

Land at Hatfield Aerodrome



[Draft] Air Quality Statement of Common Ground: Hertfordshire County Council & Brett Aggregates

The Proposed Development

1. A full planning application (reference PL/0232/21) (the 'application') was submitted by SLR Consulting Ltd. ('SLR') on 3 September 2021 (validated 12 October 2021) on behalf of Brett Aggregates Limited (the 'Appellant') for:

"the establishment of a new quarry on land at the former Hatfield Aerodrome, including new access onto the A1057, aggregate processing plant and other ancillary facilities, together with the importation of inert fill material to restore the mineral workings".
2. The application is substantially similar to the one which was the subject of a planning application in 2016 followed by an inquiry in 2021 with an appeal decision in 2022, but is materially different in a number of important aspects, including:
 - The Concrete Batching Plant which previously represented inappropriate development in the Green Belt has been omitted;
 - Screening bunds and advanced planting has been extended around Popefield Farm Listed Building and the separation distance from its boundary to the mineral extraction area increased.
 - The area of the processing plant has been reduced to 8.2ha (previously it extended to 11ha)
3. The application was refused on the 12th of January 2024. The reasons for refusal to which it may be inferred that air quality/dust from the proposed development are a contributing concern to significant effects on amenity are these:

Application/Reason for Refusal (RfR) 3 – Popefield Farm

The proposal does not provide an adequate buffer distance and landscape planting to protect the residential amenities of the occupiers of Popefield Farm. The proposal is thereby contrary to the requirements of Minerals Policy Minerals 18 (vii) (Operational Criteria for the Control of Mineral Development) and the site specific considerations for Preferred Area 1 of the Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2007.

Application/Reason for Refusal (RfR) 7 – Road Traffic

The additional HGV movements associated with the proposed development would have an adverse impact on the character and amenity of the local area. The proposed access does not adequately mitigate the impact of the development on the highway network given the number of proposed HGVs movements into the site, the siting of the access and amount of traffic along the A1057. The proposal does not adequately provide for safety of vulnerable road users, including cyclists and pedestrians. The proposed development would be contrary to the provisions of Policy 5 (d)(f)(g) of Hertfordshire LTP4 and Policy 16 (Transport) of the Hertfordshire Minerals Local Plan 2007 and Policy SADM2 of the Welwyn Hatfield Borough Council Local Plan 2016-2036.

RELEVANT DEVELOPMENT PLAN POLICY

4. Minerals Policy Minerals 18 (vii) (Operational Criteria for the Control of Mineral Development) as referenced in RfR3 provides:

"All proposals for mineral extraction and related development shall, where appropriate:

....

(vii) incorporate an appropriately defined buffer zone in order to safeguard sensitive land-uses. The following matters will be taken into account when delineating the buffer zone at the application stage of development: a) topography and hydrology of the site and surrounding areas; b) natural and manmade features, which may reduce the impact of development, for example landscape features, roads, railway lines etc; c) the direction of the prevailing wind; d) the proximity of the proposed development to sensitive land-uses such as dwellings; e) duration and direction of the proposed working; and f) location of plant and other ancillary development;

Minerals Policy 18 also has the following criteria, but these were not referenced in the RfR (ix) *demonstrate that no significant degradation of the air (particularly from dust and emissions)... will occur.*

(xi) *include proposals to prevent the soiling of the public highway including the provision of suitably surfaced access roads, wheel cleaning equipment and sheeting to prevent dust or spillage and measures for dealing with the immediate cleaning of public roads should accidental soiling occur."*

It is not considered that the proposal is contrary to Minerals Policy 18 (ix) or (xi).

ASSESSMENTS UNDERTAKEN AND RELEVANT GUIDANCE

5. With regards to air quality the documents submitted were:
- Chapter 9 of the Environmental Statement. Dated 2021. Hereafter referred to CDxx.
6. The Air Quality/Dust assessment is completed with reference to:
- Defra: 'LAQM Technical Guidance 16' (LAQM.TG(16)) (2021);
 - Institute of Air Quality Management (IAQM) and Environmental Protection UK (EPUK): 'LandUse Planning and Development Control: Planning for Air Quality' (2017);
 - IAQM: 'Guidance on the Assessment of Mineral Dust Impacts for Planning' (2016);
 - United States Environmental Protection Agency: 'Air Pollutant 42' (US EPA AP-42) (2021);
 - Australian Government: National Pollutant Inventory (NPI) 'Emission Estimation Technique Manual for Mining' Version 3.1 (2012); and
 - EA: 'Monitoring Particulate Matter in Ambient Air around Waste Facilities' (2013).
7. Since the assessment was completed in 2021, the Defra guidance has been up-dated to TG(22), the PM_{2.5} 2023 regulations have come in, however these changes do not alter the outcome of the assessment.

OFFICERS REPORT TO COMMITTEE

8. The Committee Report (CDxx) states at 9.105 to 9.106 and 9.114 to 9.115 that:

9.105 In terms of air quality, the site is not within an air quality management zone and there is no local air quality monitoring data for existing levels of pollutants. The local Environmental Health Unit advised that background air quality monitoring should be undertaken for a sixth month period prior to the commencement of mineral extraction. This

scheme forms part of the planning conditions. Monitoring locations have been agreed with the Environmental Health Unit.

9.106 The traffic generated by the development forms a relatively small proportion of the overall traffic using the A1057. The proposal provides for air quality monitoring. The proposal has demonstrated that it will not give rise to significant degradation to air quality. The proposal complies with Policy 18 (Operational criteria for the control of mineral development) of the adopted Minerals Local Plan in respect of air quality.

9.114 Subject to the proposed conditions being in place for the application site, the operation of both quarries concurrently should not have any unacceptable cumulative impact on the environment of the area.

9.115 The proposal has demonstrated that there will not be any significant noise intrusion or significant degradation to air quality. The HGV traffic generated by the development will not have a severe impact on the road network (which already includes traffic associated with existing mineral operations) and the Highway Authority accepts that the increase in traffic will be within the daily fluctuation of the road, in accordance with Policy 11 of the adopted Hertfordshire Minerals Local Plan and the NPPF.

9. Based on the above, and as stated previously, it is therefore understood that the Council accept that the impact on Popefield Farm and the highway network has been adequately assessed.

RfR 3 - Residential Amenity at Popefield Farm

10. It is not explicit in this RfR that the risk of loss of amenity through deposited dust from emissions from the quarry workings contribute to this reason for refusal. Dust emissions are completely controllable by dust management techniques e.g. through the sufficient application of water to suppress dust.
11. The LPA has the power to require and enforce a planning condition which would prevent any such loss of amenity. Objective measurement techniques are available to measure loss of amenity through dust soiling, and these can be required through planning condition to record dust soiling, and indicators of dust soiling.
12. There is no reason to believe that dust deposition limits in accordance with guidance on dust from mineral working could not continue to be regulated by planning conditions in accordance with the identified guidance on dust/air quality.

RfR 7 – Traffic Emissions

13. The LPA states that 'The additional HGV movements associated with the proposed development would have an adverse impact on the character and amenity of the local area.' The ES found that there was negligible effect on local air quality, and the appropriate authority responsible for Local Air Quality Management presented no objection to this statement. Since the impact on air quality was assessed to be negligible, the impact on amenity is assessed to be negligible.

MITIGATION / CONDITIONS

14. After hearing the evidence in the previous appeal, the Inspector stated in their decision letter:

Local amenity

63. There is local concern about the appeal scheme adversely impacting on the

amenity of the area because of noise, dust and health considerations. However, except for likely effects on the occupiers of Popefield Farm considered below, I am satisfied that the imposition of appropriate planning conditions would reasonably address concerns about local amenity considerations. There is no convincing evidence that dust, emissions of respirable crystalline silica, or other effects of the appeal scheme on air quality, would impair the health of those living nearby or visiting the local area.

15. Dust limits in accordance with guidance on dust emissions from mineral working can be regulated by planning conditions, as set out in the Committee Report (CDxx), as follows:

Dust suppression scheme

20. Prior to the commencement of mineral extraction, the mineral operator shall submit a dust suppression scheme to demonstrate how dust will be controlled at source during each Phase and for the duration of the development. The scheme shall provide measures aimed at removing and reducing dust emissions at source, and appropriate mitigation measures, to include (but not limited to):

- the use of water to dampen haul roads and stockpiles,*
- installation of air quality monitoring equipment in locations to be approved as part of the approved scheme;*
- review of air quality monitoring data by an air quality monitoring professional;*
- action plan for managing dust; including a protocol for restricted working when the wind speed/direction may result in dust being carried from the site affecting nearby properties.*

The development shall be undertaken in accordance with the approved dust suppression scheme for the lifetime of mineral extraction and restoration

Reason: in the interest of public amenity; to protect the living conditions of the neighbouring properties; to ensure that the development does not have an adverse impact upon human health; and to comply with the NPPF 2019 (paragraph 204) and Policy 70 of the St. Albans District Local Plan Review 1994.

16. Air quality effects in accordance with guidance on air quality can be regulated by planning conditions, as set out in the Committee Report (CDxx), as follows:

Air Quality monitoring – baseline conditions

34. Prior to the commencement of the development the mineral operator shall undertake a minimum of 6 months continuous air quality monitoring, in locations to be approved by the MPA in consultation with local Environmental Health department, to measure existing baseline air quality. A report of air quality information gathered by the monitoring equipment shall be submitted to the MPA for each day of the 6 month period within a further 3 months of the end of the 6 month period.

Reason: to establish an accurate baseline reading of existing conditions, and demonstrate fluctuations in air borne particles related to vehicle emissions from the site in the interests of human health.

Air quality monitoring scheme

47. Prior to the commencement of soil stripping within each phase, the mineral

operator shall submit proposals comprising an air quality monitoring scheme to the MPA for approval, to include:

(i) proposals for siting air quality monitoring equipment adjacent to the site boundary, including a plan showing their location(s);

(ii) details of the type, make, model, and specification;

(iii) a programme of monitoring air quality on a weekly and/or monthly basis by an appropriately qualified professional;

(iv) a monthly report of NO_x and PM₁₀ levels for each working day

The air quality monitoring scheme shall be approved in writing prior to the commencement of soil stripping in each Phase.

The air quality monitoring equipment shall be installed prior to the commencement of soil stripping in each Phase.

The monthly air quality monitoring report shall be submitted for each in accordance with a programme to be approved with the MPA.

Reason: to assess real-time changes in air quality related to air borne dust emissions from the site in the interests of human health.

17. The proposed conditions are in accordance with the guidance identified above. The Institute of Air Quality Management intends to revise the 2016 Mineral Planning guidance by the end of 2024, and the planning conditions relevant to dust management are written so as to allow for changes to guidance to be accommodated.

MATTERS IN DISPUTE

AGREED BY

Gordon Allison (BSc. MSc. MIAQM)
Principal Consultant On behalf of DustScanAQ (3rd June 2024)

XXXX

On behalf of XXXX Council, (date)



Brian Owen

19th November 2024

Gordon Allison 19/11/24

Update note to Statement of Common Ground

The County Council has withdrawn the 8 reasons for refusal as set out in the decision notice.

The County Council has also submitted updated conditions dated 31/10/2024 CD 14.19

The County Council in its statement of case set out that it considered a pre-commencement planning condition requiring the submission of an updated deed of variation should be imposed. This is not covered by the conditions draft as above.

The S106 Agreement has now been signed though not engrossed

