



Hertfordshire
COUNTY COUNCIL

Environment

Town and Country Planning Act 1990 (as amended)

DECISION NOTICE

HCC Application No: 4/1087-00 (017)

Other Ref No:

Description & location of development:

**Application for change of use from claypit to brick storage area and
associated brick making activities**

at

Bovingdon Brickworks, Ley Hill Road, Bovingdon

To: Bovingdon Brickworks Ltd

Ley Hill Road

Bovingdon

Hemel Hempstead

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 5 April 2000 including the supporting statement which accompanied the application and the two plan(s) numbered 1947/02 and 1947/2000/103, subject to the twelve conditions which are detailed in the attached schedule with the reasons for their imposition and the relevant policies.

Dated: 20 day of September 2000 Signed: Susan Dawson

HEAD OF COUNTY DEVELOPMENT UNIT

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State for the Environment, Transport and the Regions

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 for the Environment, Transport and the Regions 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, Transport and the Regions at Tollgate House, Houlton Street, Bristol, BS2 9DJ.

The Secretary of State for the Environment, Transport and the Regions 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 for the Environment, Transport and the Regions 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 for the Environment, Transport and the Regions 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, Transport and the Regions 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 for the Environment, Transport and the Regions 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 - 12 ATTACHED TO THE PLANNING PERMISSION ISSUED UNDER APPLICATION NUMBER 4/1087-00 FOR CHANGE OF USE TO BRICK STORAGE AREA AND ASSOCIATED BRICK MAKING ACTIVITIES AT BOVINGDON BRICKWORKS, BOVINGDON, HERTFORDSHIRE

- 1) **The use of the land authorised by this permission shall, except where modified by this schedule of conditions, be undertaken in accordance with the details set out in the application, letters dated 9 June 2000 and referenced AJP/BMH/1947 and plans numbered 1947/02 and 1947/2000/103 as validated on 14 June 2000.**

Reason : To ensure that an orderly programme of operations and restoration is carried out in such a way that the adverse effects on local amenity is kept to a minimum and that the complete restoration of the land to a beneficial use is achieved.

- 2) **The use of the land authorised by this permission shall only be for the storage of bricks manufactured at Bovingdon Brickworks, pallets associated with this storage, raw clay and plant and machinery that is in operational use at Bovingdon Brickworks.**

Reason: So that the use of land is confined to purposes described above and no other use in the interests of amenity.

- 3) **The height of brick stacks, pallet stacks and raw clay shall not exceed 3.5 metres from ground level.**

Reason : In the interest of visual amenity.

- 4) **No floodlights shall be used on the land to which this permission relates without the prior written agreement of the Mineral Planning Authority on the design and layout of the lights.**

Reason: In the interest of visual amenity.

- 5) **There shall be no scrap or other plant, machinery, equipment or vehicles stored on the site that is not in operational use in connection with Bovingdon Brickworks.**

Reason: In order that the land does not become a permanent store for such equipment in the interests of visual amenity.

- 6) **The existing trees, bushes and hedgerows within the site shall be retained and shall not be felled, lopped, topped or removed without the prior written consent of the Mineral Planning Authority. Any such vegetation removed without consent, dying, being severely damaged or becoming seriously diseased as a result of operations permitted by this permission shall be replaced with trees or bushes of such size and species as may be specified by the Mineral Planning Authority, in the planting season immediately following such occurrences.**

Reason: In the interests of visual amenity.

- 7) **The public footpath between the site and the Bovingdon Brickworks complex shall be maintained to the satisfaction of the Mineral Planning Authority such that the surface of the footpath can easily be traversed by members of the public.**

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

- 8) **All plant, machinery and vehicles used within the site shall be maintained at all times in accordance with the manufacturer's recommendations, and shall incorporate noise control measures which at least meet current Department of Trade and Industry standards for that equipment.**

Reason: To protect the amenities of local residents.

- 9) **Unless otherwise approved in writing with the Mineral Planning Authority, noise measurements generated from operations undertaken at the site shall, at the closest boundary of any noise sensitive properties, not exceed the LAeq values (measured when the site is not operating) by 10dB(A). At no time shall the LAeq (1 Hour) measured value during operations exceed 55dB(A) at the closest boundary of any noise sensitive properties when measured in a free field location at a height of 1.5 metres.**

Reason: To minimise the adverse impact of noise generated by these operations on the local community.

- 10) **The operator shall ensure that areas outside the boundary of the site are not affected by dust nuisance at all times during all operations hereby permitted.**

Reason: To protect the amenities of the locality from the effects of dust arising from the operations.

- 11) **No oil or fuel tanks or any other liquid that would cause pollution of watercourses and aquifers shall be stored on the land.**

Reason: To minimise the risk of pollution of watercourses and aquifers.

- 12) **The use of the land for the permitted use shall be limited to 31 December 2025. By the 31 December 2004, or within one month of the cessation of use if earlier, a scheme of restoration and aftercare for the site shall be submitted to the Mineral Planning Authority for approval. The approved scheme shall then be implemented within six months of the 31 December 2025. The scheme required by this condition shall include (inter alia):**

- i) **The provision of a suitable growing medium for conservation use (which may include either grassland or woodland or any appropriate combination of the two).**
- ii) **The removal of extraneous material sufficient to provide a suitable growing medium for the intended use. Where tree or shrub planting is**

proposed, provision shall be made for a minimum depth of 600mm of soil or soil forming material.

- iii) Measures for the alleviation of compaction in the soil as appropriate for the intended afteruse (in respect of tree or shrub planting this shall be to an overall depth of 600mm).**
- iv) Detailed proposals for planting, seeding or other appropriate measures for the establishment of the afteruse as may be agreed by the Mineral Planning Authority. Details shall include measures for their protection and maintenance including provision for replacement planting or reseedling where applicable during the first five years following completion of restoration.**
- v) Provision for continued maintenance of the area for a period of five years from the date of the approval of the above scheme.**

Reason: So that the Green Belt is not permanently encroached upon by the permitted use and is restored to a beneficial afteruse that is in keeping with the purposes of including land within the Green Belt.

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

Hertfordshire Structure Plan Review 1991-2011, adopted April 1998 – Policy 1 (Sustainable Development), 5 (Green Belt), 41 (Tree and Hedge Cover), and 48 (Rights of Way).

Hertfordshire Minerals Local Plan 1991-2006, adopted July 1998 – Policy 8 (Landscape General), 9 (Landscaping Works), 14 (Rights of Way), 15 (Noise), 17 (Access Arrangements between Quarry and Plant), 19 (Proximity to other Land Uses), 22 (Associated Processes on Mineral Sites), 27 (Restoration Scheme), and 31 (Nature Conservation).

Dacorum Borough Local Plan 1995 – 2001 adopted April 1995 – Policy 3 (The Green Belt)