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Mr Chay Dempster
Hertfordshire County Council
County Hall
Pegs Lane
Hertford
SG13 8DE

19th December 2025

BY EMAIL

Dear Mr Dempster,

FURTHER AMENDMENTS TO PLANNING APPLICATION PL/0112/19: LAND AT BIRCHALL LANE, COLE GREEN

I write in respect of the above planning application to submit amended plans to address the inclusion of a mobile asphalt plant within the development proposals. I have outlined below the reason for the change, the nature of the infrastructure sought, the planning issues associated with this infrastructure and the reasons why we consider the societal benefits of the application proposal will be strengthened by incorporating the production and supply of asphalt and concrete alongside the primary use of aggregate recycling at the above site.

a. Inclusion of the Mobile Asphalt Plant within the Application Proposal

As you will be aware, the applicant has been operating a mobile asphalt plant from the application for some considerable time and secured an Environmental Permit to operate such a facility in December 2024. However, given the operation is mobile, not affixed to the ground and the apparatus opens out from a heavy goods vehicle, it had not been deemed to constitute development.

The assumption was that the plant would be located on the part of the site identified in the current planning application for 'hardstanding for storage of mobile plant' and that it fell outside of the confines of the planning system. However, it is understood and agreed that by virtue of the plant's associated infrastructure, which includes covered storage areas for the material, the operation does constitute development and should therefore be formally included within the application and a component part of the development for which planning permission is sought.

Accordingly, the following suite of plans are attached to this letter and formally submitted to comprise the planning application, thus the previously submitted plans are superseded:

Drawing	Drawing No
Site Location Plan	BPM02 00-01 Rev 2
Existing Conditions	BPM02 05-01 Rev 5
Existing Site Sections 1 of 2	BPM02 05-02 Rev 4
Existing Site Sections 2 of 2	BPM02 05-03 Rev 5

Proposed Site Layout Plan Detail 1 to 500	BPM02 10-01 Rev 5
Proposed Floor Plan Level 00	BPM02 10-02 Rev 1
Proposed Floor Plan Level 01	BPM02 10-03 Rev 1
Proposed Roof Plan	BPM02 10-04 Rev 1
Proposed Sections	BPM02 20-01 Rev 1
Proposed Site Sections 1 of 2	BPM02 20-02 Rev 4
Proposed Site Sections 2 of 2	BPM02 20-03 Rev 5
Proposed Site Location Plan	BPM02 01-01 Rev 5
Proposed Elevations Sheet 1	BPM02 30-01 Rev 2
Proposed Elevations Sheet 2	BPM02 20-03 Rev 2
Proposed Site Layout Plan	BPM02 01-01 Rev 5

The only change from the previous plans is the notation of the existing mobile asphalt plant and associated infrastructure on the existing plans and the inclusion of the plant and associated infrastructure on the proposed plans, with the siting of the plant moved to the south of its existing location.

b. Mobile Asphalt Plant and Synergy with Recycled Aggregate Operation

The applicant acquired and began operating the mobile asphalt plant due to two key factors:

- a) The operation has always received volumes of used road plainings within the construction and demolition waste material loads being brought to site; and
- b) The operation's customers began requesting whether BP Mitchell could supply them with asphalt alongside the supply of recycled aggregate.

The combination of these two factors create the conditions to improve and enhance the circular economy supply chain that comprises the applicant's business. It supports a greater design out of waste and pollution, keeps material in use and reduces demand for virgin resources.

The asphalt produced by the plant is used in construction and is of high societal benefit. One of the most prominent and noteworthy uses of asphalt is the repair of roads and pavement potholes and in this regard, one of the applicant's clients is Hertfordshire's long term maintenance partner, responsible for fixing and repairing the County's potholes. Their road plainings waste is brought to the site, where it is cleaned and reused both for recycled aggregate for the construction industry, and used as an increasingly significant ingredient within asphalt production.

At present, the applicant typically produces its asphalt through a rough mix of 30% recycled road plainings, 4% bitumen and 66% natural aggregate (limestone and granite). Asphalt can still be produced without the recycled asphalt, but obviously this misses the opportunity to support the circular economy in the way that BP Mitchell currently does. At present, around 80% of the operator's asphalt production has this ingredient mix. In this regard, a customer can on occasion specifically request a type of asphalt that does not include recycled road plainings, or the operator could run out of recycled plainings brought to site. However, for both circular economy and efficiency/profitability reasons, the

applicant's desire is to use all the recycled plainings it received and will work to increase the recycled plainings composition above the 30% in the future, if they are able to.

c. Suitability of the Plant for the Application Site

The nearest sensitive human receptor is a residential property located approximately 160m to the northeast of the Site. There are no other sensitive human receptors within 250m of the Site. The sensitivity of the area to dust soiling and health due to particulate matter is therefore considered to be low. The site's low sensitivity is one of a number of reasons why the site is allocated as one of the County's most important allocated waste sites.

The applicant's business has operated successfully from the application site for many years without complaint and a number of component parts of the application, including the concrete batching plant and mobile asphalt plant, have been operating successfully on site without issue. However, notwithstanding the long and successful operation of the sought uses, the applicant is aware that over the past 6 weeks, there has been local complaints raised about the impacts of the mobile asphalt plant on residential amenity and human health.

Paragraph 201 of the National Planning Policy Framework clarifies that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). It further clarifies that planning decisions should assume that these regimes will operate effectively.

The mobile asphalt plant benefits from an Environmental Permit which contains a host of attached conditions and operator requirements that ensure that the plant operates to best practice and in accordance with the Framework advice, there is no need to replicate these requirements through planning conditions. However, the applicant is keen to ensure that residents amenities are protected and that any monitoring deemed necessary can be undertaken to provide transparency and trust to the operations. Should the authority consider any additional conditions be required, the applicant would be happy to discuss this. However, there is no evidence to suggest that the operation presents an unacceptable impact on amenity.

d. Proposed Revised Description of Development

The planning application was first submitted in September 2019 for the following proposed development:

"Reconfiguration and expansion of existing inert waste recycling site including a 1,875sqm extension to the existing workshop, the erection of a 2,700sqm concrete drying slab, the erection of a new 400sqm, 6.8m high building to contain a biomass boiler, the provision of a concrete batching plant and the provision of additional areas of hardstanding, with associated landscaping and supporting infrastructure."

In July 2023, the application was revised to remove a proposed concrete drying slab and biomass boiler and the following change to the description of development was proposed:

"Amendments to and expansion of existing inert waste recycling site including a 1,875sq.m extension to the existing workshop, the provision of a concrete batching plant and the provision of additional areas of hardstanding, with associated landscaping and supporting infrastructure."

In light of the change to the application to include a mobile asphalt plant, the description of development is now proposed to be further amended as follows:

"Amendments to and expansion of existing inert waste recycling site including a 1,875sq.m extension to the existing workshop, the provision of a concrete batching plant, a mobile asphalt plant and the provision of additional areas of hardstanding, with associated landscaping and supporting infrastructure."

I would be grateful if the description of development could be formally amended to reflect the change to the planning application.

e. Conclusion

This letter sets out the proposed changes to planning application ref. PL/0112/19, which is being amended to formally include the mobile asphalt plant within the application given the permanent nature of its supporting infrastructure, including its storage bays and tented roofs. The mobile asphalt plant is currently on site and is operational, as reflected on the revised set of plans. However, it is proposed to be located within the part of the site that is identified for 'hardstanding for storage of mobile plant' and in this regard, is being re-sited to the south of its existing location, as shown on the proposed plans.

The application site is a critical part of the County's network of waste infrastructure and BP Mitchell's operation makes a substantial contribution to achieving high rates of construction and demolition recycling rates across the County. The ability of the applicant to maximise sustainable recycling is clearly enhanced by the mobile asphalt plant, given the ability of the applicant to source around 30% of the material in the majority of its asphalt from used road plainings that are delivered within the construction and demolition waste that is brought to the site. This enhances the ability of the operation to boost the circular economy for substantial economic, social and environmental value.

The site is well suited to the proposed use and there is no evidence that the site's low sensitivity location and relationship with both existing and new proposed land uses presents any reason or impact to justify not granting planning permission for the development, which will clearly bolster the site's ability to make a greater contribution to sustainable development.

I trust that these changes are clear however if you have any questions or require further information, please do not hesitate to contact me.

Yours sincerely,

James Waterhouse

James Waterhouse
DIRECTOR

Encl.