

Colney Heath Group (CH Group)

Appeal by Brett Aggregates Limited

Land at former Hatfield Aerodrome Hatfield Hertfordshire AL4 0JB

Ref. App/M1900/W/24/3346607

National Planning Framework 2026 Response

Colney Heath Group

1. Relevance of the Revised NPPF

The revised National Planning Policy Framework ("NPPF"), published on 17 August 2026, introduces a number of new and materially strengthened policies relating to safety, inclusion, public access, route design and evidence-based planning. These changes are directly relevant to the matters remitted by the Secretary of State and should be taken into account when assessing the Public Access Strategy and the integration of the restored site with Ellenbrook Park and therefore in the determination of this appeal.

The following NPPF sections are relevant to the issues considered at the Inquiry

DP3: Key principles for well-designed places

1. *Development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with policies L2 and L3.*
2. *To create well-designed places, development proposals should also reflect relevant aspects of the following principles, as appropriate to the nature of the development and its location*

.....

2c Nature: incorporate and/or connect to a network of high quality, accessible, multi-functional green infrastructure to provide opportunities for recreation and healthy living, strengthen habitats, improve climate change resilience and improve air and water quality. This should include maintaining and enhancing tree cover and incorporating sustainable drainage systems in accordance with policies N3 and F8;

.....

2f Public Space: include spaces that are safe, secure, inclusive, and accessible for all ages and abilities, including for groups such as women and girls; and which facilitate and encourage social interaction, play and healthy lifestyles (for example by providing high quality, clear and legible pedestrian and cycle routes, a variety of recreational spaces and places to meet, integrating lighting and making building entrances and windows face onto streets and other public spaces to provide natural surveillance)

TR4: Street design, access and parking

1. *To contribute to creating well-designed places, transport considerations should be integral to the design of development, proposals for which should:*

.....

1c Ensure that the arrangement of streets and other routes help to create places that are safe, inclusive and attractive for all users (particularly for women and girls, for other groups who may be vulnerable to crime or the fear of crime, and for those with limited mobility). This includes reflecting relevant aspects of policy DP3(2), as well as employing measures to:

- i. Minimise the scope for conflict between pedestrians, cyclists and vehicles;*
- ii. Meet the needs of disabled people, older people and children in relation to all modes of transport, and*
- iii. Avoid unnecessary street clutter.*

P5: Maintaining public safety and security

1. *Development proposals should anticipate and address possible malicious threats and other hazards (whether natural or man-made) in relation to:*
 - a. Their occupiers and users, by identifying potential safety risks and proportionate mitigation opportunities which can be addressed through the design of the scheme. This applies especially where particular groups may be vulnerable to crime, or to the fear of crime – such as women and girls – or would be at risk from physical hazards (such as children where open water or transport infrastructure is present or planned).*

PM8: Evidence for plan-making

1. *All plans should be informed by a baseline understanding of the needs, opportunities, constraints and wider context of the area to which they relate. The preparation of plans should then be shaped and underpinned by information and data that is: relevant to the matters being considered in the plan; proportionate, so that it is focused and not unnecessarily extensive; and drawn from suitable and reliable sources that are sufficiently up-to-date.*

HC7: Development affecting existing recreational land and facilities

1. Development proposals should not result in the loss of existing open space, sports and recreational buildings and land, including playing fields, other formal and informal play space and allotments, unless:

a. An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality, in a location which offers comparable or improved accessibility for the community it serves; or

c. The development is for public service infrastructure, and the resulting loss would be replaced by equivalent or better provision in terms of quantity and/or quality

Section F8 Sustainable drainage systems and watercourses.

“Development proposals which could affect drainage on or around the development site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff”

In view of the limited time period would the Inspector require further work on this as it is different from the 2024 NPPF:

In short, **the 2026 NPPF changes the organisation, clarity and evidence requirements more than the basic flood-risk strategy**. Development should still be steered away from flood risk, made safe for its lifetime and prevented from increasing risk elsewhere; however, surface-water assessment, SuDS design, watercourses and policy citations now need more careful treatment.

2. How the above changes are specifically relevant to the Inquiry

The Secretary of State had already identified concerns regarding cross-park access and the integration of the restored site with Ellenbrook Park. The revised NPPF provides stronger and more explicit national policy support for those concerns through new and enhanced policies relating to safety, inclusion, route design, recreational land, public access and evidence-based decision-making. The relevance of these changes to the remitted matters is addressed below.

2.1. Safe and Inclusive Access

Since the close of the original inquiry, the National Planning Policy Framework published in August 2026 has introduced a series of new policies that place explicit emphasis on safety, inclusion and the quality of public spaces and routes. In particular, Policies DP3 (Key Principles for Well-Designed Places), TR4 (Street Design, Access and Parking) and P5 (Maintaining Public Safety and Security) introduce, for the first time, direct references to the needs of women and girls and those vulnerable to crime or the fear of crime. The revised framework therefore provides a new policy context for the assessment of the Public Access Strategy now before the Inquiry.

The Colney Heath Group submits that these new policies and PM8 and HC7 are directly relevant to the matters identified by the Secretary of State for further consideration, namely whether the appeal proposal provides convenient and effective cross-park access throughout the life of the quarry and whether the restored phases are properly integrated into Ellenbrook Park.

The NPPF now shows that:

- route visibility matters;
- natural surveillance matters;
- isolated routes matter;
- user confidence matters;
- whether people feel comfortable using a route matters.

The central question arising from the revised NPPF is therefore not whether access routes can be physically provided, but whether they are sufficiently safe, attractive, inclusive and convenient that people will actually choose to use them. If the answer is no, then the Public Access Strategy cannot be said to satisfy the requirements of the revised NPPF.

Supporting evidence - Proposed Public Access Analysis CD17.23 section 3 methodology used, section 7 for details of routes

2.2. Safe, Secure and Inclusive Public Routes

Policy DP3 requires development proposals to create public spaces that are:

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

The policy further states that well-designed public spaces should facilitate healthy lifestyles through the provision of:

“high quality, clear and legible pedestrian and cycle routes”

and should incorporate characteristics that provide natural surveillance and user confidence.

Similarly, Policy TR4 requires the arrangement of routes to create places that are:

“safe, inclusive and attractive for all users”

with specific regard to:

“women and girls, other groups who may be vulnerable to crime or the fear of crime, and those with limited mobility.”

The Colney Heath Group submits that these policies make clear that the adequacy of the Public Access Strategy cannot be assessed solely on the basis that routes physically exist. National policy now requires consideration of how public routes will actually be experienced by those expected to use them.

In this case, the proposed replacement routes would operate within a landscape fundamentally altered by quarry workings, haul roads, processing operations, lagoons and substantial screening bunds. The Colney Heath Group considers

that such routes would be inconsistent with the policy expectation that public routes should be safe, attractive, inclusive and likely to be used by all sections of the community.

Supporting evidence - Proposed Public Access Analysis CD17.23 section 3 methodology used, section 7 for details of routes

2.3. Safety and the Fear of Crime

Policy P5 introduces an explicit requirement for development proposals to:

“identify potential safety risks and proportionate mitigation opportunities”

and states that this applies particularly where groups may be vulnerable:

“to crime, or to the fear of crime – such as women and girls”.

This is a significant addition to national planning policy. The assessment of public access is therefore no longer confined to physical safety alone. The perception of safety and the likelihood that routes will be comfortably used by all sections of the community are now material planning considerations.

The Colney Heath Group submits that the proposed route network should be assessed from the perspective of those who use the park on a daily basis, including lone walkers, women, girls, older people, families with children and those who may be more vulnerable to crime or the fear of crime.

Where routes are perceived as isolated, lacking natural surveillance, constrained by bunding, or closely associated with industrial activities, there is a risk that significant numbers of users will choose not to use them. In such circumstances, the existence of a route on a plan cannot be equated with the provision of effective public access in practice.

The importance of this policy change is that it recognises that the effectiveness of public routes can be undermined even where no actual crime occurs. If users perceive a route to be isolated, enclosed, poorly overlooked or otherwise uncomfortable to use, the route may fail to function effectively in practice despite being physically available.

Supporting evidence - CHG User Study CD17.18 paras 4.21, 4.28, 4.40 and Proposed Public Access Analysis CD17.23 section 3 methodology used, section 7 for details of routes.

2.4. Open Water and Vulnerable Users

The 2026 NPPF now requires development proposals to identify potential safety risks and mitigation opportunities, particularly where vulnerable groups may be exposed to physical hazards. National policy specifically identifies children where open water is present or planned as an example of such risk.

Policy P5 is relevant because it specifically identifies circumstances where users may be exposed to physical hazards, including:

“children where open water ... is present or planned”.

The proposed quarry layout incorporates substantial lagoons which, as acknowledged throughout the inquiry, are central to the operation and restoration of the site. The Southern recharge lagoon will be approximately 16m deep, with steep clay sides making it difficult to climb out of. Apart from a fence surrounding it no specific safety recommendations have been proposed. The presence of large and deep bodies of water introduces a specific category of risk now expressly recognised by national policy. The Colney Heath Group submits that the proposed mitigation measures, namely, perimeter fencing, should be carefully scrutinised to determine whether they adequately address the risks associated with children and other vulnerable users in areas where open water is present or planned.

This issue is particularly relevant given that the Southern Recharge Lagoon would be 16 metres deep and would remain a prominent feature of the site throughout the operational period.

The Secretary of State's concerns regarding cross-park access and the integration of restored areas are reflected in the new NPPF and arise in large part from the location and effect of these lagoons.

The introduction of a path between the lagoons to address the Secretary of State's concerns regarding access and integration raises a new policy issue under the revised NPPF, namely whether routing users between substantial bodies of open water provides an appropriate response to the safety considerations now identified in Policy P5.

The Colney Heath Group submits that the Inspector should therefore consider whether the proposed routing arrangements provide a safe, attractive and welcoming environment for families and children throughout the operational life of the quarry and not merely following final restoration.

Supporting evidence - CHG User Study CD17.18 paras 4.45, 4.47

2.5. Walking, Cycling and Recreation

Policy DP3 requires development to connect to:

“high quality, accessible, multifunctional green infrastructure”

providing opportunities for:

“recreation and healthy living”.

Policy TR4 further requires development to:

“give priority first to walking, wheeling and cycle movements”.

The Secretary of State's concern was not merely whether access points remain available, but whether an appropriate balance has been achieved between mineral extraction and the continued enjoyment of Ellenbrook Park by its users.

The Colney Heath Group submits that the revised NPPF reinforces the principle that recreational routes should be judged according to their quality, attractiveness and likely use. Routes situated adjacent to active quarry operations cannot automatically be assumed to provide the same recreational value as the existing open parkland routes that are currently used for walking, running, cycling, dog walking and informal recreation.

Supporting evidence - CHG User Study CD17.18 Q4 paras 4.21, Q7 para 4.32 and Proposed Public Access Analysis CD17.23 section 3 methodology used, section 7 for details of routes.

2.6 Protection of Existing Recreational Land and Facilities

Policy HC7 strengthens protection for existing recreational land and facilities and requires that any replacement provision should be of equivalent or better quality and offer comparable or improved accessibility for the community it serves.

The Colney Heath Group submits that this policy is directly relevant to Ellenbrook Park, which is a valued recreational resource used for walking, running, cycling, dog walking and informal recreation. The assessment cannot therefore be limited to whether alternative routes are physically available. The relevant question is whether the replacement routes and recreational opportunities are of equivalent quality, attractiveness and accessibility to those currently enjoyed by park users.

This issue is particularly important given that the proposal would result in the long-term loss and disruption of substantial areas of recreational land throughout much of the quarry's operational life. Policy HC7 reinforces the need to consider the quality and accessibility of recreational provision available during the operational phases of the quarry, and not solely the condition of the site following final restoration.

The Colney Heath Group submits that the temporary loss of existing open parkland and the diversion of users onto routes affected by quarry operations, screening bunds, haul roads and large water bodies raises a substantial question as to whether equivalent recreational opportunities would be available throughout the lifetime of the development.

This directly reinforces the Secretary of State's concern that convenient and effective access should be maintained throughout the life of the quarry and not merely following final restoration.

Supporting evidence - CHG User Study CD17.18 and Proposed Public Access Analysis CD17.23 section 3 methodology used, section 7 for details of routes.

2.7. Weight to be given to evidence

The revised NPPF places increased emphasis upon decision being informed by relevant and reliable evidence. The balance has changed the balance towards more evidence-based planning system in policy PM8, and throughout the NPPF with the word 'evidence' appearing on 48 occasions compared with on 24 occasions in December 2024 NPPF.

In this context, observed evidence of how Ellenbrook Park is currently used, and evidence concerning likely route attractiveness and usability, should be given particular consideration when assessing the effectiveness of the Public Access Strategy.

The two studies (User Study CD17.18) and Public Access Statement CD15.07) and the assessment of the proposed routes (Proposed Public Access Analysis CD17.23) undertaken by the Colney Heath Group using the methodology described in the new NPPF Connectivity Tool are the only detailed assessments of the use of the park. No equivalent observational evidence of actual park use has been presented to the Inquiry by the Appellant.

3. Conclusion

Taken together, Policies DP3, TR4, P5 and HC7 provide stronger and more explicit national policy support for the concerns already identified by the Secretary of State regarding convenient and effective cross-park access and the timely integration of restored phases into Ellenbrook Park.

These policies require more than the physical identification of routes on a plan. They require consideration of route quality, safety, inclusion, attractiveness, accessibility, recreational value and the experience of those expected to use them, with particular regard to women and girls, those vulnerable to crime or the fear of crime, older people, disabled people and children. Policy P5 also expressly requires potential physical hazards to be identified and proportionately mitigated, including risks to children where open water is present or planned.

The proposed routes are unlikely to be perceived as safe by many users and therefore cannot be regarded as an effective substitute for the existing open and well-used cross-park routes particularly in the early years of the quarry due to the location bunds, routes and the existing tree and shrub growth not being cleared.

The Colney Heath Group submits that these new policy provisions materially strengthen the need to assess the Public Access Strategy on the basis of real-world usability rather than the theoretical route availability. The key question is not whether

a route can be shown on a plan, but whether it will function as an attractive, welcoming and safe route that users of Ellenbrook Park will actually choose to use throughout the lifetime of the quarry. If that test is not met, the concerns identified by the Secretary of State remain unresolved.

In conclusion, the revised NPPF therefore provides stronger and more explicit national policy support for the concerns previously identified by the Secretary of State. The new policy emphasis on safety, inclusion, route attractiveness, fear of crime, the needs of women and girls, and physical hazards associated with open water all reinforce the importance of assessing whether the proposed Public Access Strategy will function successfully in the real world throughout the lifetime of the quarry.

The question is not only route provision, but the question is also about route quality, attractiveness, safety and real-world usability.

Colney Heath Group

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