



Hatfield Aerodrome

Town and Country Planning Act 1990, Section 78

Statement of Common Ground between the Appellant and Hertfordshire County Council – Planning Policy and Need

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

Hertfordshire County Council Planning Application Ref. PL/0232/21

Section 78 Appeal against refusal of planning permission by Hertfordshire County Council.

Brett Aggregates Limited

Prepared by:

SLR Consulting Limited

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SLR Project No.: 403.065431.00001

Client Reference No: 09885

30 May 2024

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1.0 Introduction

- 1.1 This Statement sets out the Common Ground between Brett Aggregates Limited ('the Appellant') and Hertfordshire County Council ('the Council') in respect of the appeal (reference number APP/M1900/W/24/3346607) that will be heard in relation to the planning application refused by the Council (reference number PL/0232/21) ('the Application').
- 1.2 The appeal is scheduled to be heard by way of Public Inquiry commencing on 19 November 2024.
- 1.3 This Statement of Common Ground (SoCG) relates to the Appellant's proposals to develop land at Hatfield Aerodrome, Hatfield, Hertfordshire ('the Appeal Site'). A full planning application (reference PL/0232/21) was submitted by SLR Consulting Ltd ('SLR') on 3 September 2021 (validated 12 October 2021) 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"*
- 1.4 The application was reported to the Development Control Committee on the 31 October 2023. The MPA's Professional Officers recommended that the application be approved, subject to planning conditions a S106 agreement, a deed of variation relating to a 2000 permission to deliver the Ellenbrook Park and referral to the Secretary of State.
- 1.5 The Development Control Committee, rather, resolved to refuse planning permission. The Decision Notice was subsequently issued on 12 January 2024. From the Decision Notice eight reasons are put forward for refusing the planning permission:

- 1 *The proposal represents inappropriate development in the Green Belt and would not protect the countryside from encroachment. The scale and extent of the processing plant and stockpile areas, and the long term siting of the screen and perimeter bunds would not preserve the openness of the Green Belt. There are no very special circumstances to outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. The proposal is thereby contrary to the NPPF (paragraphs 139, 140, 147, 148)*
- 2 *The proposals do not adequately consider the setting of the heritage asset, Popefield farmhouse and barns (Grade II listed), by reason of the proximity of mineral workings and the long term siting of perimeter bunds during mineral extraction and restoration. The proposal is thereby contrary to Minerals Policy 18 (ii) (Operational Criteria for the Control of Mineral Development) of the*



Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2007 and the NPPF (paragraphs 194, 195, 199).

- 3 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.*
- 4 The proposals by reason of their size and scale, the extent and long term siting of screening and perimeter bunds, and the extensive removal of roadside vegetation to create visibility splays for the new access (A1057) would be harmful to landscape character and the visual amenities of the area. The proposal would thereby be contrary to the provisions of Minerals Policy 18 (vii) (Operational Criteria for the Control of Mineral Development) of the Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2007 and the NPPF (paragraphs 175, 211 (f)).*
- 5 The proposal would not sufficiently minimise the impacts of the development or provide for adequate net gain within an appropriate timescale contrary to National Planning Policy Framework paragraph 174d. Further the development would result in significant harm and is not adequately mitigated contrary to paragraph 180 a). The proposal would be likely to result in loss of or damage to habitats or species contrary to policy 9 of the Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2007.*
- 6 The proposals for public access to Ellenbrook Fields, contained within the Public Access Strategy (July 2023) do not demonstrate that users of the Park would be adequately protected over the duration of mineral workings, including vehicle movements associated with the transport of minerals for processing. The proposal would result in the loss of public access over a substantial period of time to Ellenbrook Fields due to areas being excluded for mineral working and associated activities and the amenity of users of areas with public access would be adversely affected. The proposal is thereby contrary to Minerals Policy 18 (x) (Operational Criteria for the Control of Mineral Development) of the Hertfordshire Minerals Local Plan 2007 and the NPPF (paragraph 145).*
- 7 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.

- 8 *The proposals do not demonstrate that the existing hydrogeological flow regime would not be adversely affected during mineral workings, and that the risks to groundwater from disturbance of the bromate plume can be adequately managed and mitigated. The proposal is thereby contrary to Minerals Policy 17 (iv) (Criteria for The Control of Mineral Development to Protect Critical Capital and Other Environmental Assets) and the site specific considerations for Preferred Area 1 of the Hertfordshire Minerals Local Plan 2007 and the NPPF (paragraph 174 (e)).*

- 1.6 References in the January 2024 decision notice to paragraphs in the NPPF are those in version current at the time of the Development Control Committee meeting (i.e., September 2023), and not those in the version published in December 2023.
- 1.7 The equivalent paragraph numbers are listed below:
- Reason for Refusal 1: Green Belt; paragraphs 139, 140, 147 and 148 are now 144, 145, 152 and 153
Reason for Refusal 2: Heritage; paragraphs 194, 195 and 199 are now 200, 201 and 205
Reason for Refusal 4: Landscape Character and Visual Amenity; paragraphs 175 and 211(f) are now 181 and 217(f)
Reason for Refusal 5: Biodiversity; paragraphs 174(d) and 180(a) are now 180(d) and 1869a)
Reason for Refusal 6: Public Access; paragraph 145 is now 150
Reason for Refusal 8: Groundwater; paragraph 174(e) is now 180(e)
- 1.8 The Council has suggested additional paragraph numbers for Reason for Refusal 1, 137 and 138, but their equivalent in the September 2023 version of the NPPF were not cited in the Reason for Refusal. In addition the Council has suggested alternative paragraph numbers for Reason for Refusal 4 which do not exist in the December 2023 version of the NPPF.
- 1.9 At the time of issuing the Decision Notice the parties agreed that the Appeal Scheme accords with all other relevant development plan policies / criteria not specified in the decision notice. The Council now agrees that the Appeal Scheme is in accordance with the Development Plan taken as a whole.
- 1.10 The following sections summarise the following areas of common ground:



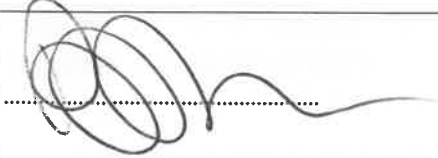
Section 2	Site Description
Section 3.	Development Proposals
Section 4.	Application Documents and Plans
Section 5.	Relevant Planning Policy
Section 6.	Need for the Development
Section 7.	Proposed Draft Planning Conditions
Section 8.	Main Issues
Section 9.	Summary of Issues not in dispute

1.11 It should be noted that Statements of Comon Ground have also been prepared on specific topics, namely:

- Noise
- Air Quality
- Landscape
- Heritage
- Ecology
- Transport and Highways
- Bromate/Hydrogeology



1.12 The document has been signed by both parties.

<p>Signed on behalf of:</p> <p>Brett Aggregates Limited</p> <p>By Chris Lowden</p>	<p>Signed on behalf of:</p> <p>Hertfordshire County Council</p> <p>By</p>
	
<p>Date: 19 November 2024</p>	<p>Date: 20th November 2024</p>



2.0 Site Description

- 2.1 The description of the Appeal Site and surrounding area is as set out in the following documents:
- Chapter 2 of the Environmental Statement.
 - Chapter 2 of the Planning Statement.
 - SLR plans referenced HQ 2/1 - HQ 2/3.
 - Section 3 of the report to the Development Control Committee of Hertfordshire County Council dated 31 October 2023.
- 2.2 The Appeal Site amounts to around 87.1ha and comprises the southern part of the former Hatfield Aerodrome. It is located on the north-western edge of Hatfield and to the east of St Albans on land associated with the former Hatfield Aerodrome.
- 2.3 It lies within an area enclosed by the A1057 (Hatfield Road/St Albans Road) to the south, Oaklands Lane to the west, Coopers Green Lane to the north and the western fringe of Hatfield to the east. For identification purposes the application site is centred on National Grid Reference (NGR) TL 199084.
- 2.4 The site is bounded by the A1057 (Hatfield Road) to the south, the boundary of which is characterised by a mature hedgerow. To the north lie CEMEX's Hatfield Quarry, and more specifically a set of silt lagoons. To the west the boundary is predominantly formed by a mature hedgerow, particularly in the vicinity of the garden centre and nursery (see below), with the northern section being more open in aspect. At the northeastern corner, beyond the Appeal Site, is Home Covert, a small area of broadleaf woodland and a local wildlife site. The eastern boundary cuts across the former aerodrome to join up with the sports pitches located at the southeastern corner of the application site.
- 2.5 The ground surface falls gently from northwest to southeast across the application site:
- ground elevations are at their lowest between 74mAOD and 76mAOD adjacent to the A1057 at the southern edge of the application site.
 - levels rise to between 77mAOD and 78mAOD in the northwest and northeast corners of the application site.
 - ground elevations are approximately 75mAOD to 76mAOD adjacent to the southwest side of Home Covert.
- 2.6 The site is a broadly rectangular area of land. A small part of the application site (on the eastern edge) is used for conservation cattle grazing with areas within the western part of the application site forming hay meadow. The majority of the



- application site enjoys informal recreational uses pursuant to a planning agreement made in December 2000 (see paragraph 3.34 below) and there is a network of linking permissive footpaths through the areas of open grassland and cattle grazing, created by the landowner.
- 2.7 A formal public footpath (Colney Heath 14 and 15) is routed in the vicinity of the western boundary of the Appeal Site.
- 2.8 The Appeal Site is not subject to any statutory or non-statutory nature conservation designation. It is not a designated or valued landscape. The Appeal Site is not within an air quality management area.
- 2.9 Based on the ecological assessment (Chapter 11 of the ES) the application site contains a range of habitat types including:
- Grassland (acidic, neutral, and modified)
 - Hedgerows
 - Standing water
 - Lines of trees and woodland
 - Scrub
 - Developed land/sealed surfaces and bare ground
- 2.10 Paragraph 11.97 of the ES provides a full and complete list of the habitat types within the Appeal Site.



3.0 Development Proposals (the Appeal Scheme)

3.1 The Proposed Development is as set out in the following documents:

- Chapter 3 of the Planning Statement
- Chapter 3 of the Environmental Statement
- Section 8 of the Response to Reg. 25 Request for Further Environmental Information
- SLR plans referenced HQ3/1 R to HQ3/16 R.
- Section 2, of the report to the Development Control Committee of Hertfordshire County Council dated 31 October 2023.

Overview

- 3.2 The Application sought the establishment of a new quarry on land at the former Hatfield Aerodrome, being part of the allocated site referred to in the extant Minerals Local Plan ("*Preferred Area 1*") and illustrated on Inset Map 6 (refer to Section 3 of this Statement for further information). The proposals would involve the phased winning and working, together with processing for sale, of some 8Mt of sand and gravel over a period of around 32 years (based on an annual output of around 250,000tpa). That is the amount of sand and gravel which the Minerals Local Plan identifies for this Preferred Area. (The northern part of the Preferred Area is that which is underlain by the Bromate Plume and this represents the necessary justification for excluding mineral extraction in that location).
- 3.3 In parallel with the extraction of minerals would be the importation of low permeability inert material to infill the mineral workings to facilitate the progressive restoration of the site to a beneficial after use, combining recreation and nature conservation at the earliest opportunity.
- 3.4 As with the extraction operations, restoration is also phased, following behind the mineral extraction operations to facilitate restoration at the earliest opportunity (to minimise impact on the landscape and visual amenity along with ensuring that suitable areas are available for public access). The imported material would typically comprise excavation wastes from construction and engineering projects (soils, overburden, clays etc.) within the region in line with the requirements of the Site Brief in the MLP. An environmental permit has been issued by the Environment Agency for the importation of such fill.
- 3.5 To minimise impacts upon the water environment, it is appropriate for the sand and gravel resources to be worked on a campaign basis¹. Seven phases allow for

¹ Campaign working is where the extraction of the mineral occurs over a period of time, typically lasting several months of the year, as opposed to being worked constantly over the whole year.



progressive restoration, whilst also retaining public access to parts of the Appeal Site that are not in operational use.

- 3.6 Sand and gravel would be worked from two discrete horizons; the Upper Mineral Horizon ('UMH'), which lies predominantly above the water table, would be worked dry whilst the Lower Mineral Horizon ('LMH') would be worked wet (i.e. no dewatering of the workings). Above the UMH is a clayey material (referred to as 'overburden') on top of which is the soil horizon. The two mineral horizons are separated by a laterally continuous layer of boulder clay (referred to as 'interburden'): the overburden and interburden would be used to control groundwater ingress and to infill the base of the workings to provide a suitable low permeability geological barrier on top of which the imported material would be placed.
- 3.7 As a sand and gravel quarry, the winning of the minerals would comprise excavation. It would not require, for example, the use of drilling and blasting. The noise impact assessment predicts that the noise at the nearest noise sensitive receptor would not exceed the maximum noise limits in the NPPF. Specific maximum noise limits, during normal activities, for sensitive receptor to protect amenity and for future monitoring can be secured by planning conditions. The Appeal Scheme does not give rise to significant degradation either by means of dust disamenity or particulate matter or emissions to air quality and future monitoring could be undertaken pursuant to a planning condition.
- 3.8 Excavated material would be transported to the processing plant using dump trucks; this is necessary and appropriate. The use of field conveyors is not appropriate alongside the necessary campaign working.
- 3.9 Processing operations within the plant site would use a combination of crushing, screening and washing plant to produce a range of graded aggregates and sands. These are common place and necessary operations and would have been anticipated when affording this land the status of a Preferred Area. At 8.2ha in size the area of the processing plant is smaller than in the 2016 application. As required (by the Hatfield Aerodrome Supplementary Planning Guidance) perimeter bunding is proposed around the processing area to reduce its visual and aural effects.
- 3.10 Processed aggregates would be dispatched from the site in HGVs via a new access constructed onto the A1057 (Hatfield Road) on the southern side of the quarry. Access and egress via the A1057 is consistent with that specified in Inset Map 6 (in the adopted MLP) and the Hatfield Aerodrome Supplementary Planning Guidance. The A1057 access has been subject to a road safety audit which is to the satisfaction of the Local Highway Authority.
- 3.11 Other ancillary development would include a weighbridge, office accommodation, electrical transformer, electrical switch-room, and small stores and maintenance building, fresh water and silt lagoons. These are necessary in principle and the details provided are acceptable.



3.12 The Appeal Scheme is illustrated in Drawing Nos. HQ3/1 R to HQ3/16 R as follows:

- HQ 3/1 R shows the overall phasing / general layout of the quarry;
- HQ 3/2 R shows the entrance design and weighbridge area;
- HQ 3/3 R shows the plant site (masterplan);
- HQ 3/4 R shows the plant site layout (detail);
- HQ 3/5 R shows the elevations of the processing plant;
- HQ 3/6 R shows the advanced works;
- HQ 3/7 R shows the initial site establishment works;
- HQ 3/8 R shows development within Phase A;
- HQ 3/9 R shows development within Phase B;
- HQ 3/10 R shows development within Phase C;
- HQ 3/11 R shows development within Phase D;
- HQ 3/12 R shows development within Phase E;
- HQ 3/13 R shows development within Phase F;
- HQ 3/14 R shows development within Phase G;
- HQ 3/15 R illustrates the final restoration masterplan;
- HQ 3/16 provides illustrative cross sections; and
- HQ 3/16 R shows the detailed landscaping proposals around Popefield Farm.

3.13 The above drawings (which have a 'R' in the Drawing number to distinguish them from the submitted versions) were submitted as part of the October 2022 Regulation 25 response and, with the exception of Drawing HQ 3/16 R, supersede those submitted in 2021. Drawing HQ3/16 R, which shows the proposed landscaping around Popefield Farm, is a new drawing.

3.14 Drawings HQ 2/1, HQ 2/2 and HQ 2/3 illustrate the location, extent and topography of the Appeal Site respectively.

3.15 Drawings HQ 7/1 and HQ 7/2 within Chapter 7 of the ES provide further information on the site access design showing the entrance geometry, ghost island arrangement, and visibility splays. The latter drawing shows the swept path analysis for HGVs.

3.16 The LVIA Drawings submitted with the October 2022 Regulation 25 response replace the HQ 8/x series of drawings in the ES.

3.17 Finally, the Public Access Strategy July 2023 (also submitted as part of the Regulation 25 response) contains a series of drawings which set out how access routes through the Appeal Site would be provided for each phase of the



development. The drawings at 3.13 above are to be read in conjunction with these drawings.

General Arrangement

- 3.18 The new quarry would comprise the following key elements:
- new access onto the public highway (A1057) and internal access road – this is consistent with Inset Map 6;
 - plant site including processing plant, stockpiles ('as dug' and processed aggregates), weighbridge, office and other ancillary facilities; this is minimum extent of plant and stockpiles necessary and the totality of the processing area is significantly less than was previously proposed;
 - peripheral mounds that ensure the operational development is well screened visually and aurally as required by the SPG;
 - infiltration lagoons to manage surface water and avoid off-site flood risk during the operational phase and which in the after-use phase contribute to the restoration principles in the SPG; and
 - mineral extraction area divided into 7 phases with internal haul roads that allows restoration at the earliest opportunity.
- 3.19 Drawing HQ 3/1 R illustrates the overall layout of the proposed quarry.
- 3.20 The location of the processing plant, shown on drawing HQ3/7 R is appropriate; it has been so located to avoid the sterilisation of viable mineral and is remote from sensitive receptors.

Restoration

- 3.21 The restoration scheme is shown on drawing HQ3/15 R. This is phased to allow restoration works to be completed at the earliest opportunity, returning the land to a beneficial use, including delivering public access enhancements, as shown on drawings HQ3/8 R – HA3/14 R. The restoration would incorporate the replacement of the indigenous soils, together with extensive new tree and grass planting, hedges and fencing to create a restoration scheme compatible with the proposed afteruse of the land as a restored country park.
- 3.22 The two freshwater lagoons would be retained and a nature conservation area created to replace the processing area.
- 3.23 The access onto to the A1057 and part of the haul road created for the mineral development would be retained to provide access to a retained car park to be used in connection with the country park use.
- 3.24 Permanent walking and cycling routes would be created via a new 'circular' bridleway, permissive paths and public access routes. The new routes would



connect with existing rights of way located on the western and northern boundary of the Appeal Site.

- 3.25 Overall, the restoration scheme seeks to deliver a beneficial after-use which achieves the following aims:
- to progressively deliver a landscape which is similar in character and appearance to the existing Ellenbrook Fields, in accordance with the key principles identified in the SPG and Inset Map 6;
 - to improve overall biodiversity interest and value at the site consistent with Minerals Policy 9 and the NPPF (para 180d) and the SPG;
 - to reinstate the current accessibility of the greenspace to members of the local public as required by the SPG and the 2000 planning permission; and
 - to fulfil all engineering requirements, in terms of managing surface water and groundwater environments at the site as required by Inset Map 6 thus avoiding negative impacts on the water resources.
- 3.26 The landcover would consist of broad area of gently sloping conservation grassland (from west to east), divided by hedgerows and with some complimentary wetland and pond features, as illustrated by Drawing HQ 3/15R. This would include tree planting consistent with the SPG.
- 3.27 At a more local level, areas of micro-topographical and substrate variation would be included to provide habitat diversity and enhancements (e.g. a range of species-rich grassland communities). The proposed waterbodies include both shallow scrapes, ponds and a deeper waterbody at the north-eastern end of the application site.
- 3.28 The scheme responds to the local landscape character of "Area 31 De Havilland Plain", which extends from Cromerhyde in the north, southwards across the former Hatfield Aerodrome and up to the ground of Oaklands College on the edge of St Albans, as defined in The Welwyn Hatfield Landscape Character Assessment (2005), which *inter alia* refers to "*an extensive level plain*".
- 3.29 This would also create potential linkages with the existing watercourses, hedgerows, woodland and tree belts around the perimeter of the application site.
- 3.30 Long term management of the restored site can be secured via the conditioned Landscape Management Document. In terms of habitat creation, the proposed restoration scheme would enhance local biodiversity.
- 3.31 A planning condition could control the restoration of each phase to ensure high environmental standards are achieved in accordance with Policy 13 (Reclamation) of the adopted Minerals Local Plan.



Heritage Assets

- 3.32 Popefield Farm and Astwick Manor are both Grade II listed buildings in proximity to the Appeal Site. The listed buildings at Popefield farm are approximately 100m from the mineral workings. Astwick Manor is some 850m away from the workings and therefore the impact would be negligible. Whilst the loss of land to mineral extraction would result in an adverse impact on the character of Ellenbrook Fields beyond the boundary with Popefield Farm, the extraction works are temporary in nature and would result, in the longer term, to the return of the land to a Country Park. The effect on this heritage asset is judged to be less than substantial. The 2021 Appeal Inspector considered that the benefits of that Appeal Scheme outweigh the less than substantial heritage harm. In the context of the current Scheme, the MPA's Council's professional officers are of the same opinion.

Public Access

- 3.33 The establishment of the country park is provided for by a planning agreement made in December 2000. This envisaged that phased mineral working, such as that carried out by the Brett Group and public access to the Country Park would go hand in hand.
- 3.34 The Public Access Strategy (PAS) ensures that access to the Country Park for recreational purpose remains available during the life of the Site and identifies key rights of way routes that would remain available within each phase and thus would allow members of the public to always access and enjoy the wider Ellenbrook Country Park
- 3.35 The PAS describes how walkers, cyclists and horse riders would discover new paths opened to them as the phased mineral extraction activity is progressively restored over time (pages 9 -15 refer). Well maintained paths and bridleways would explore different sections of the land and provide ongoing access for all visitors to at least 80% of the 176.6 hectare parkland.
- 3.36 The PAS also describes how existing routes would be managed by Brett. This minimises the number of places where members of the public cross internal haul roads. Where this is required the Strategy also sets out appropriate measures, including traffic warning signs and good visibility in all directions, to minimise any potential conflict.
- 3.37 The provisions of the PAS relating to the protection of public rights of way can be secured by means of planning condition as described in paragraph 9.45 of the Officer's Report.



Comparison with the 2016 scheme

- 3.38 The Appeal Scheme 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:
- (a) The Concrete Batching Plant which previously represented inappropriate development in the Green Belt has been omitted;
 - (b) The access road from the quarry entrance has been relocated 5m to the east to allow additional acoustic screening on western boundary of the Appeal Site to be provided;
 - (c) 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;
 - (d) Screen bunding incorporated south of the processing area (with consequential reduction in the height of the other perimeter bunds around the processing area);
 - (e) The stand-off for mineral extraction in the Lower Mineral Horizon (LMH) to the bromate plume (also in the LMH) has been increased from 50m to 100m;
 - (f) No dewatering (pumping) is proposed in the LMH;
 - (g) The area of the processing plant has been reduced to 8.2ha (previously it extended to 11ha);
 - (h) Additional bridleway from the outset; improvements to PAS; and
 - (i) Great Crested Newt ponds P1, P2 and P3 no longer removed in the initial phases of development (they would be removed in future phases of mineral extraction after approximately 10 years of operation).
- 3.39 The MPA's Officers advised Members of the Development Control Committee that *"the only reason the development was inappropriate in the Green Belt was because of the concrete batching plant"* and that the totality of the scale of the processing area is now of a lesser scale than previously considered.
- 3.40 The previous Appeal Inspector declined to remove the concrete batching plant from that scheme (DL paras 32c, 38 and 43 refer). In turn, he considered that the concrete batching plant did not represent mineral extraction for the purpose of applying (then) para 150 of NPPF and that, therefore, the Appeal Scheme would be inappropriate development in the Green Belt and harmful by definition (DL para 50 refers). Consequently, with the inclusion of the concrete batching plant, it was found that (a) the openness of the Green Belt was impaired and (b) it would not assist in safeguarding the countryside from encroachment and would so conflict with one of the purposes of the Green Belt.
- 3.41 With the omission of the concrete batching plant, the application of national policy in relation to Green Belt is materially different. This was acknowledged by the previous Appeal Inspector (DL para 94 refers). Officers advised Members both in writing and orally at the Development Control Meeting, that, in their professional



opinion, the proposed development is appropriate development in the Green Belt. Consequently, in their professional opinion Very Special Circumstances are not required to permit the proposed development. Moreover, they considered that all those aspects that led the Inspector to refuse the appeal have now been addressed.

- 3.42 At 8.2ha the proposed processing area is smaller than the 9ha that exists at the Cemex Hatfield Quarry across three distinct areas within the Green Belt. (See SoCG Green Belt for previous appeal, para 2.3, figure 1).



4.0 Relevant Planning Policy

4.1 The statutory Development Plan currently comprises the following documents:

- Hertfordshire Minerals Local Plan Review 2002 – 2016 (adopted March 2007);
- Waste Core Strategy and Development Management Policies Document (adopted November 2012);
- Waste Site Allocations 2011 – 2026 (adopted July 2014);
- City and District of St Albans District Local Plan Review (adopted 1994, Reviewed 2020);
- Welwyn Hatfield Local Plan (adopted 2023).

4.2 Hertfordshire County Council is in the process of replacing the Adopted Minerals Local Plan Review. The latest version is the Hertfordshire Minerals and Waste Local Plan: Regulation 18 (dated July 2022).

4.3 The district Local Plans do not address mineral extraction.

Minerals Local Plan

4.4 It is agreed that the following policies are relevant to the appeal. The policies are subdivided into (a) those policies referred to directly in the reasons for refusal and where there is disagreement between the Appellant and the MPA and upon which evidence will be called, and (b) other policies also relevant to the determination of the planning application and the appeal.

- (a) Relating to the reasons for refusal and upon which both the Appellant [and the MPA] will call evidence.
 - Preferred Area 1 Site Specific Considerations
 - Mineral Policy 9 (Contribution to Biodiversity)
 - Mineral Policy 16 (Transport)
 - Mineral Policy 17 (Criteria for The Control of Mineral Development to Protect Critical Capital and Other Environmental Assets)
 - Mineral Policy 18 (Operational criteria)
- (b) Other relevant policies:
 - Mineral Policy 1 (Aggregate Supply)



- Mineral Policy 2 (Need for Mineral Working)
- Mineral Policy 3 (Need for Mineral Working)
- Mineral Policy 5 (Mineral Sterilisation)
- Mineral Policy 11 (Cumulative Impact)
- Mineral Policy 12 (Landscape)
- Mineral Policy 13 (Reclamation Scheme)
- Mineral Policy 14 (Afteruse)
- Mineral Policy 15 (Landfill)
- Mineral Policy 19 (Enforcement of Planning Control)

4.5 The MPA does not allege that the Appeal Scheme conflicts with any of the above policies.

Waste Core Strategy and Development Management Policies

4.6 The reasons of refusal do not cite any policies from the Waste Core Strategy. It is agreed that relevant policies include:

- Policy 1 (Strategy for the provision of waste management)
- Policy 4 (Landfill and Landraise)
- Policy 7 (General Criteria for assessing planning application outside of identified locations)
- Policy 9 (Sustainable Transport)
- Policy 11 (General Criteria for Assessing Waste Planning Applications)
- Policy 13 (Road Traffic and Transport)
- Policy 14 (Buffer Zones)
- Policy 15 (Rights of Way)
- Policy 16 (Soil, Air and Water).

City and District of St Albans District Local Plan Review

4.7 The reasons of refusal do not cite any policies from the City and District of St Albans District Local Plan Review. It is agreed that relevant policies include:



- Policy 34 (Highways Considerations in Development Control)
- Policy 35 (Highways improvements in Association with Development)
- Policy 39 (Parking Standards, General Requirements)
- Policy 74 (Landscaping and Tree Preservation)
- Policy 80 (Floodlighting)
- Policy 84/84A (Flooding and River Catchment Management / Drainage Infrastructure)
- Policy 104 (Landscape Conservation)
- Policy 106 (Nature Conservation)
- Policy 109 (Scheduled Ancient Monuments)
- Policy 110 (Archaeological Sites for Local Preservation)
- Policy 111 (Archaeological Sites where planning permissions may be subject to a recording condition)

Welwyn Hatfield District Plan

4.8 The reasons of refusal cite one policy from the Welwyn Hatfield District Plan:

- SADM 2 (Highway Network and Safety).

4.9 It is agreed that other relevant policies include:

SP 9 (Place making and high quality design)

SADM 11 (Amenity and Layout)

SADM 12 (Parking, Servicing and Refuse)

SADM 15 (Heritage)

SADM 16 (Ecology and Landscape)

SADM 18 (Environmental Pollution)

SADM 34 (Development in the Green Belt)



Emerging Policy

- 4.10 The MPA is preparing a new Mineral Local Plan that was subject to consultation under Regulation 18² in 2022.
- 4.11 Policy 2, which is concerned with Meeting Sand and Gravel Reserves, states that: *"To meet the need identified above, provision will be met through, and planning permission will be granted in principle for, applications for sand and gravel extraction at the following Mineral Allocation Sites: MAS02: Hatfield Aerodrome".* A reserve of 8Mt is identified. This represents 43% of the identified remaining requirement to 2040 and is an important component part of the future minerals supply strategy.
- 4.12 It is agreed that the following policies are relevant to the appeal.
- Policy 2 (Meeting Sand and Gravel Needs) (and associated Appendix 1 Site Profiles)
 - Policy 14 (Green Belt)
 - Policy 15 (Biodiversity and Geodiversity)
 - Policy 24 (Transport)
 - Policy 26 (Cumulative Impacts)
- 4.13 None of the MPA reasons for refusal cite policies from the emerging Minerals Local Plan.
- 4.14 Paragraph 48 of the NPPF concerns the weight that may be given to relevant policies in emerging plans. Given the status of the Appeal Site in the adopted Minerals Local Plan, the Appeal should not be considered premature by reference to paragraphs 49 and 50 of the NPPF.

National Planning Policy

- 4.15 The current version of the NPPF was updated in December 2023. Relevant parts to the appeal include:
- Paragraphs 7-14 - the presumption in favour of sustainable development.
 - Section 13 - Green Belt Policy, paragraphs 142 - 156
 - Section 17 – Facilitating the sustainable use of minerals, paragraphs 215 – 223

² of the Town and Country Planning (Local Planning) (England) Regulation 2012



- Section 16 – Conserving and enhancing the historic environment paragraphs 205 – 208
- Section 15 Conserving and enhancing the natural environment, paragraphs 180, 186, 191, 192 and 194

4.16 The NPPG also includes information regarding minerals planning.

Hatfield Aerodrome Supplementary Planning Guidance

- 4.17 The SPG was produced to guide the formulation of development proposals for the redevelopment of the former British Aerospace (BAe) site at Hatfield pursuant to adopted Local Plan policies. This would include the Minerals Local Plan as evidenced by reference to it in relation to Preferred Area 1. It is a material consideration against which any planning application submitted in respect of land covered by it will be determined.
- 4.18 Whilst the majority of the land to which the SPG relates has now been redeveloped, it remains relevant to the Appeal Scheme given the extensive guidance provided therein in relation to the various stages of mineral extraction that is anticipated therein. None of the local authorities to which it relates has sought to revise or replace or withdraw the SPG. It continues to be referenced in the Draft Minerals Local Plan Regulation 22 consultation.
- 4.19 The SPG sets principles for landscape, Green Belt and issues to be addressed prior, during and after mineral extraction. The MLP's Professional Officers are satisfied that the Appeal Scheme accords with the SPG.

Local Transport Plan

- 4.20 Reason for Refusal 7 alleges that the Appeal Scheme is contrary to the County Council's Local Transport Plan (LTP4) Policy 5. The LTP is not part of the development plan and does not take primacy over its policies, the weight to be afforded to which should be judged by reference to paragraph 225 of the NPPF. It is not supplementary planning guidance either. It is a material consideration. Policy 5 concerns the management of new development as it relates to the local highway network and would have informed the Local Highway Authority's response to the planning application.



5.0 Need for the Development

- 5.1 The need for the release of new mineral reserves is addressed in the following documents:
- Chapter 5 of the Planning Statement. This is based on data published at the time of the application.
 - Section 9, Paragraphs 9.2 – 9.18 of the report to the Development Control Committee of Hertfordshire County Council dated 31 October 2023. This analysis is based on more recent information published in 2022 (the Local Aggregate Assessment 2022 covering the year 2021).
- 5.2 The Appeal Site is specifically allocated as “Preferred Area 1” in Policy 3 in the adopted Minerals Local Plan as a future source of sand and gravel.
- 5.3 The Appeal Site is also specifically allocated in the emerging Minerals and Waste Local Plan as “Mineral Allocation Site MAS02” in Draft Policy 2 as a future source of sand and gravel.
- 5.4 National policy on minerals supply is set out in the NPPF paragraph 219 which indicates that MPAs should plan for a steady and adequate supply of minerals. Paragraph (f) to paragraph 217 indicates that a minimum landbank of 7 years for sand and gravel should be maintained.
- 5.5 Paragraph Reference ID: 27-084-20140306 in the PPG advises *“There is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank. However, where a landbank is below the minimum level this may be seen as a strong indicator of urgent need”*. This shows that there is no maximum level of landbank that should be provided.
- 5.6 The conclusions of the October 2023 Committee report are that a need for the mineral has been demonstrated and that the proposals are compliant with the provisions of Development Plan and NPPF addressing the supply of minerals.
- 5.7 The latest Local Aggregate Assessment (LAA) was published in December 2023 covering the year 2022. This document shows the following:
- There is a steady decline in the landbank since 2012
 - The 10 year average sales of sand and gravel is 1.16Mt per annum
 - The current level of permitted reserves is 5.71Mt at the end of 2022
 - The landbank of permitted reserves is 4.9 years



- There are three operational sites in the county (two being quarries)
- 5.8 Planning permission has been issued for Land adjoining Coopers Green Lane which will add 3.5Mt to the level of permitted reserves. This increases the landbank to 9.23Mt which gives a landbank of 7.96 years at the end of 2022.
- 5.9 The actual landbank needs to take into account sales during 2023 [and first quarter 2024 (i.e. 15 months)] to get to the actual position at the date of this Statement. Using the 10 year average of 1.16Mt a further 1.45Mt would have been sold reducing the permitted reserves to 7.78Mt equivalent to a landbank of 6.7 years.
- 5.10 The landbank is therefore below the minimum set out in the NPPF and there is an urgent need to improve supply.



6.0 Green Belt

- 6.1 The Appeal Site is located within the Metropolitan Green Belt. In this location, the Green Belt's primary function is to maintain the separation of Hatfield and St Albans thus retaining the existing settlement pattern.
- 6.2 The Minerals Local Plan identified the Appeal Site as part of Preferred Area 1 in the context of its Green Belt status.
- 6.3 The occurrence of sand and gravel deposits in Hertfordshire lie within the Green Belt; all current and recently completed sand and gravel mineral extraction operations within Hertfordshire, including those allocated within the current and adopted Minerals Plan and those proposed to be allocated within the emerging Minerals Plan, are located within the Green Belt. Any future extraction of sand and gravel with Hertfordshire will be from within the Green Belt.
- 6.4 The Hatfield Aerodrome Supplementary Planning Guidance identifies principles that should be taken into account in any future mineral extraction from the Green Belt land. The Appeal Scheme, including the establishment landscaping and contouring, accords with these principles.
- 6.5 Whilst the Appeal Scheme would result in a change to the character and appearance of the Appeal Site, the operational development would not result in the coalescence of Hatfield and St Albans and separation and settlement pattern would be maintained. That separation would be retained in perpetuity with the completion of the restoration scheme.
- 6.6 As with any mineral extraction in the Green Belt, it would cause a temporary encroachment into the countryside. The fact that the minerals working in this instance would occur in phases with progressive restoration would minimise this effect.
- 6.7 As a matter of principle, mineral extraction and engineering works are appropriate uses in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of including land within it. Implicit within paragraph 155 of the NPPF is an acceptance that a level of operational development can preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. The elements of the Appeal Scheme are all necessary to win and work the mineral resource.
- 6.8 The omission of the Concrete Batching Plant removed that element of the 2021 Appeal Scheme that was found by that Inspector to be inappropriate development.



- 6.9 The MPA's professional officers considered the Appeal Scheme to constitute appropriate development in the Green Belt.
- 6.10 Each of the elements of the Appeal Scheme are the minimum necessary to facilitate the winning and working of minerals at the Appeal Site. The height of the stockpiles at 5m allows for the campaign working that is necessary to ensure the water environment is protected. The screen and perimeter bunds are necessary to store topsoil, overburden and interburden required to access the mineral reserve and serve the functions required by the SPG to ensure visual and acoustic screening. The recharge lagoons are necessary as part of the drainage scheme and to avoid off-site flood risk but in any event these do not affect openness.
- 6.11 The formation of an access and egress onto the A1057 is specified at Inset Map 6 and the SPG. Whilst this would have an urbanising effect such an access is anticipated by the Inset Map and the SPG.
- 6.12 The Appellant has sought to design these necessary features to minimise impacts on openness, and this was to the satisfaction of the MLP's professional officer, but the MPA disagree.



7.0 Proposed Draft Planning Conditions and Obligation

- 7.1 Should the Appeal be upheld, the Appellant would be prepared to accept all of the conditions suggested by the Planning Officer in Section 11 of the October 2023 Report subject to minor revisions (see paragraph 7.3 below). A list of these can be found in **Appendix A** to this statement.
- 7.2 The Appellant considers these conditions to be reasonable and relevant to the proposed development and sufficient to ameliorate the identified environmental and amenity effects so that they do not have "unacceptable" impacts.
- 7.3 The Appellant has reviewed these conditions and included in **Appendix A** to this statement is a note of revisions which it proposes, to correct errors and include clarifications. The Appellant considers that it may assist those involved in the appeal if some conditions required compliance with details within the application documents, rather than requiring schemes to be submitted for approval. The Appellant will continue to discuss these draft conditions with the Council and other appropriate parties as the Appeal progresses.
- 7.4 The Appellant provided a draft planning obligation to the Council prior to the Committee Meeting on 31 October 2024. A copy, updated to include provision for relevant Appeal references, is attached at **Appendix B** to this statement.



8.0 Main Issues

It is agreed that the main issues for the Appeal relate to:

- a) Whether the Appeal Scheme represents appropriate development in the Green Belt in the terms expressed by paragraph 155 of the NPPF;
- b) Whether the Appeal Scheme has a substantial harm of heritage assets in the terms expressed by NPPF paragraph 206 or alternatively whether the less than substantial harm is outweighed by the Appeal Scheme's public benefits (paragraph 208);
- c) Whether the Appeal Scheme adequately protects the residential amenities of the occupiers of Popefield Farm;
- d) The extent to which the Appeal Scheme is harmful to landscape character and the visual amenities of the area;
- e) Whether the Appeal Scheme results in significant harm to habitats and species which is not adequately mitigated and/or compensated;
- f) The extent to which the Appeal Scheme minimises the impacts of the development on biodiversity and provides for adequate net gain within an appropriate timescale;
- g) Whether the Appeal Scheme adequately considered the setting of the heritage asset, Popefield farmhouse and barns (Grade II listed),
- h) Whether the Public Access Strategy (July 2023) provides adequate and safe public access to Ellenbrook Fields for the duration of mineral workings;
- i) Whether traffic movements arising from the Appeal Scheme gives rise to unacceptable impacts on highway safety;
- j) Whether the Appeal Scheme gives rise to unacceptable adverse effects on hydrogeology and bromate contamination of groundwater.

NB these will be defined by the Appeal Inspector at or around the case management conference.



9.0 Summary of Issues not in Dispute

- 9.1 There is an identified need to increase the landbank for sand and gravel and the Appeal Site has a defined role in the Minerals Local Plan accordingly.
- 9.2 There is no other opportunity to achieve the increase in landbank from within the development plan and in accordance with the plan led system.
- 9.3 The extent of separation between Popefield Farmhouse and the area of mineral working has been increased and the landscaping measures are more extensive than previously proposed in the 2016 application / 2021 Appeal. Notwithstanding the MPA's Reason for Refusal, these measures result in the impact on this designated heritage asset being less than was the case previously.
- 9.4 There are no archaeological constraints which would justify a refusal of the proposed development.
- 9.5 The provision of bunds adjacent to Popefield Farm and on the western boundary of the site are important to protect residential amenity.
- 9.6 There are no amenity issues (noise or dust/particulate) to residential receptors surrounding the site save for Popefield Farm and then in relation to noise only.
- 9.7 The noise impact assessment predicts that the noise at the nearest noise sensitive receptor would not exceed the maximum noise limits in the NPPF. Specific maximum noise limits, during normal activities, for sensitive receptor is also considered appropriate to protect amenity and for future monitoring. These limits can be set out in planning conditions.
- 9.8 There are no cumulative effects other than in relation to transport.
- 9.9 Home Covert is not adversely affected by the proposed development.
- 9.10 Neither the ecological or landscape status and characteristics of the Appeal Site preclude mineral extraction.
- 9.11 The restoration scheme satisfactorily accords with the SPG objectives and the 2000 planning obligation and would integrate with the overall country park scheme upon completion.
- 9.12 A net gain in biodiversity would be realised through the restoration scheme.
- 9.13 The landscape character delivered by the restoration scheme reflects the objectives of the Hatfield Aerodrome SPG, notwithstanding the MPA's reason for refusal.



- 9.14 The principle of excluding the public from the Site during its development was established in the 2000 planning permission, to which Hertfordshire County Council was a signatory.
- 9.15 The phased restoration accords with the SPG objective to allow opening up of areas to public at the earliest opportunity.
- 9.16 The operational development and ancillary activities are the minimum necessary to facilitate the winning and working of minerals at the Appeal Site.
- 9.17 The processing plant has been located so as not to sterilise viable minerals and is suitably remote from sensitive receptors. The addition of the screening along its southern edge reduces its visual intrusion.
- 9.18 The SPG intends that there is planting and contouring at the Site to protect visual amenity and achieve visual and aural screening.
- 9.19 The buffer zones proposed at the boundaries of the appeal site exceed the minimum requirement of 60m in the SPG.
- 9.20 Appropriate separation from Ellen Brook is achieved.
- 9.21 The distance between the Bromate plume and the area of mineral extraction has been increased to 100m; this is a distance which is to the satisfaction of both the Environment Agency and Affinity Water.
- 9.22 Neither the LLFA or the Environment Agency object to the proposed drainage strategy and flood risk and, as consultees are satisfied that the proposed minerals workings would not adversely affect the existing hydrological regime or cause disturbance to the bromate plume that cannot be adequately managed and mitigated.³ Planning conditions were recommended to be applied to a planning permission.
- 9.23 The recharge lagoons together ensure the risk of off-site flooding in the event of an extreme storm is avoided.
- 9.24 Similarly, neither the Local Highway Authority or National Highways considered that the increase in traffic arising from the proposed development would have unacceptable impacts on highway safety, or that the residual cumulative impacts on the road network would be severe⁴. The LHA proposed planning conditions to

³ LLFA consultation response 20th October 2023. Environment Agency consultation response 31st March 2023.

⁴ National Highways consultation response 19th January 2021. Add date of HCC response – download blocked but referenced at para 8.9 of officer's report.



be applied to a planning condition and that a legal agreement (pursuant to Section 278 of the Highway Act and Section 106 of the Town and Country Planning Act) is entered into in respect of mitigation measures.

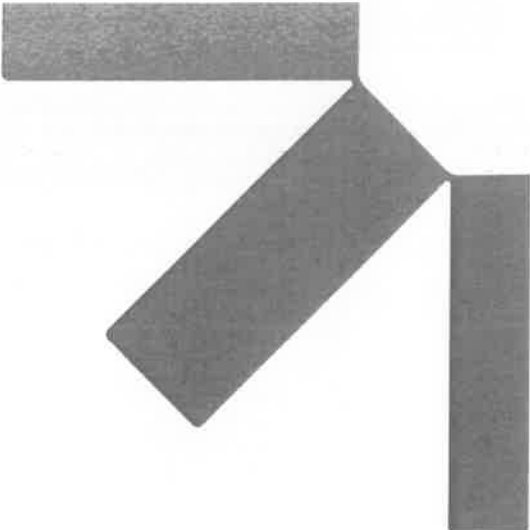
9.25 The Appeal Site includes all available minerals and no further extensions are possible.



10.0 Issues in Dispute







Appendix A Planning Conditions

Hatfield Aerodrome

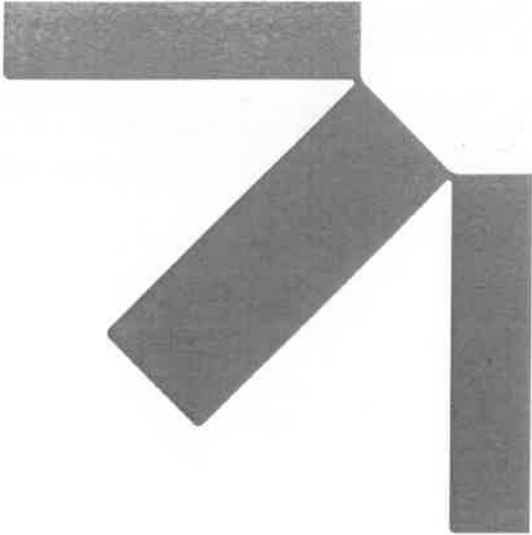
Town and Country Planning Act 1990, Section 78

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30 May 2024





Appendix B Planning Obligation

Hatfield Aerodrome

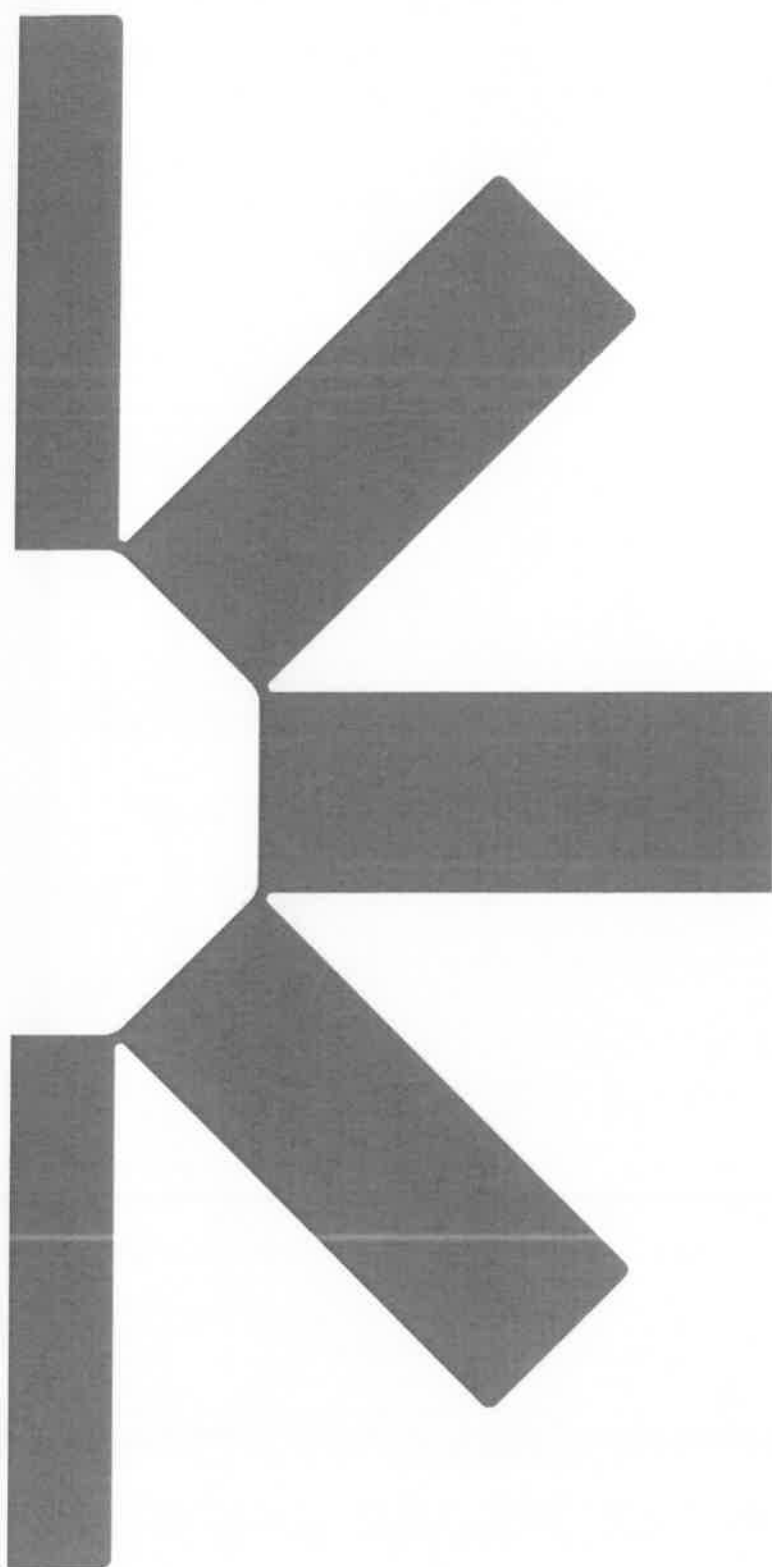
Town and Country Planning Act 1990, Section 78

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