STATEMENT OF COMMON GROUND

HIGHWAYS AND ACCESS

BRETT AGGREGATES LIMITED

AND

HERTFORDSHIRE COUNTY COUNCIL

IN RESPECT OF THE APPEAL AGAINST THE DECISION OF HERTFORDSHIRE COUNTY COUNCIL FOR THE DEVELOPMENT OF

LAND AT HATFIELD AERODROME, OFF HATFIELD ROAD, HATFIELD, HERTFORDSHIRE

PLANNING INSPECTORATE REFERENCE NUMBER – APP/[ADD]
LOCAL PLANNING AUTHORITY REFERENCE NUMBER – PL/0232/21

(Draft V2a, 4 June 2024)

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A. Summary of Common Ground with Hertfordshire County Council

1. INTRODUCTION

1.1 This Statement of Common Ground ('SoCG') has been prepared by Velocity Transport Planning ('VTP') on behalf of Brett Aggregates Limited ('the Appellant') and the Local Highway Authority, Hertfordshire County Council (HCC).

1.2 The SoCG is submitted in relation to the appeal made by the Appellant under Section 78 of the Town and Country Planning Act 1990 ('the Appeal') [Appeal Ref: APP] in respect of a full Planning Application (Planning Ref: PL/0232/21), hereafter referred to as 'the Planning Application' or 'the Proposed Development'.

1.3 The Planning Application relates to Land at Hatfield Aerodrome, Off Hatfield Road, Hatfield, Hertfordshire ('the Site').

1.4 The Planning Application was submitted to Hertfordshire County Council (HCC) on 3rd September 2021 and was validated on 12th October 2021.

1.5 The application was presented to HCC's Development Control Committee (DCC) on 31 October 2023 with a recommendation from HCC Officers for approval. Despite this, members of HCC's DCC resolved to refuse planning permission. Subsequently a Decision Notice was issued on 12th January 2024 detailing eight reasons for refusal (RfR) including two, which relate to highways and access (i.e. RfR no.'s 6 and 7).

1.6 The purpose of this SoCG is to set out the matters agreed between the parties (common ground) and those that are not (uncommon ground), the aim being to focus on the issues that separate the parties in respect of the Proposed Development and narrow the areas of disagreement.

1.7 This SoCG has been prepared in accordance with the Government's 'Planning Appeals: Procedural Guide (as updated in January 2024).

2. THE SITE AND PLANNING HISTORY

2.1 The Site encompasses an area of 87.1-hectares (215 acres) within the Metropolitan Green Belt. It is located on the north-western edge of Hatsfield, and to the east of St Albans on land associated with the former Hatfield Aerodrome.

2.2 The Site's boundaries are enclosed by the A1057 Hatfield Road to the south, the CEMEX's Hatfield Quarry and a set of silt lagoons to the north; a mature hedgerow bordering the Notcutts Garden Centre and residential development off Jove Gardens and Lawrence Close to the west; and Home Covert (a small area of broadleaf woodland), part of the former aerodrome, and sports pitches to the east.

2.3 The surrounding land uses comprise land at Hatfield Quarry to the north; the University of Hertfordshire (de Havilland Campus) including sports pitches, Ellenbrook and the western fringes of Hatfield to the east; Notcutts garden centre and residential properties and commercial premises off Oaklands Lane to the west; and the A1057 Hatfield Road and Wilkins Green to the south.

2.4 The Site is located in the county of Hertfordshire and straddles the boundary between the districts of St Albans and Welwyn Hatfield.

2.5 A public footpath (Colney Heath 014) runs along the west boundary and connects Hatfield Road with Coopers Green Lane.

2.6 The Site is situated within Flood Zone 1 and as such is at a low risk of surface water flooding.

2.7 The Site and wider Ellenbrook Country Park provides public access and recreation opportunities via a network of permissive footpaths.

PLANNING HISTORY

2.8 The Relevant Planning History is set out in Section 4 of the Officer's Report to Planning Committee, as presented to Members on 31st October 2023. The Transport Assessment is detailed in Chapter 7 of the submitted Environmental Statement (ES).

2.9 Within the Appeal Decision (Appeal Reference: APP/M1900/W/21/3278097) for the previous planning application (Reference: 5/0394-16) dated 25th January 2022, the Planning Inspector stated at paragraph 74 that *"the technical highways evidence indicates that HGVs associated with the appeal scheme would not have an unacceptable impact on highway safety. Subject to the imposition of appropriate planning conditions, I find no grounds to dismiss the appeal for highway safety reasons concerning HGV movements and find no conflict with relevant local and national policies in this regard."*

2.10 In addition, at paragraph 79 of the Appeal Decision, the Planning Inspector concluded that *"the appeal scheme does not provide an appropriate strategy for public access throughout the lifetime of the operation that properly takes into account the provisions of the 2000 s106 agreement. Furthermore, some of the proposed permissive rights of way would pose an unacceptable risk to the safety of pedestrians."*

2.11 In addressing this concern, an updated Public Access Strategy (PAS) was prepared by the Appellant in July 2023, as part of the Regulation 25 request and response.

2.12 The Officer's position on matters relating to transport and highways is set out in paragraph no.'s 9.82, 9.83, and 9.87 of the Committee Report (CR). Paragraph no. 9.83 of the CR stated that *"the Highway Authority has taken a thorough review of the data/information submitted and come to the same conclusion (as before) that the development would not have significant adverse impact on the operation of the Highway."* Further, paragraph no. 9.87 concluded *"the proposal complies with Policies 16 (Transport) and 18 (Operational criteria for the control of mineral development) of the adopted Hertfordshire Minerals Local Plan."*

2.13 The Officer's position on matters relating to public access is set out in paragraph no.'s 9.38 – 9.46 of the CR and sets out that the appellant has entered positive discussions with the County Council's Rights of Way Service, Ramblers and the Footpath Society. At paragraph 9.42 the CR stated that, *"The provision of circular walks around the site and the Country Park during the mineral extraction phase and in the longer-term following restoration, via dedicated bridleway, will address the Planning Inspector's concern that pedestrians previously needed to cross the A1057 and walk along the southern side of the road as some routes terminated at the road"*, and at paragraph 9.44, *"The Planning Inspector was also concerned that some of the proposed permissive paths would be hazardous for pedestrians. The Public Access Strategy addresses this matter via a limited number of managed crossing points. Each crossing point will include traffic warning signs for the public and road signs for vehicles, with good visibility in all directions. This proposals provides an acceptable balance between providing public access through the site and always ensuring public safety."*

2.14 At paragraph 9.45 the CR says, *"The provisions of the Strategy relating to the protection of public rights of way can be secured by means of planning condition. The condition will require the applicant to agree with the mineral planning authority the protected rights of way prior to the commencement in each phase."*

2.15 The planning history is agreed between parties.

3. DEVELOPMENT PROPOSALS

3.1 The Planning Application, which forms the subject of this Appeal was submitted in September 2021. HCC's reference for the Planning Application is PL/0232/21.

3.2 The Planning Application is for the establishment of a new quarry, and the description of development is as follows:

> *"Proposed application 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."*

3.3 The description of development, and the matters for which approval is sought through the Planning Application, are agreed between parties.

4. PLANNING POLICY AND GUIDANCE

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications must be determined in accordance with the relevant development plan, unless material considerations indicate otherwise. The Planning Application which is the subject of this Appeal will therefore need to be considered against the relevant development plan policy documents and other material considerations.

4.2 The Statutory Development Plan for the area currently comprises:

a) Hertfordshire Minerals Local Plan Review 2002-2016 (Adopted 2007).

b) Hertfordshire Waste Core Strategy & Development Management Policies DPD 2011-2026 (Adopted November 2012).

c) Hertfordshire Waste Development Framework Waste Site Allocations Development Plan Document 2011 – 2026.

d) Welwyn Hatfield District Plan 2005.

e) St Albans Local Plan 1994.

4.3 As stated in the main SoCG, Hertfordshire County Council's Local Transport Plan 4 (LTP4, Adopted May 2018) does not form part of the Statutory Development Plan or Supplementary Planning Guidance (SPG). Consequently, LTP4 does not take primacy over its policies, and the weight afforded to which should be judged by reference to paragraph no.225 of the NPPF.

4.4 Section 6 of the Officers Report to HCC's Development Control Committee (paragraph no.'s 6.1 to 6.27) listed the relevant development plan policies and is a matter of common ground.

4.5 Other relevant policy and guidance documents include the:

a) National Planning Policy Framework ('NPPF') (December 2023);

b) National Planning Practice Guidance ('NPPG') (June 2021);

c) Department for Transport (DfT) Local Transport Note (LTN) 1/20 'Cycle Infrastructure Design' (July 2020); and

d) Design Manual for Roads and Bridges (DMRB) CD 123 - Geometric design of at-grade priority and signal-controlled junctions (November 2021).

5. MATTERS OF COMMON GROUND WITH HERTFORDSHIRE COUNTY COUNCIL

5.1 The following are considered to be matters of common ground relevant to highways and access between HCC and the Appellant that are identified from the consultation comments received in response to the Planning Application. These are agreed between parties, subject to the imposition of appropriately worded planning conditions or Section 106 contributions:

(a) The use of the DfT's Road Traffic Counts and Automatic Traffic Counter (ATC) data from 2017 and April 2015, respectively, to establish the operational characteristics of the A1057 Hatfield Road. The DfT's Road Traffic Count data shows continued reductions on the A1057 traffic levels from 2015 to 2018. These reductions are in the order of 15.7% and 27.0% for all motor vehicles and HGVs respectively.

(b) The use of Personal Injury Accident (PIA) covering the latest 5-year period up to the end of 2020 from HCC, to establish the safety characteristics of the A1057 Hatfield Road.

(c) The design of the Site's proposed access off the A1057 Hatfield Road, which includes the provision of a ghost right-turn lane facility, traffic island, uncontrolled pedestrian crossing with dropped kerbs and tactile paving tiles, and designated pick-up point for staff pick-ups. There are no technical reasons, which justify the need to provide a right-turn lane facility based on the observed traffic volume along the A1057 Hatfield Road and level of traffic generated by the proposed development. However, this feature will enable the free flow of traffic in a westbound direction and enhance safety for all highway users. In this context, the design of the Site's proposed access has been 'over engineered'. The design provides future end-users with an appropriate level of inter-visibility with other motorised and non-motorised users in context with the observed speeds, thereby enabling safe manoeuvres to be undertaken. The design also incorporates recommendations identified by the independent Stage 1 Road Safety Auditor. Technical Approval to be achieved via a Section 278 (S278) Agreement.

(d) The proposed development would have the potential to generate a total of 184 (including 164 HFV) two-way movements throughout a typical weekday. All operational HGV movements associated with the movement of aggregates or restoration materials would use the strategic and principal road networks when accessing/egressing the Site. No HGVs would be permitted to use Station Road and Smallford Lane to gain access to the A414 North Orbital Road.

(e) A Public Access Strategy (PAS) detailing how future end-users of Ellenbrook Park would be adequately protected throughout the duration of the mineral workings.

(f) That sufficient detail has been provided to demonstrate safe and suitable access to the Proposed Development from the local highway network during the construction and operational phases, in accordance with paragraph 115 of the NPPF.

(g) A S278 and S106 Agreement for improved pedestrian facilities along the A1057 Hatfield Road and links between the Site and Alban Way. The S106 Agreement would comprise a Condition Survey prior to the commencement of the use, to assess the condition of the highway within the vicinity of the Site before the

construction of the development with an updated version required at the completion stage.

(h) Financial contributions for improvements to both the Hatfield Road / Ellenbrook junction and the Hatfield Road / Comet Way junction.

(i) The conditions recommended under application PL/0232/21 relating to the provision of a Construction Management Plan (11), Access – Enabling Works (12), New Access (13), Visibility Splays (14), HGV Routing (15), Traffic Management Scheme (16), Parking and Servicing Areas (17), Phased Delivery of Rights of Way and Public Access Strategy (18), Wheel Cleaning Facilities (39), Material Deposited on the Public Highway (40), Noise and Emissions (50), Hours of Operation (51), HGV Movements (52), Single Access (53), Inert Waste Only (55), and Protection of Public Right of Way (68) remain applicable to this Appeal.

5.2 A summary table of the matters of common ground with HCC relevant to highways and access is provided at **APPENDIX A** of this SoCG.

6. MATTERS OF UNCOMMON GROUND WITH HERTFORDSHIRE COUNTY COUNCIL

To be discussed.

Signed on behalf of the Appellant:

Tony Wares

Dated: May 2024

Signed on behalf of Hertfordshire County Council

[ADD]
~~Manjinder Sehmi~~

Dated: [ADD] 2024

Brian Owen
19th November 2024

APPENDIX A – SUMMARY OF COMMON GROUND WITH HERTFORDSHIRE COUNTY COUNCIL

Item	Comment Summary	Common Ground Reached (Y/N)	Status or Resolution Possible?
A1	The use of the DfT's Road Traffic Counts and Automatic Traffic Counter (ATC) data from 2017 and April 2015, respectively, to establish the operational characteristics of the A1057 Hatfield Road.	[Y]	Agreed with HCC.
A2	The use of Personal Injury Accident (PIA) covering the latest 5-year period up to the end of 2020 from HCC, to establish the safety characteristics of the A1057 Hatfield Road.	[Y]	Agreed with HCC.
A3	The design of the Site's proposed access off the A1057 Hatfield Road, which includes the provision of a ghost right-turn lane facility, traffic island, uncontrolled pedestrian crossing with dropped kerbs and tactile paving tiles, and designated pick-up point for staff pick-ups. The incorporation of a right-turn lane facility is not technically required based on the observed volume of traffic along the A1057 Hatfield Road and anticipated level of development traffic. However, its inclusion enhances safety for all highway users. In this context, the design of the Site's proposed access has been 'over-engineered'.	[Y]	Agreed with HCC.
A4	The anticipated vehicular trip generating potential of the proposed development, trip distribution/assignment, and associated impact on the principal and strategic road networks throughout a typical weekday.	[Y]	Agreed with HCC.
A5	The Public Access Strategy detailing how future end-users of Ellenbrook Park would be adequately	[Y]	Agreed with HCC.

Item	Comment Summary	Common Ground Reached (Y/N)	Status or Resolution Possible?
	protected throughout the duration of the mineral workings.		
A6	A proportionate financial contribution towards the provision of improved pedestrian facilities along the A1057 Hatfield Road and links between the Site and Alban Way.	[Y]	Agreed with HCC.
A7	The S106 Agreement would comprise a Condition Survey prior to the commencement of the use, to assess the condition of the highway within the vicinity of the Site before the construction of the development with an updated version required at the completion stage.	[Y]	Agreed with HCC.

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