

Inspector, Members of the Inquiry,

I speak today on behalf of the Colney Heath Group, who were invited by the Inspector to take part in the Inquiry, following the Minerals Planning Authority's decision not to defend the Development Control Committee's rejection of the quarry application, and the subsequent withdrawal of a number of Rule 6 parties.

This Inquiry has been reopened for one reason: to determine whether this quarry proposal protects public access to Ellenbrook Park. That is the test. And on that test, the evidence is clear, consistent, and overwhelming: it does not.

### **1. A Quarry Inside a Country Park Is Almost Unprecedented**

Let us be clear. Creating a quarry *inside* an existing country park is almost unheard of in the UK. Brett themselves acknowledge this. Country parks are normally created *after* quarrying, not sacrificed to it.

Yet despite this extraordinary context, the appellant did not undertake a single meaningful user study before designing the quarry. The Mineral Planning Authority did not ask for one. The only detailed evidence on how residents actually use Ellenbrook Park comes from the Colney Heath Group. That evidence is robust and it must carry significant weight.

### **2. Fundamental Failures Have Already Been Identified**

And the letter from the Ministry of Housing, Communities and Local Government identifies the following two critical failures:

**First**, the Public Access Strategy does not deliver the convenient, continuous east–west access required by the 2000 Agreement and Minerals Local Plan Policy 18(x).

**Second**, the proposal fails to integrate restored phases into the rest of the park. The lagoons alone make meaningful integration challenging until the very end of the quarry's life.

These are not minor issues. They go to the heart of whether Ellenbrook Park remains an accessible park for residents to use and most importantly enjoy, not endure.

### **3. The Basic Layout Has Been Flawed From The Start**

Despite the concerns raised in the letter, the appellant proposes no major changes to that layout. No meaningful changes to sequencing. No meaningful changes to the barriers that divide the park.

Instead, Brett proposes a few minor additions — a temporary path between the lagoons and some illustrated routes — these do little to address the fundamental problems.

Brett discuss in their brochure their phasing plans but these offer little benefit as evidenced in the Colney Heath group analysis of three sample routes.

In fact, despite the colourful brochure produced, it is very short on detail of how it will actually feel to walk through a park that is an active quarry site. It doesn't show any pictures of the bunds, buttresses, ditches or active quarry areas or describe how a user will navigate these obstacles.

Even if Brett draws the lines differently, the constraints haven't changed, so the experience hasn't changed. You've changed the drawings, but you haven't changed the reality of using the park.

Brett themselves also state that the Public Access Strategy does not result in a substantially different scheme, and I quote from paragraph 2.17 of Brett's Statement of Case.

*2.17. The changes described, which ostensibly involve additional or adjusted routes to those proposed initially within the Appeal Scheme, and a change in the sequence of two of the seven phases, do not result in a substantively different scheme. The predicted environmental effects assessed through the environmental impact assessment process – as reported in CD/17.05 - are not materially different. As such the scheme is no different in substantive terms.*

Presumably the reason that no substantial changes are proposed is the danger of falling foul to the Wheatcroft principles. If this is the case and the public access strategy has been designed with this in mind, how can we accept this design as it will not be the best available.

#### **4. The Binding Legal Obligations Are Not Optional**

The 2000 Agreement requires:

- free, attractive, usable public access at all times
- a network of paths maintained to public rights-of-way standards
- year-round access except for limited safety reasons

These obligations apply before, during, and after extraction.

The revised Public Access Strategy does not meet these obligations. Instead, it introduces paths where users:

- will have to cross haul roads, service roads, swales, buttresses
- will have to navigate around fencing, through locked gates, over bunds
- and most importantly will have walk beside active quarry areas

This is not "free, attractive, usable access"

**The Minerals Local Plan Policy 18(x) requires:**

- safe, convenient temporary routes
- enhancement of the rights-of-way network
- protection of public access during extraction

The proposal fails every part of this policy. The routes are not safe, they cross over roads that has traffic on them. They are not convenient. And they certainly do not enhance the network. They degrade it for decades.

#### **5. The Southern End of the Park Is The Most Used by Residents and Will Be The Most Damaged**

Our user study shows that the southern end of the park — the area around Phases A, B, D, F and G — is where the highest levels of use occur. Up to 50% of all park users rely on the main east–west route here.

Yet this is precisely where:

- the lagoons
- the eastern bund
- the southern bund
- the longest, narrowest phases
- and the most intensive construction

...are concentrated.

The result is simple: The most valued part of the park suffers the greatest harm.

#### **6. Encirclement of the Park Occurs Twice**

And the Public Access Strategy is silent on the two stages that cause the greatest harm. This is clearly evidenced in our analysis of each quarry stage.

**During the Establishment Stage — There will be 2 Years of Total Encirclement, and the Strategy says nothing about this stage.**

This includes:

- lagoon construction
- eastern and southern bund construction
- service road construction
- processing site construction

Paths will be damaged. Parkland will be damaged. Access will be severely restricted.

**During the restoration stage there will be another 2 Years of Total Encirclement and again the Strategy is silent on this stage.**

The site drainage scheme — covering most of the application area — is installed at this stage.

This means:

- the majority of the park becomes inaccessible
- restored areas are potentially damaged again.
- the park becomes progressively less usable as time goes on

But The Strategy says nothing about how access will be maintained during these two crucial periods.

This silence on the establishment phase in particular leaves the possibility that the MPA and Brett may well decide that it is not appropriate to open the park to public access, east, west or any other direction as the works continue.

The conduct of both establishment and restoration phases in terms of Public Access need to have clear, unambiguous, outline conditions to maintain public access.

### **7. Lagoons Remain A Permanent Barrier**

Their position remains unchanged. A narrow grass path between them is proposed, but it will be closed intermittently and be subject to wet conditions. The lagoons divide the park into two halves for the entire life of the quarry.

The Secretary of State has already recognised this as a fundamental failure. The revised Strategy does nothing to fix it.

### **8. Bunds provide Thirty Years of Obstruction**

The eastern bund will stand for most of the quarry lifetime, a physical and visual wall across the park. The southern bunds destroy habitat during construction and again during removal. The western bund inhibits access from the Smallford end for over two decades.

Every bund damages paths and parkland. Every bund delays recovery. Every bund undermines public access.

### **9. Roads are Repeated Barriers, Repeated Risks**

The service road and haul roads remain unchanged. They require users to navigate multiple gates at each crossing. For people with mobility issues, families, cyclists, dog walkers, and horse riders, this is not “convenient access”. It is a deterrent.

## 10. Final Restoration — A Fragmented Park

The final restoration drawing shows a network of drainage ditches dividing the park into small sections. These require crossings and reduce access within and across the park.

They are installed at the same time as the final restoration — meaning the park is almost unusable during this period.

## 11. Bridleways Delivered Too Late

The proposed bridleways could improve east–west access — but they are not completed until around year 25. And they may be damaged again during final restoration.

They do not contribute meaningfully to access during the quarry’s life.

## 12. Evidence From the Colney Heath User Survey

Our survey looked at three sample routes across the park, and they show that:

- **Route 1**, the main east–west corridor, is used by up to **50%** of all park users. It is severely impacted.
- **Route 2** is used by 16–29% of users and intersects multiple phases.
- **Route 3** is used by under 10% of users and is the least affected.

The most heavily used areas—Phases A, B, D, F and G—are precisely those the quarry disrupts most.

The impacts by phase are stark:

- **Phases A and B**: the worst impacts; 82% of users pass near these areas
- **Phase G**: no method statement; inconsistent drawings
- **Phases D and F**: long north–south phases affecting 79% of users
- **Phases C and E**: lesser impacts but still harmful

The survey clearly showed that the vast majority of users of the park use the southern areas, particularly the taxiway, rather than the least affected routes north of the site. Loss of the long taxiway, with its wide concrete surface, great surveillance and proximity to residential areas, will have a disproportionate effect on disabled users and those using mobility aids, prams, cyclists and those visitors with children.

As mentioned previously, Brett have not undertaken any user surveys, and their designs have no user datasets supporting them. They have paid lip service to consultation with residents and done the minimum required. Whilst Brett may choose to criticise the

survey undertaken by residents, it remains the only user survey available and as such should be given considerable weight.

### **13. Condition 4a — Not Fit for Purpose**

The Colney Heath Group does not support Condition 4a. The MPA's track record at Tyttenhanger shows repeated failures to enforce conditions. It is not credible to rely on the MPA to determine access proposals without clear, binding, plan based requirements.

Condition 4a does not provide that.

### **14. Maintenance and restoration of land before transfer to the Country Park Trust**

Whilst there is an option for land in the quarry area to be transferred to the Country Park Trust through the use of "Further Ellenbrook Park Leases", this is unlikely to occur in incremental stages given the complexity and cost of transferring slivers of land from the Appellant to the Country Park Trust.

Focus must therefore be on how any proposed conditions will ensure the Appellant is given full responsibility for ensuring east-west cross park movement and ensuring the land under its control integrates with the unaffected parks of the park, during the period the Appellant is managing the land. During this time, the Appellant will also need to be responsible for abiding by the standards for public access to this area as set out in the Hatfield Aerodrome SPG (CD3.3)

### **15. Conclusion — The Strategy Fails the Test**

Inspector, the Secretary of State and his officials have asked whether changes to phasing, design, or other provisions could improve public access. The appellant's revised Public Access Strategy does not do so and the conditions, as drafted, do not overcome the failures identified. The fundamental barriers remain. The legal obligations are unclear. The policy requirements are not met. The park is fragmented for decades. The most heavily used areas are the most damaged.

The Colney Heath Group submits that the revised Public Access Strategy does not overcome the failures identified. Unless the fundamental design and phasing of the quarry are reconsidered, this proposal cannot deliver the public access that the law, policy, and the community require.

By Brett's own admission the changes described do not result in a substantively different scheme, the problem has just been repackaged.