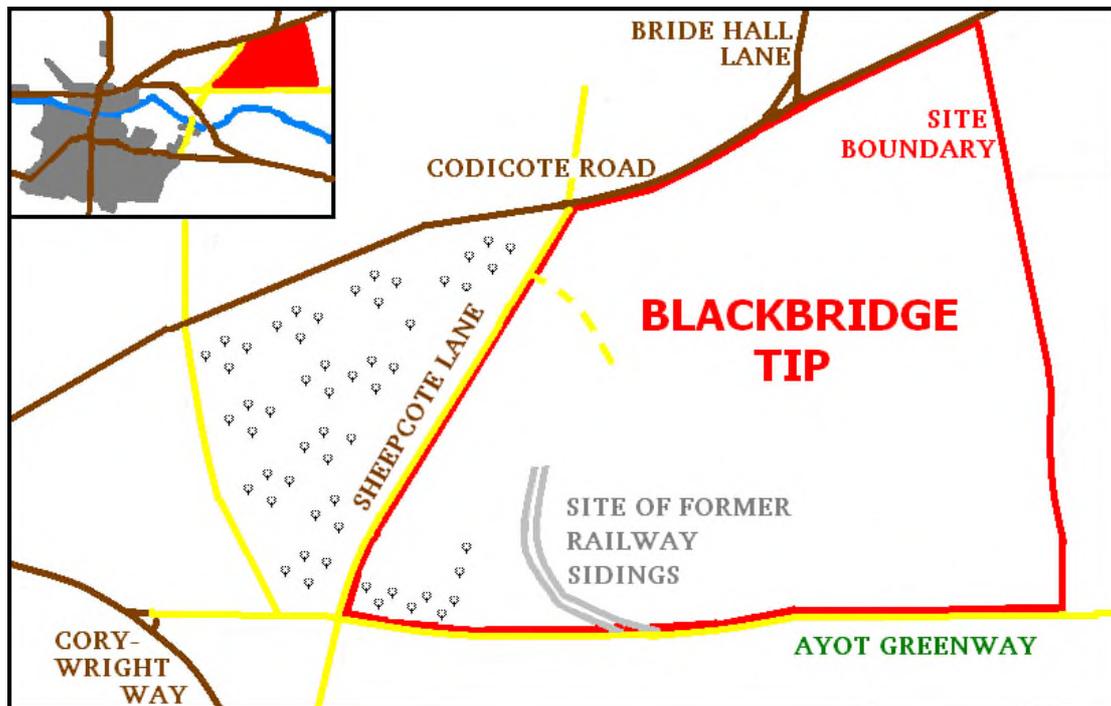


The Battle of Blackbridge Tip

Blackbridge Tip is a former gravel pit that was used as a refuse tip from approximately 1910 to 1970. The tip, covering an area of 45 hectares (110 acres), is located just over a kilometre north east of the village of Wheathampstead, between Codicote Road and the Ayot Greenway (former railway line). Refuse from the London



Borough of Islington was brought to Blackbridge by rail and tipped onto the site via a spur line from the main line. During this period, the Wheathampstead area suffered from noxious smells, dust and flies from the tip, which in 1931 moved George Bernard Shaw (who lived nearby at Ayot St Lawrence) to write disparaging letters to the national press.



The rail link from London through Wheathampstead to Dunstable closed in 1971, and the waste was then conveyed by lorry. This caused intolerable traffic problems for the village (which did not acquire the B653 bypass that now runs close to the tip until 1978). Tipping effectively ceased in 1973, when a Tripartite Agreement was made between the tip owners, Redland Gravel Ltd and Hertfordshire County Council and St Albans Rural District Council (subsequently absorbed into St Albans District Council) that no further refuse or any material whatsoever would be deposited on the site after 31 December 1975. Redlands undertook to restore the land to a reasonable condition by 1976, but in fact failed to cover and landscape the tip adequately.

Planning application to re-open the tip

In 1990, a planning application was submitted by Hertfordshire Groundwork Trust on behalf of Redland Aggregates Ltd (as they had become) for *the re-contouring of the former domestic to create a new landscape at Blackbridge Tip*. This would involve bringing 700,000 cubic metres of mainly inert waste material onto the site over a period of up to five years. The role of the Groundwork Trust (which was sponsored by Hertfordshire County Council and the Department of the Environment) would be to implement conservation proposals for the site following the waste tipping, and subsequent monitoring of the restored site. The County Council, as the waste planning authority, were in favour of the scheme, but the application was called in by the Secretary of State for the Environment for his own determination, and a public local inquiry was held in 1992.

The application was opposed by St Albans District Council, Wheathampstead Parish Council and a local action group, Ban Blackbridge Dumping Action Group (popularly known as Tipbusters). The local community objected to the scheme for a number of reasons, including lorry traffic, loss of amenity, loss of wildlife habitat, and the possibility of further waste operations if the principle of large-scale tipping was re-established. Access to the site was proposed from the Cory Wright Way (B653) bypass of Wheathampstead along the Ayot Greenway, with up to 400 lorry movements a day (200 in and 200 out) forecast. However, because most of the waste was expected to originate in the south and east and right-turn movements from the bypass into the site were to be prohibited, lorries would have to travel the length of the bypass, turn around the Station Road roundabout at the north end of the village, and drive back along the bypass in order to turn left into the Ayot Greenway.

Following the public inquiry, in 1993 the Secretary of State granted planning permission for the re-restoration scheme, subject to conditions requiring the submission of details of the operational working and restoration for the approval of the County Council. Details were submitted in 1995, and in early 1997 the County

Council decided to approve the scheme. However, there remained the question of whether implementation of the 1993 planning permission would breach the Tripartite Agreement of 1973. At this point, the Wheathampstead and District Preservation Society (WDPS), which had been formed in 1995, took up the campaign on behalf of the village.

Upholding the Tripartite Agreement

Hertfordshire County Council obtained legal advice from a leading planning QC that the re-restoration scheme would not breach the Tripartite Agreement, and so resolved not to take legal action if Redlands were to implement the planning permission. WDPS, which had on its committee a planning solicitor, was not satisfied with this, bearing in mind that the County Council as waste planning authority had a responsibility for finding suitable sites for waste disposal in Hertfordshire, and there was known to be a shortage of these. WDPS obtained a legal opinion from another QC that implementation of the planning permission would indeed breach the Tripartite Agreement, because the permission authorised tipping at the site irrespective of the description of the scheme as restoration and landscaping. In this QC's opinion, the Tripartite Agreement remained enforceable by either Hertfordshire County Council or St Albans City & District Council, as both were parties to the Agreement.

Armed with this opinion, WDPS took the matter up with the District Council. By September 1997, the Council had received independent advice from Counsel that, in the light of the County Council's decision not to take legal action against Redlands, the District Council would be at risk of having to pay substantial costs and compensation if legal action by the District Council alone were to fail. The Council's Planning & Heritage Committee recommended that the full Council meeting in November should agree not to try to enforce the Tripartite Agreement.

The District Council meeting on 12 November 1997 proved to be the turning point in the whole campaign to stop Blackbridge Tip from being re-opened. A proposal to adopt the Planning & Heritage Committee's recommendation was put forward by a councillor. The Chairman of WDPS then presented a petition against the recommendation and gave an impassioned address to the Council. After a series of amendments to the original proposal were proposed, the meeting was adjourned to allow a composite motion to be put together, and this was eventually carried unanimously by the Council. The gist of the decision was that, subject to the advice of a suitably qualified QC, the Council would issue proceedings to prevent any attempt by Redlands to breach the Tripartite Agreement.

In December 1997, the District Council received advice from Leading Counsel that implementation of the 1993 planning permission to tip 700,000 cubic metres of infill material would constitute a breach of the Tripartite Agreement, and that the

Agreement could be enforced by High Court proceedings. The Council decided that a writ should be served on Redlands, and in January 1998 an application to the High Court for an injunction to prevent tipping at Blackbridge was submitted. The County Council were originally named as co-defendants in the action, but when they withdrew their support for Redlands, they were removed from the summons.

The case was heard in May 1998. To the delight of those who had fought Redlands for so long, the Judge granted a declaration that the proposed tipping operations would be in breach of the 1973 Agreement. Redlands were granted leave to appeal, but instead decided to change tack, and Wheathampstead found itself faced with a new threat.

Application to the Lands Tribunal to modify the Tripartite Agreement

In July 1998, Redlands (who had now become Lafarge Redland Aggregates Ltd) applied to the Lands Tribunal to have the 1973 Tripartite Agreement modified to enable the 1993 planning permission to be implemented. As co-signatories to the Tripartite Agreement, both the County and District Councils were entitled to object formally to this application. The District Council duly lodged an objection, with detailed particulars, in October 1998. The County Council followed suit a week later. During this period, WDPS's solicitor committee member was 'kept in the loop' by the District Council Solicitor, and consideration was given to whether the Preservation Society and/or the Parish Council might appear at the Lands Tribunal hearing or at least be called as witnesses.

The need for a waste disposal licence

While the legal arguments had been going on throughout 1997-98, there was another issue which had been raised by the proposed 'restoration' of Blackbridge Tip. Wheathampstead resident Professor John Burland, Head of Soil Mechanics at Imperial College and an acknowledged expert in his field, was concerned that by dumping 700,000 cubic metres of waste on the tip site, the putrescible material that was buried in it would be 'squeezed' and the resulting leachate would percolate down into the River Lea. Contrary to the claims made by the Groundwork Trust, the tip was not causing any serious pollution problems in its current state, other than some inert waste materials such as bottles being exposed on the surface. Redlands had admitted at the 1992 public inquiry that there were toxic chemicals in the tip, and the danger was that these would be released if the tip was disturbed.

Lafarge Redlands would have to obtain a waste disposal site licence from the Environment Agency (EA) before tipping could take place. Professor Burland took up the issue of leaching with the EA office in Hatfield, and it soon became clear that his expertise on the matter was much greater than theirs. In November 1997, he and

a WDPS representative had a meeting with the EA to discuss the case. The EA undertook that the likely effect of additional material on the site in squeezing leachate into groundwater would be assessed before any licence was issued.

The denouement

The Lands Tribunal hearing into the application to modify the Tripartite Agreement was scheduled for May 1999. By this stage, Lafarge Redlands were faced with objections from the other two parties to the Tripartite Agreement - the District and County Councils – and had still not obtained the necessary waste disposal licence from the Environment Agency. Shortly before the Lands Tribunal hearing was due to take place, news came through that Lafarge Redlands had withdrawn their application. The battle of Blackbridge Tip had been won, and the so-called restoration scheme would not be proceeding. But whether the matter had been resolved for all time remained to be seen.

Hertfordshire County Waste Local Plan

Ten years later, the question of the future of Blackbridge Tip arose once more. The site was listed in a public consultation document entitled *Waste Site Allocations Issues and Preferred Options* issued by the County Council in November 2009. Blackbridge Pit, as it was called, was shown as a proposed Re-restoration Site with the comment *“Former sand and gravel pit where landfilling ceased in 1974. Site is a mixture of poorly restored and un-restored grassland, some of which suffers from differential settlement and unauthorised ‘bottle digging’. A scheme to restore/re-restore the site in the 1990s was unsuccessful, leaving the site in an unsatisfactory condition.”* Not surprisingly, this immediately rang alarm bells in Wheathampstead.

The significance of the inclusion of Blackbridge as a possible option was that, if it was allocated as a re-restoration site in the final Waste Site Allocations document, it would commit the County Council to supporting any scheme of restoration that might come forward. Lafarge Redlands would probably be encouraged to try again to get the Tripartite Agreement overturned or modified in order to allow tipping to be resumed at Blackbridge, and the County Council’s position on this would be compromised. The 1993 planning permission was still extant because Redlands had taken the precaution of implementing it within the initial five year period by building part of the access road from the bypass along the Ayot Greenway.

The chairman of WDPS took the matter up with our local county councillor, who in turn raised it with the county waste planning unit. WDPS followed this up with a written response to the consultation document, pointing out that it contained no information about how the site might be restored and that it was unreasonable to expect the public to comment on a proposal for which there were no details

available. Local district and parish councillors were also active in campaigning against the proposal. St Albans District Council formally objected to the inclusion of the Blackbridge site in their response to the consultation.

This steadfast opposition persuaded the County Council to delete the Blackbridge proposal from the draft Waste Site Allocations document. It did not appear in the Waste Site Allocations Pre-Submission document published in February 2012, or in the Proposed Submission document that went forward for public examination by a Planning Inspector. Following this examination in 2013, the Inspector accepted the 'soundness' of the document, subject to some minor modifications, and the County Council formally adopted the *Hertfordshire Waste Development Framework: Waste Site Allocations 2011-2026* in July 2014.

