

Colney Heath Group
Appeal by Brett Aggregates Limited
Land at former Hatfield Aerodrome Hatfield Hertfordshire AL4 0JB
Ref. App/M1900/W/24/3346607

Comments on the appellants response to National Planning Framework (NPPF) 2026 and final conclusions.

Executive Summary

The Colney Heath Group accepts that the NPPF 2026 continues to give substantial weight to mineral extraction and the maintenance of mineral supply. However, the Appellant's analysis focuses almost exclusively on those benefits and largely overlooks the new and strengthened policies relating to public access, safety, integration and restoration.

Key Points

- **Mineral benefits remain important, but are not determinative.** M3 must be read alongside M4, DP3, TR4 and P5, which address impacts, restoration, public access and safety.
- **The NPPF 2026 does introduce material changes relevant to this appeal.** The Appellant's assertion that it makes "no difference" to Public Access and Communities/Safety in Design is unsupported.
- **DP3, TR4 and P5 introduce new or strengthened requirements for:**
 - safe, inclusive and attractive routes;
 - women and girls;
 - fear of crime and perceived safety;
 - disabled people, older people and children;
 - minimising conflict between users and vehicles;
 - consideration of open water hazards.
- **Public access must be assessed in practice, not simply on plans.** The issue is not whether routes exist, but whether they are safe, attractive, accessible and likely to be used throughout the life of the quarry.
- **Integration is now supported by stronger policy wording.** DP3 requires connected, accessible and multifunctional green infrastructure and places that function well over their lifetime.
- **Restoration is not the same as integration.** Land may be physically restored but still remain isolated from the wider park and unavailable as part of a functioning recreational resource.

- **M4 requires restoration and aftercare at the earliest opportunity.** This directly relates to the concern that restored phases may not become integrated into Ellenbrook Park until very late in the quarry's life.
The key issue remains:
The proposal may restore parcels incrementally, but it has not demonstrated that those parcels will be integrated incrementally into the functioning country park.
- **Cumulative effects matter.** Users experience the combined effect of haul roads, gates, bunds, lagoons, noise, dust, fencing and route diversions, not each issue in isolation.
- **Fundamental questions cannot simply be deferred to conditions.** Safety, accessibility, route conflict, open-water hazards and the timing of integration are central to compliance with DP3, TR4, P5 and M4 and should be assessed now.

Overall Conclusion

The Appellant is correct that the NPPF 2026 reinforces the importance of mineral supply. However, it is incorrect to suggest that the revised Framework makes no difference to the assessment of the appeal. The 2026 NPPF introduces new and materially strengthened policy requirements relating to safe and inclusive access, connected green infrastructure, public safety, cumulative impacts and restoration at the earliest opportunity. These matters are directly relevant to the operation of Ellenbrook Park and must be considered when assessing the overall planning balance.

Introduction

The Colney Heath Group welcomes the opportunity to comment on the relevance of the National Planning Policy Framework published in August 2026 to the determination of this appeal.

The Group agrees that the relevant consideration is whether changes between the December 2024 NPPF and the August 2026 NPPF affect the assessment of the appeal proposal.

The PIMs email is clear-

'The Inspector invites you to consider whether the Framework 2026 has relevance to your case. Please submit your comments on this matter only in a submission titled 'NPPF 2026'.

Therefore, any comment not directly related to changes in August 2026 NPPF must be disregarded by the inspector. The PIMS email only requested responses on any changes and it was not an invite to Brett to restate their case beyond those areas impacted by any changes in the NPPF.

CH Group response to the appellant notes

Appellant Note 1

‘1. The Inspector has invited consideration of whether the newly released Framework has relevance to the Appellant’s case. The Appellant has interpreted this as an invitation to provide comment on the relevance of any changes between the NPPF December 2024 and the newly adopted version (NPPF 2026). The consultation draft version of Policies PM3 PM4 S3 S4 S5 and M1 – M6 were included at CD17.07. The Statement of Common Ground: Planning Policy between the Appellant and Hertfordshire County Council dated 20 March 2026 (CD17.13 Need SOCG 2026) (SOCG) comments on the draft NPPF dated Dec 2025 (consultation version), including policies PM3, S5, M1-M4 and GB7, at paragraphs 51-76.’

CHG response

No comment

Appellant Note 2

‘2. The wording considered in the SOCG remains in the NPPF 2026 and the conclusions set out in the SOCG have not altered. The Appellant relies on these statements within the SOCG.’

CHG response

No change resulting from 2026 NPPF therefore the appellant restating case rather than compliance with inspector’s request.

Appellant Note 3

‘3. The Appellant has reviewed the final version of the draft policies considered in the SOCG, including the additions to them, and considers they strengthen the case in favour of the development. The minerals chapter (11) of the NPPF 2026 bolsters the existing commitments to maintaining landbanks of sand and gravel, by referring to these as a minimum (M3 1a). In the objective fronting the minerals chapter, the government has re-inserted the recognition that minerals are ‘essential’ from the NPPF 2024. Policy M3.1 now sets out that ‘substantial weight should be given to the benefits of mineral extraction and processing’ which strengthens the corresponding paragraph 224 of the December 2024 version of the NPPF.’

CHG response

The NPPF 2026 expressly states that its national decision-making policies should be read as a whole. It is therefore not sufficient to compare only PM3, PM4, S3, S4, S5 and M1 to M6 while giving little or no consideration to DP3, TR4, P5 and the impact-related requirements of M4.

Substantial weight is not the same as overriding weight. M3 does not direct that mineral development must be approved regardless of its effects. It must be read alongside M4 and the other national decision-making policies in the Framework.

M4 provides that mineral development should not have an unacceptable adverse impact on the natural and historic environment or human health, including through the cumulative effect of multiple impacts. It also requires restoration and aftercare at the earliest opportunity.

The Appellant's approach places considerable emphasis on M3 but does not undertake the equivalent assessment under M4, DP3, TR4 and P5. It therefore considers principally the benefit side of the planning balance without properly addressing the new and strengthened policies relevant to the effects of the development.

Appellant Note 4

'4. In terms of Green Belt, GB7(f)(i) maintains the established principle that mineral extraction is a form of development that is appropriate in the Green Belt. Moreover, it now specifies that this includes "processing" which was not referenced in the previous version, albeit this was implied in practice.'

CHG response

No significant change in NPPF so is not a matter we were asked to comment on, therefore Brett is not complying with request to respond to changes that the Inspector should consider but rather restating their case.

Appellant Note 5

'5. It remains the case that, as a matter of principle, the Appeal Scheme should not be regarded as harmful to the Green Belt and there is no need to demonstrate very special circumstances. The Appellant and the MPA both contend that the Appeal Scheme has firstly "minimised" its impact on the openness of the Green Belt and secondly, would not cause "significant" conflict with the Green Belt purposes.'

CHG response

No significant change in NPPF so this is not a matter we were asked to comment on, therefore Brett are not complying with the request to respond to changes that the Inspector should consider but rather restating their case.

Appellant Note 6

'6. One of the main thrusts behind the NPPF 2026 is accelerating decision making and supporting the delivery of a sufficient supply of homes and supporting growth. The Minerals chapter makes the link between achieving this objective and ensuring that there is a 'sufficient and timely' supply of minerals provided to do so (M1(1)).'

CHG response

It is true that the 2026 NPPF does support accelerated decision making and supporting the delivery of a sufficient supply of homes and supporting growth, but it also introduced other factors within its policies to promote healthier lifestyles and safety for people in particular for women and girls.

The planning balance must therefore recognise both:

- the substantial weight given to mineral extraction benefits under M3; and
- the weight attributable to any failure to satisfy DP3, TR4, P5 and M4.

It is not sufficient to place substantial weight on the benefits and then assume that all resulting harms are absorbed by the site's minerals status.

Appellant Note 7

'7. Turning at this point to consider the presumption in favour of sustainable development, national decision-making policies S3 and S5 are both relevant.'

CHG response

S3(1c) clearly states that policy S5 should be applied, therefore S3 is not relevant, S3(2) also states that policies S4 and S5 apply.

Appellant Note 8

'8. Policy S3 states: Decisions on development proposals should apply a presumption in favour of sustainable development. This means: (c) In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.'

CHG response

Policy S3(b) clearly states that 'Outside settlements, policy S5 should be applied', therefore S3(c) does not apply.

At no stage has any party offered any evidence or challenged the current status of the site as being within a settlement. However, all parties broadly agree that the site is a former airfield over which the public have right of access under the 2000 S106 agreement.

The presumption in favour in S3 (c) cannot be applied as the MLP is now out of date. MLP adopted 27th March 2007, therefore policies PM2 (3) which requires that a new plan should be started within 5 years of the adoption of the most recent local plan, PM3 is also important. The 2026 NPPF has introduced new policies and criteria that has changed the planning balance.

Appellant Note 9

'9. Whilst the MLP is of some age by the present time, none of the parties to the Appeal contend that its policies are inconsistent with national policy. Moreover, the

MPA and the Appellant agree that the proposed development, both in its original form and in its amended form, accord with the relevant MLP policies. Notably, the MPA invite the Inspector and the Secretary of State to allow the Appeal on the basis that the proposed development accords with the development plan.'

CHG response

Fundamentally the 2026 NPPF has introduced new and amended criteria which also need to be considered in determining this appeal, these include –

DP3(2)(c), which requires development to incorporate and/or connect to:

“a network of high quality, accessible, multi-functional green infrastructure” providing opportunities for recreation and healthy living.

This is directly relevant to the integration of restored land. The relevant question is not simply whether individual parcels are restored, but whether those parcels become part of a connected, accessible and functioning park.

Restoration and integration are not synonymous.

Land may be physically restored while remaining:

- separated from the unaffected park;
- inaccessible or inconvenient to reach;
- divided by operational infrastructure;
- visually or functionally isolated;
- unavailable for effective recreational use; or
- subject to delayed management arrangements.

DP3(2)(a) is also relevant because it refers to communities and places functioning well over the lifetime of the development. In the present context, the issue is whether Ellenbrook Park and each restored phase would function as an integrated recreational resource as the development progresses, rather than only after the eventual completion of extraction and final restoration.

DP3(2)(d) requires good connections and prioritisation of walking, wheeling and cycling. This supports an assessment of the quality and effectiveness of the connections between unaffected and restored areas, not simply their nominal availability.

DP3(2)(g), concerning identity and a strong sense of place, provides further context. A country park divided into disconnected parcels by lagoons, haul routes, fencing, bunds and operational land may not function or be experienced as a coherent place, even where individual routes are retained.

PM2 (3) is import in relation to age of the MLP therefore the weight given to it.

Appellant Note 10

‘10. If a different view is taken to applicability of S3, Policy S5 is also relevant. This concerns development proposals outside the settlement boundary, which the Appeal Site is. In this instance, criteria (a), (i) and (j) all apply.’

CHG response

No comment

Appellant Note 11

‘11. Firstly, mineral extraction and processing is a form of development identified as permissible by the first criterion.’

CHG response

Mineral extraction has always been permitted in the Green Belt in NPPF and so there is no change between the 2024 para 154(h)(i) and 2026 GB (3) NPPF. However as already stated DP3, TR4, P2 and M4 other factors have been introduced that include public safety.

Appellant Note 12

‘12. Secondly, the Appeal Site is identified in the development plan for mineral extraction where prevailing circumstances require an increase in the supply of minerals.’

CHG response

It is acknowledged that the appeal site is identified in the now out of date MLP adopted 27th March 2007, therefore policies PM2 (3) which requires that a new plan should be started ~~with in~~ within 5 years of the adoption of the most recent local plan, PM3 is also important.

The 2026 NPPF has introduced new policies and criteria that has changed the planning balance.

Appellant Note 13

‘13. Thirdly, the MPA cannot demonstrate the required 7-year land bank for sand and gravel and thus there is an evidenced unmet need which the Appeal Scheme would contribute towards. The qualifications in criterion j(i) are met; the fact the Site is identified for mineral extraction substantiates it is an appropriate location in these terms, and necessary infrastructure requirements are addressed to the MPA’s satisfaction via planning conditions and planning obligations.’

CHG response

No policy change since the 2024 NPPF, this is simply the appellant restating their case again.

Appellant Note 14

‘14. To the extent that there are adverse effects, which the Appellant acknowledges, these are a consequence of and contemplated by the MLP in any event, and cannot reasonably be said to substantially outweigh the Appeal Scheme’s benefits. In this regard, the benefits of mineral extraction should in the first instance attract substantial weight itself as per Policy M3.1.’

CHG response

In relation to quarrying the 2024 NPPF used the word ‘Great’, the 2026 NPPF uses ‘Substantial’. In broad planning terms they mean the same, but substantial would align more closely with the wording in both the 2024 and 2026 NPPF. Therefore, there is no significant change in the planning balance.

Appellant Note 15

‘15. In terms of other evidence presented at the appeal (including Hydrology/Hydrogeology, Transport, Ecology, Heritage, Landscape and Public Access (including Communities/Safety in Design) in comparison to the Dec 2024 NPPF, the 2026 version makes no difference to the conclusions reached on compliance with national policy.’

CHG response

Paragraph 15 is the principal area of disagreement. The Appellant asserts that, in relation to Public Access and Communities/Safety in Design, the 2026 NPPF makes no difference to the conclusions previously reached on national policy compliance.

That conclusion is not supported by any detailed analysis in the Appellant’s Note or evidence.

DP3(2)(f) now requires public spaces to be:

“safe, secure, inclusive, and accessible for all ages and abilities, including for groups such as women and girls”

and refers to high-quality, clear and legible pedestrian and cycle routes, lighting and natural surveillance.

This is a fundamental change in the NPPF and must be considered.

TR4(1)(c) requires the arrangement of streets and other **routes** to create places that are:

“safe, inclusive and attractive for all users particularly: women and girls, other groups who may be vulnerable to crime or the fear of crime, and those with limited mobility”.

Again, this is a fundamental change in the NPPF and of particular relevance to the Inquiry and the Public Access Strategy.

2026 NPPF Policy F8 is far more prescriptive, enforceable, and detailed than anything in the 2024 NPPF. It introduces mandatory national SuDS standards, new watercourse rules, and formal compliance documentation, fundamentally changing how drainage strategies must be prepared.

Appellant Note 16

‘16. The NPPF 2026 will be a consideration when any schemes to be submitted pursuant to the conditions are approved, noting that there are both overall schemes and phase scheme requirements. On this basis any changes from the NPPF 2024 relating to matters of detail will be addressed at the appropriate time; the principle of the development as acceptable being unaffected by the NPPF 2026.’

CHG response

The Colney Heath Group accepts that the 2026 NPPF continues to provide substantial policy support for mineral extraction and the maintenance of sufficient mineral supply.

However, that does not resolve the appeal in the Appellant’s favour. Mineral benefits remain part of a planning balance that must also take account of the proposal’s compliance with the Framework’s impact, design, movement, safety and restoration policies.

The Appellant’s Note gives disproportionate attention to M3, GB7, S3 and S5 and does not adequately address DP3, TR4, P5 or the relevant requirements of M4.

It is therefore not justified to conclude that the 2026 NPPF makes no difference to Public Access or Communities/Safety in Design.

The revised Framework now expressly requires consideration of whether routes and public spaces are:

- ✓ safe;
- ✓ secure;
- ✓ inclusive;
- ✓ attractive;
- ✓ accessible;
- ✓ clear and legible;
- ✓ suitable for women and girls;
- ✓ responsive to crime and the fear of crime;
- ✓ suitable for disabled people, older people and children;
- ✓ designed to minimise conflict with vehicles; and
- ✓ appropriately designed where open water or transport infrastructure is present.

NPPF 2026 also requires connected, high-quality and accessible green infrastructure and restoration and aftercare at the earliest opportunity.

These requirements are directly relevant to whether Ellenbrook Park can continue to function as a coherent and accessible country park during the operational life of the quarry, and whether restored phases will become part of that functioning park in a timely manner.

The use of conditions can make proposals acceptable in planning terms but however they cannot be the basis for approval of scheme which has no foreseeable safe outcome or policy compliant outcome.'

Appellant Note 17

'17. Finally, the 'planning balance' given in evidence by Owen Jones, remains the same, leaning decisively towards the grant of planning permission.'

CHG response

The planning balance towards supporting quarrying has not significantly changed since the 2024 NPPF, but other factors against granting permission have, these now include TR4, P5 and M4.

The NPPF 2026 also requires connected, high-quality and accessible green infrastructure and restoration and aftercare at the earliest opportunity.

These requirements are directly relevant to whether Ellenbrook Park can continue to function as a coherent and accessible country park during the operational life of the quarry, and whether restored phases will become part of that functioning park in a timely manner.

Appellant Note 18

'18. With regard to the Appellants closings (both the 29 November 2024 closing and the 23 April 2026 closing of the reopened inquiry, INQ41 and CD19.16-1 respectively), we have tabulated the NPPF references made therein with the relevant paragraph that now appears in the NPPF 2026 version on the attached Appendix, to assist the Inquiry and for ease of reference.'

CHG response

No comment.

CH Groups Conclusion

The revised Framework introduces new and materially strengthened requirements concerning safe and inclusive access, vulnerable users, conflict with vehicles, open-water hazards, connected green infrastructure, cumulative effects and restoration at the earliest opportunity. The Appellant has not demonstrated that the appeal scheme

satisfies those requirements. It is therefore not justified to conclude that the 2026 NPPF makes no difference to the assessment of the proposal or that the planning balance necessarily remains unchanged.

Brett has chosen not to comment on the new policies that relate directly to the Inquiry issues and that reinforce the distinction between **route availability** and **effective public access**. A route may be physically present while being indirect, unattractive, intimidating, inaccessible, poorly overlooked or unlikely to be used. Compliance cannot be established solely by showing paths on a plan.

Restoration and integration are not synonymous.

The proposal may restore parcels incrementally, but it has not demonstrated that those parcels will be integrated incrementally into the functioning country park.