State 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 Secretary of State for the Environment 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 Secretary of State 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 1-19 ATTACHED TO PLANNING PERMISSION 4/0172-94
FOR A RECYCLING FACILITY IN ASSOCIATION WITH CLAY EXTRACTION
OPERATIONS AT BOVINGDON AIRFIELD, BOVINGDON, HERTFORDSHIRE.**

APPLICATION NUMBER :- 4/0172-94 OS GRID REF :- TL 008042

- 1. The development to which this permission relates shall be begun before the expiration of 5 years commencing on the date of this permission.**

Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act.

- 2. The development to which this planning permission relates shall cease either within one year of its implementation or shall cease immediately if clay extraction operations authorised under planning permission 4/1434-91 cease within one year of implementation of this permission, whichever date is the earlier. The date of implementation shall be agreed with the Local Planning Authority prior to implementation taking place.**

Reason:- To enable the Local Planning Authority to review the situation then pertaining and as only a temporary permission of sought and to ensure that recycling operations only take place in association with clay extraction operations as requested in the submitted submission.

- 3. The operations hereby permitted shall, except where modified by this Schedule of Conditions, be undertaken in accordance with the provisions of the Written Statement dated 2nd February 1994 accompanying planning application reference number 4/0172-94 and site plans MAS/BCX/PA1 and MAS/BCX/PA4(A) unless the prior written consent of the Local Planning Authority has been obtained.**

Reason:- To ensure that the development is carried out in accordance with the agreed submissions.

- 4. Operations authorised by this planning permission shall only be carried out in association with clay extraction operations authorised under planning permission 4/1434-91.**

Reason :- To ensure that the development is carried out in conjunction with clay extraction operations as requested in the submitted submissions.

- 5. There shall be no more than a total of 90 lorry movements (45 in and 45 out) at the site in any one working day (Monday to Friday) in connection with both recycling and clay extraction operations authorised under planning permissions 4/0172-94 and 4/1434-91 respectively.**

Reason :- In the interests of the safety and free flow of traffic on the public highway.

- 6. Vehicular access to and from the Airfield in connection with operations the subject of this permission shall only be via the access point at the main entrance to the runway as shown on Plan MAS/BCX/PA6.**

Reason :- In the interests of the safety and free flow of traffic on the public highway.

S Davidson
24. 2. 95

7. **The Rating Level (the equivalent continuous A weighted sound pressure level Leq (1 hour) day-time with corrections for tonal character as defined in BS4142 should not exceed 45 dB(A) at the “Little Colyers” and 78dB(A) at the control location marked X on Plan MAS/BCX/PA7 for noise generated from both the recycling and clay extraction operations at the site authorised under planning permissions 4/0172-94 and 4/1434-91 respectively. Measurements shall be taken at the control location marked X on Plan MAS/BCX/PA7 and should be taken at a height of between 1.2 and 1.5 metres above ground level and at least 3.6 metres away from any reflective facades.**

Reason :- To safeguard the amenity of noise sensitive properties.

8. **Noise readings shall be taken within one week of commencement of recycling operations to the satisfaction of the Local Planning Authority and thereafter every two months. The results in the form of a noise level report shall be submitted to the Local Planning Authority to ascertain that the noise from both the recycling and clay extraction operations authorised under planning permissions 4/0172-94 and 4/1434-91 respectively have not exceeded the maximum noise level imposed under condition 7.**

Reason:- To minimise the adverse impact of noise generated from the combined operations at the site.

9. **No operations authorised by this planning permission shall commence until adequate details have been submitted to and approved by the Local Planning Authority to demonstrate that both the recycling and clay extraction operations authorised under planning permissions 4/0172-94 and 4/1434-91 respectively can operate within the noise limit imposed by Condition 7. These details shall outline what noise abatement measures will be necessary to achieve this noise limit.**

Reason:- To ensure that the development can be carried out within the requirements of the planning permission.

10. **The access road within Bovingdon Airfield shall be maintained in a good state of repair and kept clean and free of mud and other debris to the satisfaction of the Local Planning Authority.**

Reason:- To ensure the development does not have an adverse effect on the locality.

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

07.30 - 17.00 Mondays to Fridays

No operations shall take place on Saturdays , Sundays or Public Holidays.

Reason:- To minimise the adverse impact of operations on the local community in terms of noise, traffic generated and general disturbance.

12. **Details of proposed dust suppression measures shall be submitted to and approved by the Local Planning Authority prior to operations commencing and such measures shall be implemented to the satisfaction of the Local Planning Authority.**

Reason:- To ensure the development does not have an adverse effect on the amenity of the locality.

SJ Davidson
24.2.95

13. **Measures shall be taken to ensure that vehicles entering and leaving the site shall not deposit mud or other materials on the public highway.**

Reason:- To ensure the safety of traffic using the public highway.

14. **No operations authorised by this planning permission shall commence until a scheme for the construction and design of a surface water drainage system has been submitted to and approved in writing by the Local Planning Authority in consultation with the National Rivers Authority. The approved scheme shall be implemented prior to the commencement of any operations authorised by this planning permission. This drainage system shall be maintained.**

Reason:- To prevent pollution of the water environment.

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

Reason:- To minimise the adverse affects on local amenity.

16. **Unless otherwise agreed in writing by the Local Planning Authority no material shall be stockpiled in excess of 5 metres in height.**

Reason:- To limit the height of stockpiled material to safeguard the amenity of the area.

17. **Unless otherwise agreed in writing by the Local Planning Authority only inert material, that is, clean rubble and spoil shall be handled at the site.**

Reason :- To ensure wastes handled are confined to those proposed and to prevent the pollution of ground water.

18. **No scrap, mobile plant, fuel tanks, equipment or vehicles shall be stored within the site.**

Reason:- To ensure that the development does not have an adverse effect on the locality.

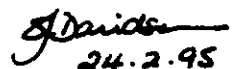
19. **All plant, equipment, foundations and hardstandings shall be removed from the site within three months of the expiration of this planning permission or within three months of the cessation of clay extraction operations authorised under planning permission 4/1434-91 whichever date is the earlier.**

Reason:- To ensure that restoration of the site is not delayed and the site is restored to a beneficial afteruse.

Planning Informatives

No apparatus must be laid over and along the line of the gas pipe irrespective of clearance. A minimum clearance of 300 mm must be allowed between any plant being installed and an existing gas pipe whether adjacent plant be parallel to or crossing the gas plant. No manhole or chamber shall be built over or round a gas pipe.

At no time should vehicles or construction equipment be used or placed over British Gas unprotected plant. Suitably reinforced crossing points should be agreed by prior consideration. Crossing at other places should be prevented.


24.2.95

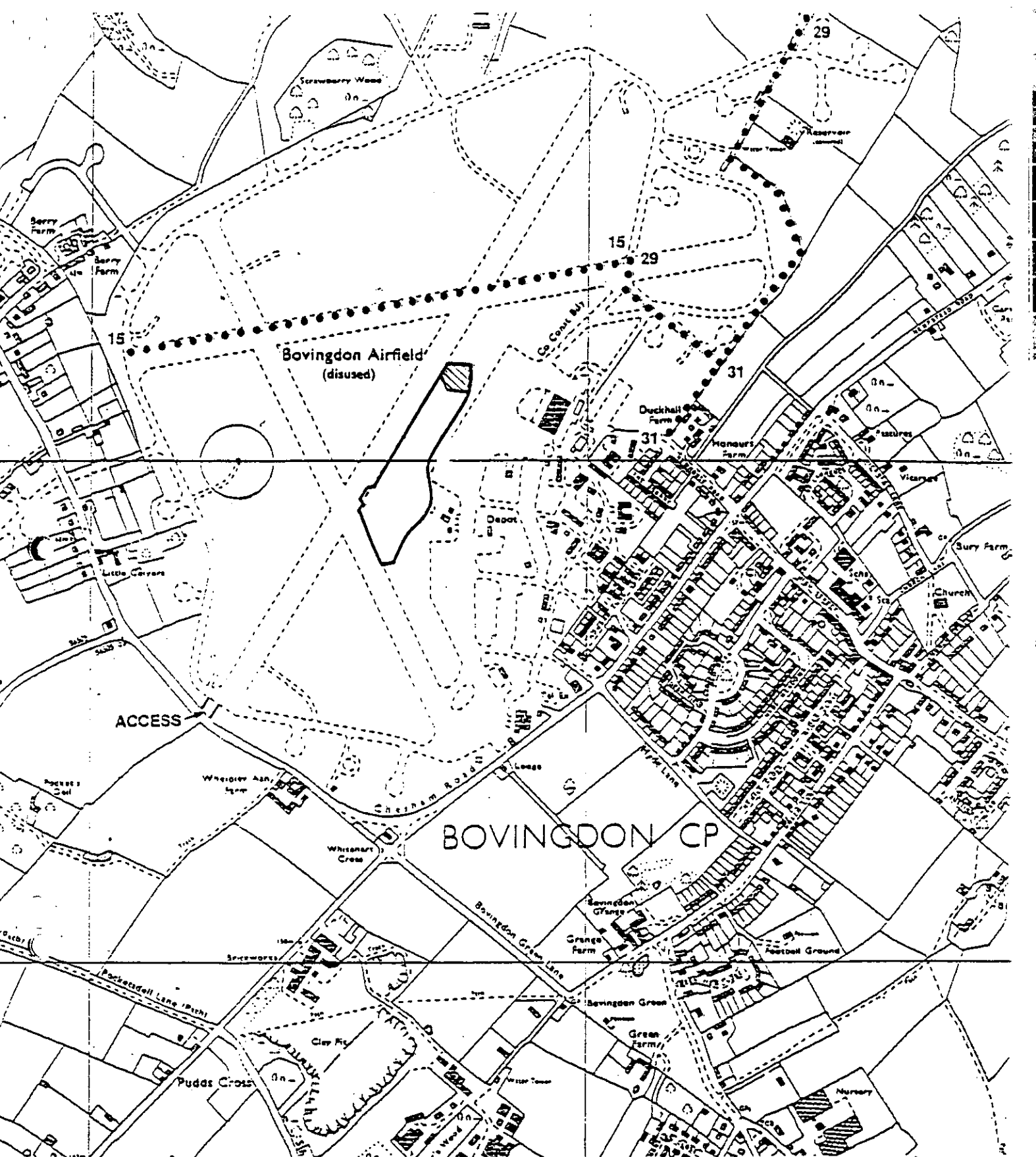
As agreed by the Environment Cases Sub-Committee on 20 September 1994/Mrs S J Davidson

This AGREEMENT is made the day of 1995 BETWEEN
HERTFORDSHIRE COUNTY COUNCIL of County Hall Hertford Hertfordshire
(hereinafter called "the County Council") of the one part and W J & MASH
LIMITED whose registered office is situate at Torrington Farm Grove Lane Chesham
Buckinghamshire (hereinafter called "the Developer") of the other part

WHEREAS




1. The County Council is the highway authority for roads in Hertfordshire save motorways and trunk roads and is also the local planning authority for the purposes of the Town and Country Planning Act 1990 (hereinafter called "the Act") in respect of matters appertaining to mineral extraction and waste disposal and waste recycling
2. The Developer has applied to the County Council under Application Number 4/0172 - 94 for a recycling facility (to be operated in conjunction with clay extraction activities already authorised) on the area of land at Bovingdon Airfield Bovingdon Hertfordshire which is for the purpose of identification only shown on the plan attached hereto (hereinafter called "the Land")
3. The Developer has agreed that subject to planning permission being granted for Application Number 4/0172 - 94 (hereinafter called "the Planning Permission") it will enter into the covenants relating to lorry routing hereinafter appearing
4. The Developer is entitled to the unencumbered freehold interest in the Land
5. This Deed is a planning obligation within the meaning of Section 106 of the Act and the County Council is the local authority entitled to enforce the same

NOW THIS DEED WITNESSETH as follows



DACORUM DISTRICT
 APPLICATION FOR A RECYCLING FACILITY
 IN ASSOCIATION WITH CLAY EXTRACTION
 BOVINGTON AIRFIELD
 APPLICATION No. 4/0172-94
 OS GRID REFERENCE : TL 0C8 042
 SCALE 1 : 10,000

KEY

-  APPLICATION SITE
-  EXTRACTION SITE
-  PUBLIC FOOTPATH

0 300m

CROWN COPYRIGHT RESERVED MARCH 1994

(1) In the event that the Planning Permission is granted (with or without conditions) the Developer hereby covenants for itself and its successors in title and for all persons deriving title from the Developer and such successors that they shall not operate the recycling facility authorised by the Planning Permission

(i) without ensuring that all vehicles accessing and exiting the Land in connection with both the recycling activities and the clay extraction operation already authorised under Reference Number 4/1434-91 do so only by

either (a) eastwards via the B4505 Chesham Road Hempstead Road and Box Lane to and from the new A41 Bypass using the Bourne End Interchange

(b) westwards via the B4505 Chesham Road Rushmere Lane towards Chesham

nor (ii) until they shall have positioned appropriate directional signs near the exit of the Land for the guidance of vehicle drivers

(2) The Developer further covenants that on the date hereof it shall pay the reasonable costs incurred by the County Council in the preparation and execution of this Deed

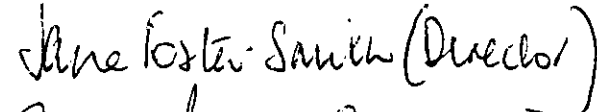

(3) This Deed shall be registered as a Local Land Charge

EXECUTED as a Deed the day and year first above written

THE COMMON SEAL of
HERTFORDSHIRE COUNTY
COUNCIL was hereunto affixed
in the presence of


Director of Law and Administration

THE COMMON SEAL of
W J & MASH LIMITED
was hereunto affixed
in the presence of


 (Secretary)