



Minutes
of the
Meeting of the
Development Control Committee
on
Tuesday, 31 October 2023

1. **Agenda & Part 1 Business**
2. **Late Document - Addendum Note - Greenbelt - "Inappropriate Development" & "Appropriate Development"**
3. **Late Document - Corrections to report**
4. **Supplemental Report - Planning Inspectorate Appeal Decision - 25 January 2022**
5. **Minutes**

3 - 24

Minutes



To: All Members of the
Development Control
Committee, Chief Officers, All
officers named for 'actions'

From: Legal, Democratic & Statutory Services
Ask for: Theresa Baker
Ext: 26545

DEVELOPMENT CONTROL COMMITTEE

TUESDAY 31 OCTOBER 2023

ATTENDANCE

MEMBERS OF THE COMMITTEE:

D Andrews, S Cavinder, H K Crofton, F Guest (Vice Chairman), P Hebden,
T W Hone (*Chairman*), J R Jones, N W Taylor; P D De Kort (substituted for T J Williams),
M L Vince.

OTHER MEMBERS IN ATTENDANCE:

J S Hale
P M Zukowskyj

Upon consideration of the agenda for the Development Control Committee meeting on
31 October 2023 as circulated, copy annexed, conclusions were reached and are
recorded below:

CHAIRMAN'S ANNOUNCEMENTS

- (i) If a Member wished their particular view on an item of business to be recorded in
the Minutes, it would be recorded on request by that Member.
- (ii) Members were reminded of their obligation to declare interests at the start of the
meeting.

DECLARATIONS OF INTEREST

None

CHAIRMAN'S INITIALS

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PART I ('OPEN') BUSINESS

		ACTION
	MINUTES	
	The minutes of the Committee meeting held on 24 February 2023 were confirmed as a correct record and were signed by the Chairman.	
	PUBLIC PETITIONS	
	No petitions were received.	
	MOTIONS	
	No motions were received.	
1.	APPLICATION FOR THE ESTABLISHMENT OF A NEW QUARRY ON LAND AT THE FORMER HATFIELD AERODROME, INCLUDING A NEW ACCESS ONTO THE A1057, AGGREGATE PROCESSING PLANT, AND OTHER ANCILLARY FACILITIES, TOGETHER WITH THE IMPORTATION OF INERT FILL MATERIALS TO RESTORE THE MINERALS WORKING LPA REF: PL/0232/21	
	Officer Contact: Brian Owen, Team Leader Development Management (Tel: 01992 556255)	
1.1	Members considered a report outlining planning application (PL/0232/21) for the proposed establishment of a new sand and gravel quarry on land at the former Hatfield Aerodrome, including a new access onto the A1057, aggregate processing plant and other ancillary facilities, together with the importation of inert fill materials to restore the mineral working.	
1.2	Mr Mark Walton, Planning Director Tetra Tech, was invited to speak to the report on behalf of County Council officers; his full speech and the accompanying presentation can be found here: Annotator Player (sonicfoundry.com) 00:05:59	
1.3	During the meeting Member's attention was drawn to the following typographical errors in the report: <ul style="list-style-type: none"> • Paragraph 5.3, 3rd bullet point should read: - <i>Plant area (aggregate processing plant)</i> • Paragraphs 5.14 and 9.81, movements of HGVs for the proposed site should read 174, (rather than 164). • Paragraph 2.8 should read 	

	<i>'The s106 is in the process of being drafted and agreed and will not be sealed until any decision is made to grant planning permission for this scheme.'</i>	
1.4	<p>Members heard that:</p> <ul style="list-style-type: none"> the application was substantially similar but materially different from the application considered in September 2020 which the Committee had refused on four grounds (per report paragraph 4.5) summarised by Mr Walton as: <ul style="list-style-type: none"> The effect of the proposal on the Greenbelt. The timing of restoration. The impact on the local environment from additional HGV traffic. Possible ground water contamination. the applicant appealed the reasons for refusal of the 2020 application and, following a Public Inquiry in 2021, the planning inspector had dismissed the appeal in January 2022. the inspector's Public Inquiry Appeal Decision was material to the determination of the current application LPA REF: PL/0232/21, and a summary of the inspector's findings was provided in section 7 of the current report to the Committee i.e. <i>'Other Material Considerations - Appeal Decision'</i>. 	
1.5	<p>Committee heard that the current application was an amendment of the previous application and sought to address the reasons for refusal of the previous scheme and the inspector's findings in the appeal decision, the key changes being:</p> <ul style="list-style-type: none"> Removal of the Concrete Batching Plant (CBP) and associated reduction of the Plant area. Relocation of the access road to the quarry entrance by 5m to allow additional screening in the form of a fence and bunding on the western boundary of the site. Screening bunds on the southern side of the Plant area. An enhanced buffer zone of planting around Popefield Farm, a Grade II listed building. An increased stand off from 50m to 100m between mineral extraction, the bromate plume and the lower mineral horizon. Confirmation of no dewatering pumping to be undertaken in the lower mineral horizon. <p>Other changes to the proposed scheme under consideration were described during the presentation.</p>	
1.6	<p>Mr Walton directed that the key issues for consideration were: -</p> <ul style="list-style-type: none"> Need for mineral working. Working of preferred areas. 	

	<ul style="list-style-type: none"> • Green Belt • Heritage Assets • Environment effects in relation <ul style="list-style-type: none"> - to hydrology/ground water pollution/ flood risk - transport - landscape and visual impact/biodiversity - residential amenity – noise and air quality - cumulative impact. 	
1.7	Regarding Green Belt considerations, Committee’s attention was drawn to paragraph 94 of the Appeal Decision letter and that omission of the concrete batching plant (CBP) “ <i>would have significant implications for the application of national policy</i> ”. Mr Walton explained that the appeal had principally been dismissed on inclusion of the CBP and harm to the Green Belt and the absence of Very Special Circumstances (VSCs).	
1.8	Committee’s attention was drawn to report paragraph 9.34, and that in drawing up the report officers had followed the same steps and processes as the inspector and the advice and guidance. In doing so they had felt some of the processing elements, including surge stockpiles, could have been considered as inappropriate development and, because the inspector’s sentence which said the CBP would remove <u>an</u> (rather than <u>the</u>) element of inappropriate development, officers had exercised caution by concluding that development was inappropriate in the Green Belt and Very Special Circumstances (VSCs) should be considered.	
1.9	Further to the above and following publication of the report, leading counsel’s opinion had been sought on the correct interpretation of the appeal inspector’s wording on the Appeal Decision letter i.e. that omission of the concrete batching plant (CBP) “ <i>would have significant implications for the application of national policy</i> ” (i.e. in relation to the Green Belt), counsel’s opinion being explained in the post agenda Addendum Note: <i>GREENBELT “Appropriate Development” and “Inappropriate Development”</i> [published on 27 October 2023 post agenda publication; an email reminder to Members being circulated on 30 October 2023].	
1.10	Regarding the current application and based on legal counsel’s explanation Mr Walton emphasised that: - <ul style="list-style-type: none"> • the extraction, current processing arrangements i.e. plant, stockpiles and storage areas are necessary development 	

	<p>for the purposes of mineral extraction and should be considered appropriate development in the Green Belt.</p> <ul style="list-style-type: none"> the inspector had considered in full during the inquiry, all the elements of extraction, processing and restoration and only the CBP had been omitted from the current application critical to Committee's understanding was counsel's view that the inspector's letter was a key judgement on this matter. 	
1.11	<p>Further to repeated member discontent during the meeting at: -</p> <p>a. late provision of <i>Addendum Note: GREENBELT "Appropriate Development" and "Inappropriate Development"</i>, which can be viewed here: (Public Pack)Late Document - Addendum Note - Greenbelt - "Inappropriate Development" & "Appropriate Development" Agenda Supplement for Development Control Committee, 31/10/2023 10:00 (hertfordshire.gov.uk) ,</p> <p>b. being provided in the report only with officers' interpretation of the Public Inquiry Inspector's Appeal Decision letter,</p> <p>the full Public Inquiry Inspector's Appeal Decision letter was emailed to the Committee, and can be viewed here: (Public Pack)Supplementary Report - Planning Inspectorate Appeal Decision - 25 January 2022 Agenda Supplement for Development Control Committee, 31/10/2023 10:00 (hertfordshire.gov.uk)</p> <p>Officers emphasised that it was correct to issue addendums post agenda publication with the intention of assisting the committee. The Appeal Decision letter was also available to view online, was referenced in detail throughout the report and extensively summarised in section 7.</p>	
1.12	<p>The presentation in relation to the main planning issues of the application can be found here:</p> <p><u>Ellenbrook Park and Public Access Strategy</u>: - Annotator Player (sonicfoundry.com) 01:20:24;</p> <p><u>Water Environment</u>: - Annotator Player (sonicfoundry.com) 01:29:13;</p> <p><u>Heritage Assets</u>: - Annotator Player (sonicfoundry.com) 01:34:47;</p> <p><u>Transport</u>: -</p>	

	<p>Annotator Player (sonicfoundry.com) 01:38:22;</p> <p><u>Landscape/ Visual Impact/ Biodiversity:</u> - Annotator Player (sonicfoundry.com) 01:41:06; Regarding Biodiversity: Following report publication, the Council's Ecology Officer had provided an additional response acknowledging that whilst the site would provide biodiversity benefits it does not meet the 10% biodiversity net gain, and recommended that condition 22 (see report page 91 / Agenda Pack page 101) is amended to specifically refer to a Biodiversity Gain Plan so that biodiversity can be examined prior to commencement of enabling works.</p> <p><u>Residential Amenity:</u> - Annotator Player (sonicfoundry.com) 01:47:29;</p> <p>Cumulative Effects: - Annotator Player (sonicfoundry.com) 01:48:53;</p> <p><u>Planning Balance to be applied in consideration of the application:-</u> Negative Impacts: - Annotator Player (sonicfoundry.com) 01:50:37; Positive Impacts: - Annotator Player (sonicfoundry.com) 01:51:14.</p>	
1.13	Noting the need for Members and the public to be fully cognisant of the issues involved in the planning application the chairman welcomed the detailed presentation of the report.	
	Questions of clarification in relation to the report were addressed as below.	
1.14	On the basis that the wording of the Planning Inspector's Public Inquiry Inspector's Appeal Decision letter was interpreted in the report and addendum note and interpretation was impacted by perception, Members repeatedly challenged officer and legal counsel's explanation of the meaning of paragraph 94 of the Appeal Decision letter <i>in the Addendum Note Greenbelt - Inappropriate Development & Appropriate Development</i>	
1.15	In rebuttal of Member perception that the report and <i>Addendum Note Greenbelt - Inappropriate Development & Appropriate Development</i> appeared to include selective reporting only of those parts of the Appeal Decision letter which agreed with the proposed application, Mr Walton explained that he was offering an independent professional point of view and had not been involved	

	with the previous planning application or the Appeal Inquest. There had been no intention to 'cherry pick' or present the inspector's letter other than on a factual basis as it was a material consideration in the determination of the proposed application. In considering the appeal scheme the inspector had gone through the correct steps in accordance with National Policy in determination of the Green Belt issues scheme and officers had followed these steps in preparing the report.	
1.16	Further to question Mr Walton concurred that the text of paragraph 49 of the Appeal Decision letter was what the decision maker had to consider when assessing the 'tipping point'.	
1.17	Further to question Mr Walton and officers clarified that the requirement for a planning application is to consider the development plan (which includes the minerals local plan) and then other material considerations including the NPPF and the inspector's decision. The weight given to the plan depended on its stage of development and for this application was the adopted 2007 plan, so decisions had to be made in accordance with it unless other material considerations indicated otherwise.	
1.18	Further to Member challenge on the disconnect between Welwyn Hatfield Borough Council's (WHBC) negative responses to the Noise Impact Assessment and the report, officers explained that based on Appeal Decision letter paragraph 63, changes made in the proposed scheme and the conditioned requirement that the workings stayed within the maximum limits, it had not been felt necessary to appoint a noise consultant.	
1.19	Responding to Member challenge on the Heritage Asset Impact Assessment which differed from Popefield Farm representative's viewpoint, it was explained that the assessment's methodology / findings had not been queried as it had been undertaken by a consultant. Officers had also used their planning judgement, based on the inspector's comments regarding the character and setting of Popefield Farm in the Appeal Decision letter, to guide them on changes between the current and the appeal scheme.	
1.20	Addressing Member concern on the potential for the bromate plume to migrate during the period of operation of the proposed Hatfield Aerodrome Quarry, officers clarified that it existed in the lower mineral horizon and chalk; was being monitored by the Environment Agenda (EA); had been subject to a remediation notice and it was hoped that scavenge pumping remediation would reduce its extent in the future. As part of the proposed application	

	several boreholes were being regularly monitored and the report provided the latest position of the plume. As it was not possible to predict the plume's future location the proposed conditions in the report made provision for a feedback mechanism, so that if bromate was detected in the workings operations should cease until actions necessary to remediate it within the site had been agreed. It was emphasised that none of the proposed workings overlay the plume and the proposed application was to not work in the Lower Mineral Horizon (LMH) within 100m of the known extent of the bromate plume.	
1.21	Responding to query on potential harm to health from the proposed scheme Mr Walton and officers clarified that it was not possible to provide absolute assurance that there would be no issues relating to future bromate pollution because of the proposed quarrying. However, current information in the report detailed the measures that would be undertaken to minimise the risk, and the planning conditions required continual monitoring and assessment to be undertaken before working of each phase and significant safety changes if required.	
1.22	Further to question officers clarified that <i>Hatfield Quarry</i> was restricted to quarrying only the Upper Mineral Horizon (UMH) because the workings directly overlay the bromate plume and quarrying of the LMH there could potentially impact the plume.	
1.23	In addressing Member concern at the likelihood, based on previous experience, of the Ellenbrook County Park Trust being set up, officers highlighted that <i>The report recommends that planning permission be granted subject to:..... completion of a deed of variation to be signed by all parties to deliver Ellenbrook Country Park, creation of the Ellenbrook Trust, and payment of the Ellenbrook Country Park Contribution,</i> "... and legal counsel had advised that the Deed of Variation contained triggers to bring this forward and was legally enforceable. Committee received assurance that the Deed of Variation for Ellenbrook Country Park had been subject to detailed scrutiny. The intention was for it to be completed as soon as possible and, if the committee's resolution was to grant planning permission for the proposed quarry, the parties involved had agreed that it would be issued before the grant of planning permission.	
1.24	During response to concern for potential harm to health from the silica dust arising from quarrying Mr Walton and officers clarified that mineral extraction operations can result in dust, hence the condition requiring dust suppression prior to commencement of	

	<p>extraction. Furthermore, when the topsoil layer was removed sand and gravel by their nature were damp (except in excessively dry conditions) and dust would not be expected to be created from the extraction, particularly if was taking place below water. Members were directed to paragraph 66 of the Appeal Decision letter for the inspector's comments on public health and to paragraph 63 re silica dust where the inspector had said "<i>...I am satisfied that the imposition of appropriate planning conditions would reasonably address concerns about local amenity considerations. There is no convincing evidence that dust, emissions of respirable crystalline silica, or other effects of the appeal scheme on air quality, would impair the health of those living nearby or visiting the local area.</i>"</p> <p>Consequently, there was no reason to believe there would be long-term impact from it.</p> <p>It was noted that condition 47 required submission of air quality information as a base line, largely for emissions from traffic, prior to commencement of works in each quarrying phase.</p>	
1.25	<p>Regarding the possibility of potential claims against the council arising from matters of health, officers emphasised that the report could address only matters relating to planning matter and the risk of any future claims was not something Committee could take account of in terms of material planning conditions. Public Health had been engaged with and had no objection regarding dust from the proposal. The Environment Agency had been engaged with and, subject to the proposed conditions, had no objections regarding bromate.</p>	
1.26	<p>Further to Member concern at the 174 HGV movements per 11-hour day that would arise from the proposed '<u>Hatfield Aerodrome Quarry</u>', officers clarified that this had been arrived at following consideration of the combined impact of HGV movements from this site and the maximum of 200 that would be permissible from '<u>Hatfield Quarry</u>', planning permission for the extension to the latter having been agreed by the Committee in 2020 and to be issued in due course.</p>	
1.27	<p>Assurance was given that condition 52 was standard as all conditions concerning HGVs and highways related to highway safety. Furthermore, as the Highway Authority (HA) had the remit for highway safety and had advised on the condition, highway safety had been given the correct level of consideration irrespective of the local MP's submission comments. Committee heard that the HA had considered the number of HGVs in relation to the safety and design of the access and, as standard for Planning matters, it had been subject to a stage 1 road safety</p>	

	audit. Furthermore, design and installation of the access would require an S278 agreement including approval of a more detailed road safety audit.	
1.28	Whilst acknowledging subsequent member concern that most of the 174 HGV movements allowed might occur during times of peak traffic on the road, Mr Walton explained that the transportation assessment included consideration of traffic peaks and the HA had not raised objections or safety concerns about the impact on the Highway Network.	
1.29	Member concern for future control of HGVs delivering infill to the quarry, with potential extensive queuing before opening time as close as possible to the quarry entrance on the very busy single carriageway road was noted [and was addressed by the applicant in minute paragraph 1.45]).	
1.30	Responding to challenge Mr Walton highlighted that the report acknowledged Popefield Farm would be impacted by 5 of the quarrying phases and, although there would be improvements to the bunding, stand off and planting, there would be less than substantial harm i.e. the same conclusion the inspector had arrived at in relation to the appeal scheme.	
1.31	Member comment on the uncertainty of the impact on mental health of loss of the open space under consideration was noted.	
1.32	Member comment that this area of the county had experienced more than its fair share of excavation and that the council should be looking at other areas to quarry was noted.	
1.33	Mr Walton explained that the word 'derelict', in report paragraph 3.14, referred not to the whole site but to the stockpiles on it.	
1.34	Further to Member concern that although weekday and Saturday operational hours for the proposed site were clearly defined, there was nothing to prevent Sunday or bank holiday emergency repairs taking place all day, officers clarified that any Sunday working would be the exception and only applicable to essential maintenance and repairs and consequently it was not possible to stipulate on how many Sundays it could occur. [The applicant subsequently advised that reference to Sunday working would be removed, see minute paragraph 1.45].	

1.35	Noting comment that the proposed quarrying site was no longer ploughed farmland, Mr Walton explained that restoration of the site on historic patterns to include hedgerows had been seen to a degree as a benefit by the Appeal inspector and, specific to the proposed scheme as a benefit by council's landscape officer.	
1.36	Member concern that working and restoration of the site meant that biodiversity net gain would not occur for 35 years was noted.	
1.37	In view of member concern for what had happened in other quarries and concern for long term council control of the proposed quarry should ownership change over its projected timeframe, officers explained the site would be regularly inspected by the council under its regular site monitoring works. Furthermore, condition 69 required setting up of a Liaison Group comprising the Mineral Operator, the Mineral Planning Authority (MPA) and other parties detailed in the condition, which would meet regularly to understand what was happening on the site and raise matters.	
1.38	Noting member experience of what had happened at other quarries and concern for control of the level of filling and materials used during restoration, officers emphasised that planning policy required sites to be restored to high environmental standards at the earliest opportunity. Officers carried out site inspections 4-6 times annually, were able to charge mineral operators for that service, and provided a detailed report on each occasion including progress with restoration and compliance with planning conditions.	
1.39	Committee received assurance that, via condition 52, the operator would be required to keep daily records of the number of HGVs entering and exiting the site, and the quantum [of waste material] deposited on site, the Mineral Planning Authority (MPA) having access to these records at any time and the council being required to act if it had concerns about the levels being breached.	
1.40	Responding to member concern for public safety and that of their accompanying animals when using the remainder of Ellenbrook Country Park when site vehicles were moving between a quarrying/restoration phase and the plant site, Mr Walton explained that the Public Access Strategy confirmed the number of points of conflict were limited. At each there would be a managed crossing point with traffic warning signs for the public and road signs for the site vehicles, with good visibility in all directions and staff well briefed on this issue. It was noted that it would not be appropriate for dogs to be off their leads at these crossing points as there was a need also to provide a safe working environment.	

	[Explanation of the areas where dogs may be off their leads was provided by the applicant in minute paragraph 1.45]	
1.41	Further to considerable member concern at the degree of public consultation on the Public Access Strategy, officers confirmed that the strategy had been published online, stakeholders had been notified of it and their comments received, the latest version having been updated in July 2023. For each Phase there was a document that showed the permissive routes through the site, the important connections for each mineral working and the relevant crossing points. It was highlighted that once the Trust had been established it would be consulted with and, for each Phase of the working to proceed it would be subject to consultation with the Trust and the Liaison Group.	
1.42	<p>Prior to discussion and debate,</p> <p>A. <u>Members heard from the following speaking in opposition to the application: -</u></p> <ol style="list-style-type: none"> Nathaniel Chapman – <i>On behalf of Grant Shapps, MP</i> Mr Chapman's speech can be found here: Annotator Player (sonicfoundry.com) 03:21:18 David Jackson – <i>The Residents and Business at Popefield Farm</i> Mr Jackson's speech can be found here: Annotator Player (sonicfoundry.com) 03:26:54 Sue Meehan – <i>Ellenbrook Area Residents Association</i> Ms Meehan's speech can be found here: Annotator Player (sonicfoundry.com) 03:35:02 Mike Rawlins – <i>Colney Heath Parish Council</i> Mr J Rawlins speech can be found here: Annotator Player (sonicfoundry.com) 03:40:51 Craig Tallents – <i>Smallford Residents Association</i> Mr J Tallents' speech can be found here: Annotator Player (sonicfoundry.com) 03:46:22 Rose Grewal – <i>Hatfield Villages Ward</i> Ms Grewal's speech can be found here: Annotator Player (sonicfoundry.com) 03:54:09 Margaret Eames-Petersen - <i>Hatfield Town Council</i> Ms Eames-Petersen's speech can be found here: Annotator Player (sonicfoundry.com) 03:59:48 	

	<p>8. Chris Brazier - Colney Heath Ward Mr J Brazier's speech can be found here: Annotator Player (sonicfoundry.com) 04:08:04</p>	
1.43	<p>Responses to member questions of clarity from speakers in opposition to the application: -</p> <p>David Jackson: -</p> <ul style="list-style-type: none"> detailed at Annotator Player (sonicfoundry.com) 03:33:08 the level of consultation with the residents of the Farm and the economic benefit provided by the business sited there. <p>Craig Tallents: -</p> <ul style="list-style-type: none"> detailed at Annotator Player (sonicfoundry.com) 03:51:58 his findings on what had happened to the S106 agreement from 22 years ago. <p>Margaret Eames-Petersen: -</p> <ul style="list-style-type: none"> detailed at Annotator Player (sonicfoundry.com) 04:06:36 the expert hydrogeologist's findings on the ground water and bromate movement in relation to the site. 	
1.44	<p>B. <u>Members heard from the following speaking in support of the application: -</u></p> <p>1. Simon Treacy - covering the need for development. Mr Treacy's speech can be found here: - Annotator Player (sonicfoundry.com) 04:14:25</p> <p>2. Gregor Mutch - covering bromate and public access. Mr Mutch's speech can be found here: - Annotator Player (sonicfoundry.com) 04:27:28</p>	
1.45	<p>Simon Treacy provided the following information in response to concerns raised during earlier questions of clarity on the report: -</p> <ul style="list-style-type: none"> <u>re operating hours on Sundays</u>, the applicant was content for reference to the potential for Sunday or Bank Holiday working to be removed from the application and alteration of that condition. <u>re HGVs joining the highway during peak times</u>, the applicant would become aware of local traffic hotspots and for economic reasons would avoid these so that HGVs transporting aggregates would leave the site at the best time. <u>re HGV's arriving before the site opened and queuing on the road</u>, the site would not be open for vehicles to turn up randomly. As inert arisings were managed by contract it was 	

	<p>known where they were coming from, and arrangements would be made for delivery time scales; if the business's management rules were flouted the vehicles were banned from the site.</p> <ul style="list-style-type: none"> the Briggens Estate was also included in the Minerals Plan but was not an alternative to the Hatfield Aerodrome site and both would require quarrying to meet the mineral needs. <p>Gregor Mutch provided the following information in response to concerns raised during earlier questions of clarity on the report: -</p> <ul style="list-style-type: none"> for their safety, dogs would be required to be on leads at the managed crossing points on the site, however as the big open areas outside of the quarrying / restoration phases would be fenced off this would not be necessary there. 	
1.46	<p>Responses to member question of clarity from speakers in support of the application: -</p> <p>Gregor Mutch detailed at Annotator Player (sonicfoundry.com) 04:28:33 – 04:43:38 the consultation that had been undertaken taken over the years.</p> <p>Simon Treacy detailed at Annotator Player (sonicfoundry.com) 04:43:47 reduction in size of the processing plant following consideration of Green Belt issues at the Enquiry.</p> <p>Gregor Mutch and & Simon Treacy detailed at Annotator Player (sonicfoundry.com) 04:45:50 that Brett Aggregates Ltd was not the landowner, and the applicant's understanding of the position on the s106 agreement and applicant's efforts to progress this.</p> <p>Simon Treacy detailed at Annotator Player (sonicfoundry.com) 04:51:06 the applicant's efforts to engage with the local community to promote the site to them and the last date on which a letter drop to the public had been undertaken.</p> <p>Simon Treacy detailed at Annotator Player (sonicfoundry.com) 04:55:04 the applicant's view of the economic opportunity cost to Hertfordshire of having the sand and gravel sourced so locally.</p> <p>Gregor Mutch explained in simple terms at Annotator Player (sonicfoundry.com) 04:59:00 the outcomes of the 2018 pump test on the scavenge pumping at Bishop's Rise, by way of providing assurance that the bromate plume would not move and that the quarry workings would not cause it to move.</p>	

	<p>Simon Treacy detailed at Annotator Player (sonicfoundry.com) 05:02:40 how the applicant's processing, in accordance with the MLP, would protect people from silica dust.</p> <p>Simon Treacy detailed at Annotator Player (sonicfoundry.com) 05:04:40 the applicant's efforts to identify what wildlife was on the site; what would be done with any protected species that were located there.</p> <p>Simon Treacy and Gregor Mutch detailed at Annotator Player (sonicfoundry.com) 05:07:40 how the Phased working and restoration of the site would accommodate non protected species displaced by the quarrying; the metrics used to identify the biodiversity, and that grazing of the land was the landowner's remit</p>	
1.47	<p><u>The Committee heard from Local Members:</u></p> <p>The Chairman invited Local Member, John Hale to address the committee. Cllr Hale's speech can be heard here: Annotator Player (sonicfoundry.com) 05:10:29</p> <p>Cllr Hale acknowledged the complexity of the decision to be made and expressed his opinion on many of the issues involved. Cllr Hale urged that if the committee were minded to approve the application a time limit of 12 months should be set for the Deed of Variation to be put in place, and that the S106 agreement should be scrutinised by the committee before officers signed it off. Cllr Hale urged the committee to reject the application.</p>	
1.48	Committee noted that Local Member, James Bond , had intended to be present but had been unable to attend for personal reasons.	
1.49	<p>The Chairman exercised his discretion and invited Adjoining Member, Paul Zukowskyj, to address the committee. Cllr Zukowskyj's speech can be heard here: Annotator Player (sonicfoundry.com) 05:17:46</p> <p>Attention was drawn to a typographical error in the report where the index was out of date and referred to the saved policies of the 2005 plan. Cllr Zukowskyj commented that the application did not comply with Welwyn Hatfield Borough Council (WHBC) policies SP11, SP12 and SADM16; on the appropriateness or otherwise of reliance on Supplementary Planning Guidance (SPG) which was 24 years old; that the Head of Planning Development at WHBC did not agree that the terms of the Deed of Variation were acceptable. Cllr Zukowskyj urged the committee to reject the application.</p>	C Dempster
1.50	In preparation for taking a decision on the application the Chairman requested that officers go through the positive and	

	negative implications of decision making on the report recommendation. Following this each member would be asked for the position they would take and their reasons from a planning perspective. The committee would then go to a vote and give their abbreviated opinions on the planning application.	
1.51	Officers directed members to make their decision based on the planning merits set out in the report and the planning balance as set out in the report supported by the addendum in respect of the Green Belt. Officers emphasised that the county council would need to defend any decision made, which must be evidenced by planning matters members had considered in making the balance.	
1.52	<p>The chairman requested each members' position on how they were planning to vote and their reasons for this, detailed as below:</p> <p>Cllr P De Kort: Annotator Player (sonicfoundry.com) 05:28:50 Based on weighting of the benefits of potential ecological diversity, permanent extension of Rights of Ways, the direct economic benefits, the economic benefit of the unmet mineral need versus the harm to public amenity from lack of green space in the area, the time for which this amenity would be lost, and the nervousness of local people in relation to silica dust, he would vote to reject the application.</p> <p>Cllr N Taylor: Annotator Player (sonicfoundry.com) 05:33:32 Based on his opinion that removal of CBP would make no difference to the application; that the majority of the issues in the Planning Appeal inspector's letter still apply in particular <i>92 harm to the Green Belt, along with the harm to the character, appearance and amenity of the area, and to pedestrian safety</i> is not outweighed by the economic benefit of aggregate extraction, he would vote to reject the application.</p> <p>Cllr S Cavinder Annotator Player (sonicfoundry.com) 05:25:34. Based on his opinion that traffic movements would be greater than currently, insufficient weight had been applied to them; insufficient consideration of the safety of the site and how to protect crossing points; loss of amenity for residents, he would vote to reject the application.</p> <p>Cllr K Crofton Annotator Player (sonicfoundry.com) 05:36:38. based on his opinion that the Appeal Inspector's comments had been addressed accordingly, being comfortable with Highway officers' opinion that the highway could cope with the suggested levels of traffic, and that the quarrying and restoration would be a staged process and the Country Park would be kept open, on purely planning grounds he would likely support the application.</p>	

	<p>Cllr J Jones Annotator Player (sonicfoundry.com) 05:38:45 Based on weighing the benefit of the quarry's contribution to the required mineral land bank of 7 years, and phased working of the plant which would enable the Country Park to remain open versus remaining concern that quarrying in the Green Belt was inappropriate development despite the removal of the CBP, concern re the new access for HGVs, the impact on the A1057 of the additional 174 HGVs that would result from this site, and the visual and close proximity of Popefield Farm to the works, he would likely reject the application.</p> <p>Cllr F Guest Annotator Player (sonicfoundry.com) 05:41:46., Commented that the site was acceptable in principle for mineral extraction; that both the East Herts site and the proposed site were required to meet the need for minerals as the land bank was below that required by the NPPF; that phasing of the quarrying would enable some of the site to remain open to the public over the quarrying period. As the decision on the application had to be made on planning law and policy, she was minded to vote in favour of the application.</p> <p>Cllr P Hebden Annotator Player (sonicfoundry.com) 05:43:27 Voiced his opinion that the decision could not be made on local feeling alone or on the basis that the planning inspector might allow appeal, but should deal with it as they saw it. He considered that although a big benefit the only benefit of the application was obtaining of gravel and sand. The negatives of the application were: the large impact of the bunds to the views available to the public in the park particularly when certain phases were being quarried or restored; no net gain in eco diversity in 35 years; concerns about silica dust and safety bearing in mind that the wind travels west to east, the fact that university playing fields were only 50m away from the quarrying and that 3 of the phases were to the west of them; concerns for the safety of people and their animals when using the park in particular when vehicles were moving from phase A to the plant site; insufficient public consultation particularly on access to the park; the unsuitable layout and number of carriageways on the A1057 for the volume of traffic that would arise from the site; inadequacy of the proposed planting around Popefield Farm as the trees would be only saplings and the close proximity of this building to the gravel site. On this basis he would not support the application.</p> <p>Cllr D Andrews Annotator Player (sonicfoundry.com) 05:49:56 expressed concern: about bromate as there was currently a poor understanding of it and suggested that the remedy was not to quarry the LMH; that removal of the CBP did not make development on the Green Belt any less inappropriate; for the cumulative impact of HGVs that would result from this site on a</p>	
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	<p>very busy road, in particular at peak times; for accumulation of dust arising from quarrying and disturbance associated with infilling, particularly on areas to the east of the quarry; for potential future biodiversity net gain as the people making these promises may not be present by that point. However, despite the likelihood that the applicant could make the site accessible to the public, on balance he could not support the application.</p> <p>Cllr M Vince Annotator Player (sonicfoundry.com) 05:55:28 expressed concern that: the application did not demonstrate very special circumstances; harm far outweighs the benefit along with character, appearance, amenity of the area and pedestrian safety. Also concern for: public health; deficiency of open space; land in breach of an S106 agreement; harm to protected species; for confusion on whether the application was complaint with policies, and on this basis, she would object to the application.</p>	
1.53	<p>The chairman listed as his planning reasons for opposing the application Annotator Player (sonicfoundry.com) 05:59:56: -</p> <ul style="list-style-type: none"> • working of the LMH with potential to disturb the bromate plume which was not fully understood and its potential for impact on the aquifer. • Access on to the A1057 and need to avoid additional pressure on this narrow and busy road from the proposed 174 HGVs associated with the site daily, also slow exit of laden HGVs from the site access on to a busy road and junction. • need for more space in the proposed boundary around Popefield Farm, a Grade II listed building, to protect it. • disappointment and concern that the Country Park commitment had not been approved and the S106 funding provided, which demonstrated that this was a long-standing issue. • concern for [safe] access at the planned crossing points in the Park for the public and their dogs during construction, including the fact that dogs off the leash could not be made to stop. • concern that the consultation was inadequate. 	
1.54	<p>Further to request from the committee, officers clarified that amenity was a planning consideration in this context. However,</p> <ol style="list-style-type: none"> 1. members would need to reflect on what aspects of amenity they were referring to when reaching their decision e.g. by reflection on the Minerals Development Plan or Local Plans and whether a specific policy was being referred to. 2. members would also need to consider whether the application could be further conditioned in relation to amenity so that those concerns were resolved. <p>Officers clarified further that amenity as a planning consideration</p>	

	would also need to be weighed against all the other factors that had been explained to the Committee in detail.	
1.55	The chairman directed that a recorded vote be taken, the recorded vote being: -	
	<div> Those in favour (2): K Crofton F Guest </div> <div> Those against (8): M Vince N Taylor S Cavinder P De Kort J Jones P Hebden D Andrews T Hone </div>	
1.56	RESOLUTION: The committee voted by a majority to oppose grant of planning permission.	
1.57	<p>Committee and officers under took extensive debate, which can be heard at Annotator Player (sonicfoundry.com) 06:05:15, to establish members reasons in layman's terms (as appropriate from those detailed in minute paragraphs 1.52 and 1.57), for application refusal based on planning, and translation into planning terminology. Officers were tasked with formulating, outside of the meeting, the committee's full Reasons for Refusal which were:</p> <p>Green Belt 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 permitter 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)</p> <p>Heritage 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).</p>	

	<p>Residential Amenity</p> <p>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.</p> <p>Landscape Character and visual amenity</p> <p>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)).</p> <p>5. Biodiversity</p> <p>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.</p> <p>Public Access</p> <p>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).</p> <p>Cumulative and vehicle access</p> <p>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</p>	
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	<p>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.</p> <p>Groundwater</p> <p>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)).</p>	
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QUENTIN BAKER
DIRECTOR OF LAW & GOVERNANCE

CHAIRMAN_____

CHAIRMAN'S
INITIALS

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