

B.H.Owen, 21st October 2021
Team leader, Development
Management, Environment &
Infrastructure Department,
Hertfordshire County Council

HATFIELD AERODROME

Town and Country Planning Act 1990, Section 78

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, concrete batching plant and other ancillary facilities, together with the importation of inert fill materials for the restoration of the minerals working

Application Ref. 5/0394-16

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

Appeal Ref. APP/M1900/W/21/3278097

Statement of Common Ground

Prepared for: Brett Aggregates Limited



21st October 2021

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1.0 Introduction

1.1 This Statement sets out the Common Ground between Brett Aggregates Limited ('the Appellant') and Hertfordshire Council ('the Council') in respect of the appeal (reference number APP/M1900/W/21/3278097) that will be heard in relation to the planning application refused by the Council (reference number 5/0394-16) ('the Application').

1.2 The appeal is scheduled to be heard by way of public inquiry commencing on 16th November 2021.

1.3 This Statement of Common Ground (SoCG) relates to the Appellant's proposals to develop land at Hatfield Aerodrome, Hatfield, Hertfordshire ('the site'). A full planning application (reference 5/0394-16) was submitted by SLR Consulting Ltd ('SLR') on 22nd January 2016 (validated 26th January 2016). The description of the development proposed is for the:

"the establishment of a new quarry on land at the former Hatfield Aerodrome, including a new access onto the A1057, aggregate processing plant, concrete batching plant and other ancillary facilities, together with the importation of inert fill materials for the restoration of the minerals working"

1.4 At its meeting on 24th September 2020 members at the Council's Development Control Committee resolved to refuse planning permission against officer's recommendation for approval. The Decision Notice was subsequently issued on 6th January 2021. Four reasons are put forward for refusing the planning permission:

- *The proposed mineral working would be inappropriate development within the Green Belt, specifically related to the erection and use of the processing plant, the concrete batching plant, the use of haul roads to transport mineral within the site and the erection and retention of perimeter bunds for the duration of development. The proposal would result in harm to the Green Belt, in particular openness, for the extended duration of the proposed development. Very special circumstances do not exist for the development to outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm. The proposal does not provide for adequate protection of the Green Belt and would be contrary to the provisions of the National Planning Policy Framework (Paragraphs 133, 134, 143, 144, 146).*
- *The proposed rate and timing of the mineral working and restoration, lasting up to 32 years, would not provide for reclamation of the mineral working within a reasonable timescale. The proposed mineral working would thereby be contrary to Minerals Policy 13 (Reclamation Scheme) and Minerals Policy 2 (Need for Mineral Working) and Minerals Policy 18 (Operation Criteria for the Control of Mineral Development) of the Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2017.*
- *The proposed mineral working would have unacceptable impacts on the local environment related to the additional HGV traffic using the A1057, generating emissions to air (noise and dust), including the transport of minerals within the site and the use of local roads for the transport of minerals and inert fill. The proposal would result in unacceptable impacts on the local environment*

contrary to the provisions of Minerals Policy 16 (Transport) and Minerals Policy 18 (Operation Criteria for the Control of Mineral Development) of the Hertfordshire Minerals Local Plan Review 2002-2016 (Adopted March 2017) and Policies R18 (Air Quality) and R19 (Noise and Vibration Pollution) of the Welwyn Hatfield District Plan (Adopted 2005). The impacts of concurrent mineral workings would adversely affect the local environment, contrary to Minerals Policy 11 (Cumulative Impact) of the Hertfordshire Minerals Local Plan Review 2002-2016, Adopted March 2017.

- *The lower aquifer to the north of the application site is contaminated by Bromate. The application proposes the extraction of sand and gravels from within the lower aquifer in close proximity to groundwater contaminated by Bromate. There is a high level of local concern that extracting mineral from within the lower aquifer could; extend the bromate contamination within the mineral workings; reduce the effectiveness of the measures in place to remediate the Bromate contamination; and potentially lead to contamination of boreholes used for the public drinking water supply at Essendon. It has not been demonstrated to the satisfaction of the Mineral Planning Authority that the risks to the water environment from the mineral working are acceptable; and, that all routes to possible contamination have been appropriately investigated; and, that all necessary mitigation against all risks has been included in the proposal; and, that the proposed mitigation will be effective. The proposal would thereby be contrary to the provisions of the Hertfordshire Minerals Local Plan (Policy 17(iv)) which does not permit mineral development resulting in negative quantitative and/or qualitative impact on the water environment, and to the provisions of the NPPF (Paragraph 170) for conserving and enhancing the natural environment, and to Policy R7 (Protection of Ground and Surface Water) of the Welwyn Hatfield District Plan (adopted 2005).*

1.5 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.	Determination of the Planning Application
Section 6.	Relevant Planning Policy
Section 7.	Need for the Development
Section 8.	Proposed Draft Planning Conditions
Section 9.	Main Issues
Section 10.	Summary of Issues not in dispute

1.6 The document has been signed by both parties.

Signed on behalf of: Brett Aggregates Limited By 	Signed on behalf of: Hertfordshire County Council By 
C. LOWDEN, TECHNICAL DIRECTOR, SUR CONSULTING LTD	
Date: 22 OCTOBER 2021.	Date:

2.0 The Site

- 2.1 The description of the site and surrounding area is as set out in the following documents:
- Chapter 2, paragraphs 2.1 - 2.59 of the Environmental Statement ("ES").
 - Chapter 2, paragraphs 2.1 - 2.21 of the Planning Statement ("PS").
 - SLR plans referenced HQ 2/1 - HQ 2/3.
 - Section 4, Paragraphs 4.1 – 4.7 of the report to the Development Control Committee of Hertfordshire County Council dated 24 September 2020.
- 2.2 The 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 a broadly rectangular area of unoccupied land that is partly used as an informal public open space and partly for grazing. As such, the application site does not have any dominant land use at the current time following the closure of the aerodrome.
- 2.5 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 north eastern corner is Home Covert, a small area of broadleaf woodland. The eastern boundary cuts across the former aerodrome to join up with the sports pitches located at the south eastern corner of the application site.
- 2.6 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.
- 2.7 Following closure of the aerodrome, in common with the adjoining land to the north, the application site does not have any formal land use. A small part of the application site (on the eastern edge) is used for conservation cattle grazing (thus having an agricultural connotation), with areas within the western part of the application site forming hay meadow. The majority of the application site enjoys informal

recreational uses through a network of linking permissive footpaths through the areas of open grassland and cattle grazing, suitable for walkers and cyclists, created by the landowner.

2.8 A formal public footpath is routed in the vicinity of the western boundary of the application site.

2.9 Based on the ecological assessment in Chapter 11 of the ES the site contains the following main habitat types:

- Unmanaged neutral grassland;
- Species-poor semi-improved mown grassland;
- Grazed neutral grassland;
- Neutral to acidic grassland;
- Early succession communities with calcareous element;
- Tall ruderal;
- Hedgerows;
- Scattered / dense scrub;
- Recent plantation;
- Waterbodies;
- Watercourse / wet ditches;
- Recently disturbed/bare ground; and
- Hard surfaces

3.0 Development Proposals (the Appeal Scheme)

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

- Chapter 3, paragraphs 3.1 to 3.133 of the Planning Statement dated January 2016 ("the PS")
- Chapter 3, paragraphs 3.1 to 3.133 of the Environmental Statement dated January 2016 ("the ES").
- SLR plans referenced HQ3/1 to HQ3/15.
- Section 2, Paragraphs 2.2 -2.12 of the report to the Development Control Committee of Hertfordshire County Council dated 24 September 2020.

Overview

- 3.2 The planning 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 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). In parallel with the extraction of minerals would be the importation of low permeability inert material to infill the mineral workings to facilitate the restoration of the site to a beneficial after use, combining recreation and nature consideration. The imported material would typically comprise excavation wastes from construction and engineering projects (soils, overburden, clays etc.) within the region.
- 3.3 The quarry would be worked on a phased basis to allow for progressive restoration. 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. limited 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.
- 2.10 Excavated material would be processed at the quarry using a combination of screening and washing plant to produce a range of graded aggregates and sands. Processed aggregates would either be dispatched from the site in HGVs or used in ancillary 'downstream' plant (a 'concrete batching plant') located within the plant site for the production of concrete. Processed aggregates and concrete (together with the import of cement) would be exported via a new access constructed onto the A1057 (Hatfield Road) on the southern side of the quarry.
- 3.4 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.

3.5 The proposed development of the Appeal Site is illustrated in Drawing Nos. HQ3/1 to HQ3/15:

- HQ 3/1 shows the overall phasing / general layout of the quarry;
- HQ 3/2 shows the entrance design;
- HQ 3/3 shows the plant site (masterplan);
- HQ 3/4 shows the plant site layout (detail);
- HQ 3/5 shows the elevations of the processing plant;
- HQ 3/6 shows the initial site preparation works;
- HQ 3/7 shows development within Phase A;
- HQ 3/8 shows development within Phase B;
- HQ 3/9 shows development within Phase C;
- HQ 3/10 shows development within Phase E;
- HQ 3/11 illustrates the final restoration masterplan (superseded);
- HQ 3/12 provides illustrative cross sections;
- HQ 3/11A illustrates a revision to the final restoration masterplan *;
- HQ 3/13 illustrates development within Phase D *;
- HQ 3/14 illustrates development within Phase F *;
- HQ 3/15 illustrates development within Phase G*;

3.6 Drawings marked with an asterisk (*) were submitted at a later stage during determination.

General Arrangement

3.7 The new quarry would comprise the following key elements:

- new access onto the public highway and internal access road;
- plant site including processing plant, stockpiles, weighbridge, office, concrete batching plant and other ancillary facilities;
- peripheral screening mounds;
- infiltration lagoons; and
- mineral extraction area divided into 7 phases.

3.8 Drawing HQ 3/1 illustrates the overall layout of the proposed quarry.

Restoration

3.9 The restoration scheme sought to deliver a beneficial after-use which has the following aims:

- to progressively deliver a landscape which is similar in character and appearance to the existing Ellenbrook Fields;
 - to improve overall biodiversity interest and value at the site;
 - reinstate the current accessibility of the greenspace to members of the local public; and
 - fulfil all engineering requirements, in terms of managing surface water and groundwater environments at the site.
- 3.10 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 3/11 (as updated by Drawing HQ 3/11A).
- 3.11 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 Site.
- 3.12 The scheme also aims to respond 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”.
- 3.13 The proposed hedge planting and open ditch/swale layout uses the 1888 historic field pattern which existed on the application site prior to the aerodrome and other interventions, with the aim of reinstating the broader landscape setting of the Popefield Farm listed building. Some of this remnant field pattern is still present on site, whilst some has been lost.
- 3.14 This would also create potential linkages with the existing watercourses, hedgerows, woodland and tree belts around the perimeter of the Site.

4.0 Application Documents and Plans

- 4.1 A full planning application (reference 5/0394-16) was submitted by SLR on 22nd January 2016 (validated 26th January 2016) on behalf of the 'Appellant' for:

"the establishment of a new quarry on land at the former Hatfield Aerodrome, including a new access onto the A1057, aggregate processing plant, concrete batching plant and other ancillary facilities, together with the importation of inert fill material for the restoration of the mineral workings"

- 4.2 This description was amended slightly by the Council as follows (changes underlined for ease):

"the establishment of a new quarry on land at the former Hatfield Aerodrome, including a new access onto the A1057, aggregate processing plant, concrete batching plant and other ancillary facilities, together with the importation of inert fill materialsls for the restoration of the mineralsls working"

- 4.3 The planning application was accompanied by a Planning Statement which described the Appeal Site; described the details of the development scheme; considered the scheme against planning policy at a national and local level; and set out the need for the development. The Planning Statement (Volume 1) was accompanied by a set of drawings illustrating the application site (location, extent and topography); and the development proposals (phased mineral extraction and infilling, ancillary developments and restoration scheme).
- 4.4 The planning application was also accompanied by an Environmental Statement (ES) as Volume 2, with the text and accompanying drawings contained in Volume 2A; a series of Appendices to the ES as Volume 2B; and a Non-Technical Summary of the ES as Volume 2C.
- 4.5 The final document submitted with the planning application was a Statement of Community Involvement (Volume 3).
- 4.6 The scope of the Environmental Impact Assessment (EIA), as reported in the ES, was based on the scoping opinion issued by the Council on 19th November 2015. This is set out in paragraphs 1.29 to 1.34 in Chapter 1 to the ES.
- 4.7 Additional information was submitted (under Regulation 22 of the EIA Regulations) on 11th August 2016 and consisted of:
- (a) new access arrangements including a right turn lane;
 - (b) Transport Assessment addendum assessing HGV numbers and impacts on key junctions;
 - (c) a revised restoration concept drawing (Drawing HQ 3/11A);
 - (d) details of the final three phases of mineral extraction (Drawings HQ 3/13 to HQ 3/15).
- 4.8 Finally, further additional information in relation to the water environment was submitted in January 2020 and consisted of:

- **Groundwater Management Plan**
- **Borehole Monitoring Data 2013 - 2019**

5.0 Determination of the Planning Application

- 5.1 The planning application was first reported to the meeting Hertfordshire's Development Control Committee on 25th January 2017.
- 5.2 The application was recommended for approval, with a summary of the reasons for the recommendation set out in paragraphs 2.1 to 2.8, stating that "*... the Chief Executive and Director of Environment be authorised to grant planning permission subject to:*
- A. the conditions set out in Appendix III of this report*
 - B. the mineral operator and landowner entering into a new s106 legal agreement in relation to the mineral development, as set out in the draft Heads of Terms set out in Annex IV of this report;*
 - C. the landowner enters into a deed of variation to the original s106 between the County Council, Welwyn Hatfield, and St Albans, with the effect that the Ellenbrook Park is formally established in accordance with the principles of the Hatfield Aerodrome SPG prior to the commencement of mineral workings; and*
 - D. That the deed of variation be completed within 12 months of the resolution to grant planning permission, otherwise the matter be referred back to this committee for a decision how to proceed."*
- 5.3 In arriving at the recommendation for approval, the Planning Officer identified 14 key issues to be considered in determining whether the application is acceptable, namely:
- The need for mineral working
 - The principle of mineral working at the site
 - Green Belt
 - Ellenbrook Country Park
 - Transport
 - Noise
 - Air Quality
 - Cultural Heritage
 - Amenity
 - Landscape
 - Water
 - Ecology

- Rights of Way
- Cumulative impact

5.4 Members resolved to grant planning permission subject to the completion of a new section 106 agreement in addition to a deed of variation to the original section 106 related to the redevelopment of the former British Aerospace site. The purpose of the deed was to insert new timescales for the delivery of Ellenbrook Park and associated clauses.

5.5 Due to the passage of time following the original committee decision, the application was reported to the 18th December 2019 meeting of the Development Control committee, again with an officer recommendation to approve the application subject to:

- (a) completion of a new s106;
- (b) the conditions set out in Appendix 3 to the report, and;
- (c) referral of the application to the Secretary of State for a decision on whether or not to call-in the application for determination.

5.6 The committee resolved to defer the consideration of the application to a future meeting of the Committee subject to further advice from the Environment Agency and Affinity Water regarding the risk of contamination to the water supply from the Bromate Plume.

5.7 The application was finally reported to the Development Control Committee at their meeting of 24th September 2020. A summary of the application was set out in Section 3 of the September 2020 Report, with the officers' recommendation set out in paragraph 3.10, being:

"The report recommends that planning permission be granted subject to:

- *the conditions set out in section 10 of this report; and*
- *completion of the new s.106 agreement to provide for the new site access and related highway works on the A1057; extensions to the rights of way network; and*
- *completion of a unilateral undertaking to the effect that the mineral operator will not permit the implementation of the planning permission (subject to an 18-month expiry clause) until the deed of variation has been signed to deliver Ellenbrook Park, creation of the Ellenbrook Trust, and payment of the Ellenbrook Park Contribution,; and*
- *referral of the application to the Secretary of State"*

5.8 In arriving at the recommendation for approval, the Planning Officer identified 12 key issues (dividing residential amenity into noise and air quality) to be considered in determining whether the application is acceptable, namely:

- The need for mineral working and maintaining an adequate supply of minerals within Hertfordshire (Minerals Policies 1 & 2)
- The working of Preferred Areas (Minerals Policies 3 & 4)

- **Conformity with the site brief for Preferred Area 1 (Inset Map No. 6)**
- **Green Belt**
- **Ellenbrook Park**
- **Environment effects in relation to:**
 - groundwater pollution
 - transport
 - landscape and visual impact
 - residential amenity - noise and air quality
 - cumulative impact
 - ecological impact

6.0 Relevant Planning Policy

The Development Plan

6.1 The statutory Development Plan 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 District Plan (adopted 2005).

6.2 Hertfordshire County Council is in the process of replacing the Adopted Minerals Local Plan Review. The latest version is the Hertfordshire Minerals Local Plan: Proposed Submission (dated January 2019).

6.3 The district Local Plans do not address mineral extraction.

Minerals Local Plan

6.4 It is agreed that all of 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 LPA 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.
- Mineral Policy 2 (Need for Mineral Working)
 - Mineral Policy 11 (Cumulative Impact)
 - Mineral Policy 13 (Reclamation Scheme)
 - Mineral Policy 16 (Transport)
 - Mineral Policy 17(iv)
 - Mineral Policy 18 (Operation criteria)
- (b) Other relevant policies:

- Mineral Policy 1 (Aggregate Supply)
- Mineral Policy 3 ((Sites for Sand and Gravel Extraction and the Working of Preferred Areas)
- Mineral Policy 5 (Mineral Sterilisation)
- Mineral Policy 9 (Contribution to Bio-diversity)
- Mineral Policy 12 (Landscape)
- Mineral Policy 14 (Afteruse)
- Mineral Policy 15 (Landfill)
- Mineral Policy 17 (i) – (iii) and (v) - (vii) (Criteria for the Control of Mineral Development to Protect Critical Capital and other Environmental Assets)
- Mineral Policy 19 (Enforcement of Planning Control)

Waste Core Strategy and Development Management Policies

6.5 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

6.6 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

6.7 It is agreed that all of 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 LPA 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.
- Policy R7 (Protection of Ground and Surface Water)
 - Policy R18 (Air Quality)
 - Policy R19 (Noise and Vibration)
- (b) Other relevant policies:
- Policy R9 (Water Supply and Disposal)
 - Policy R10 (Water Conservation Measures)
 - Policy R11 (Biodiversity and Development)

- Policy R13 (Site of Special Scientific Interest)
- Policy R14 (Local Nature Reserves)
- Policy R15 (Wildlife Sites)
- Policy R17 (Trees, Woodland and Hedgerows)
- Policy R20 (Light Pollution)
- Policy R28 (Historic Parks and Gardens)
- Policy R29 (Archaeology)

Emerging Policy: Hertfordshire Minerals Local Plan: Proposed Submission (dated January 2019)

6.8 It is agreed that all of the following policies are relevant to the appeal.

- Policy 4 (and associated Appendix 3 Site Profiles)
- Policy 12 (Green Belt)
- Policy 13 (Cumulative Impacts)

National Planning Policy

The NPPF

6.9 Current version of the NPPF was updated in 2021. Relevant parts to the appeal include:

- Paragraphs 7-14 - the presumption in favour of sustainable development.
- Section 13, paragraphs 137 - 151 - Green Belt Policy
- Section 17, paragraphs 209 – 217 – Facilitating the sustainable use of minerals

7.0 Need for the Development

7.1 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 8, Paragraphs 8.1 - 8.17 of the report to the Development Control Committee of Hertfordshire County Council dated 24 September 2020. This analysis is based on more recent information published in 2019.

7.2 The 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.

7.3 The Site is also specifically allocated in the emerging Minerals Local Plan as “Specific Site 1” in Draft Policy 4 as a future source of sand and gravel.

7.4 The Planning Statement shows that a need exists for the development based on 2014 data. The landbank was stated as being 11.7 years at the end of 2013. In the intervening period some 0.5Mt has been approved through a windfall site (agricultural reservoir) and sales of aggregates have continued (around 2.34Mt based on the average of the last three years). This gives a net reduction of around 1.84Mt to the figures published. This would bring the landbank to just under 10Mt. As such, the landbank is estimated to stand at around three years over the minimum level. (Planning Statement paragraph 5.50).

7.5 The conclusions of all three Committee reports (see Section 5 above) is 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.

7.6 Since the submission of the planning application in 2016 there has been a steady decline in the landbank (based on data contained in the Local Aggregate Assessment 2020).

7.7 The 2020 LAA records the landbank at 31 December 2019 as follows –

Landbank based on 3 year average sales (years)	7.4
Landbank based on EoEAWP ¹ apportionment (years)	6.4
Landbank based on 10 year average sales (years)	7.5

¹ East of England Aggregate Working Party

8.0 Proposed Draft Planning Conditions and Planning Obligation

Should the Appeal be upheld, the Appellant would be prepared to accept all of the conditions suggested by the Planning Officer in Section 10 of the September 2020 Report. A list of these can be found in **Appendix A** to this statement.

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.

The Appellant and the Council have agreed to enter in to a planning obligation to cover the matters set out under the heading “S106 Agreement” in Section 10 of the September 2020 Report. A final draft will be provided shortly.

9.0 Main Issues

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

- Whether the proposed development would have acceptable effects on the Green Belt, having regard to local and national policy;
- Whether the operation of the quarry would give rise to unacceptable noise and dust as a result of HGV traffic arising from the development;
- Whether the operation of the quarry and its restoration would give rise to unacceptable risks to groundwater quality by reason of effects on the bromate contamination plume.

9.2 The Appellant and the Council will continue to explore areas within the Main Issues which may be suitable for inclusion in further Statements of Common Ground. In particular the Appellant and the Council are engaging with two of the Rule 6 parties, Affinity Water and the Environment Agency to produce a statement of common ground relating to the groundwater environment.

10.0 Summary of Issues not in Dispute

- 10.1 In addition to the matters set out in Sections 1-8 above the following matters are agreed:
- 10.2 There are no landscape or visual impact issues which would justify a refusal of the proposed development.
- 10.3 There are no ecological constraints which would justify a refusal of the proposed development and the restoration scheme has the potential to enhance the biodiversity value of the site.
- 10.4 There are no archaeological and heritage constraints which would justify a refusal of the proposed development.
- 10.5 No objections were received from the following technical consultees:
- Environment Agency
 - Highways England
 - HCC Archaeology
 - HCC Countryside Access Officer
 - HCC Ecology
 - HCC Highways
 - HCC Landscape
 - HCC Local Lead Flood Authority
 - HCC Policy
 - St Albans District Council

APPENDIX A

10. Conditions

Time limit for implementation

1. The development hereby permitted shall be commenced within three years of the date of the date of this notice.

Reason: to comply with the terms of the Town and Country Planning Act.

Notice of commencement

2. Not less than 21 days prior to the commencement of development⁵² the Mineral Operator shall write to the Mineral Planning Authority stating the intended start date. The development shall not commence until the Mineral Planning Authority has confirmed in writing that all of the pre-commencement requirements set out in conditions 8 – 36 below have been complied with.

Reason: to ensure all matters that require attention prior to the commencement of development have been carried out in order to comply with the planning permission.

Time limit for completion

3. The development hereby permitted shall be completed⁵³ not later than 32 years from the commencement of development under Condition 2, and shall include restoration, soil placement, cultivation, seeding, and any other land management necessary to restore the land in accordance with the approved restoration scheme to an appropriate condition to enter aftercare.

Reason: to ensure that the development is completed in accordance with the expected timescales specified in the application, to comply with the aims, objectives and policies of the Hertfordshire Minerals Local Plan 2007.

Removal of quarry infrastructure

4. The quarry use shall be discontinued not later than 32 years following the commencement of development, as specified in Condition 2, and the land shall be restored in accordance with the approved plans pursuant to Condition 5. All plant, machinery, buildings, waste material and hardstanding areas shall be removed and the land reinstated in accordance with the approved restoration plan and provision shall be made for an access road and car park to serve the use of the land as

⁵² For the purpose of Condition 2, the commencement of development will include any part of the works shown on drawing HQ 3/6 Initial Site Preparation Dec 2015

⁵³ For the purpose of Condition 3, completion of development shall include mineral extraction and restoration, but not aftercare

a Park in accordance with the indicative restoration plan.

Reason: to ensure the land is restored to the proposed afteruse at the earliest opportunity and to high environmental standards, in accordance with Minerals Policies 13 (Reclamation) and 14 (Afteruse) of the Hertfordshire Minerals Local Plan Review 2007 and the NPPF 2019 (paragraphs 204 and 205)

Approved plans

5. The development is restricted to the development shown on the plans, drawings, and documents listed in the schedule of approved drawings below, or as may be subsequently amended under section 73 or 96A of the Town and Country Planning act 1990. The development shall be carried out in accordance with the planning conditions set out in this notice:

Plans

HQ 2/1	Site Location Plan	Nov 2015
HQ 2/3	Topographic Survey	Nov 2015
HQ 3/1	Overall Phasing/General Layout	Nov 2015
HQ 3/2	Entrance Design	Nov 2015
HQ 3/3	Plant Site (Masterplan)	Nov 2015
HQ 3/4	Processing Plant Detail	Nov 2015
HQ 3/5	Plant Elevations	Nov 2015
HQ 2/2	Application Site Layout	Nov 2015
HQ 3/6	Initial Site Preparation	Dec 2015
HQ 3/7	Phase A – Illustration	Dec 2015
HQ 3/8	Phase B – Illustration	Dec 2015
HQ 3/9	Phase C – Illustration	Dec 2015
HQ 3/10	Phase E – Illustration	Dec 2015
HQ 3/11A	Illustrative Restoration Concept	Aug 2016
HQ 3/12	Illustrative Sections	Dec 2015
HQ 3/13	Phase D – Illustration	Aug 2016
HQ 3/14	Phase F – Illustration	Aug 2016
HQ 3/15	Phase G – Illustration	Aug 2016

Documents

Environmental Statement	Feb 2015
Transport Chapter Addendum	Aug 2016

Reason: (1) to ensure the development complies with the planning application, (2) to ensure effective monitoring progress of mineral extraction and restoration in accordance with the timescales set out in the application, and (3) to comply with section 96A of the Town and Country Planning Act 1990.

Processing plant and buildings

6. Prior to the commencement of mineral extraction, fully specified drawings of the processing plant and buildings, to include cross section drawings, shall be submitted to and approved in writing by the Mineral Planning Authority. The cross section drawing shall clearly show proposed site levels for all plant, machinery and buildings, including:
- maximum height of footings level (finish floor level)
 - maximum height of all plant, machinery and buildings
 - the maximum depth of excavations for the lagoons.

The maximum height of plant and buildings for the processing plant and concrete batching plant shall not exceed 14 metres.

Reason: to minimise the visual impact of the development and in the interests of the openness of the Green Belt

Storage bunds and stockpiles

7. The maximum heights of storage bunds and stockpiles shall not exceed:
- 3m - top soil
 - 4m - sub soil
 - 5m – stockpiles (minerals)

Reason: in the interests of visual amenity and the openness of the Green Belt.

Details of additional bunding and landscaping

8. Prior to the commencement of mineral extraction full details of additional bunding and landscaping shall be submitted to and agreed in writing by the Mineral Planning Authority for the following locations:
- (i) adjacent to Popefield Farm;
 - (ii) on the western boundary and
 - (iii) immediately to the south of the processing plant

Full details shall be provided of the height, grading and relationship with adjoining land levels/ contours and existing vegetation on the boundary of the site. Development shall be carried out in accordance with the approved details.

Reason: in the interests of appropriate landscaping of the site and to protect exiting trees, in the interests of residential amenity, and to protect the setting of Popefield Farm; in accordance with Minerals Policy 12 (Landscape) and 13 (Reclamation) of the Hertfordshire Minerals Local Plan Review 2007, and Policies 70 and 74 of the St. Albans District Local Plan Review 1994.

Phasing plans

9. Prior to the commencement of mineral extraction in each Phase, a detailed working plan shall be submitted to show:
- (a) the extent of the extraction area
 - (b) the location of screen bunds
 - (c) the location of soil stockpiles
 - (d) identification of top soil and sub soil storage areas
 - (e) description and illustration of measures for noise and dust mitigation
 - (f) the location of haul roads

The mineral extraction in each Phase shall take place in accordance with the plans submitted with the application listed in Condition 5 unless otherwise agreed under the terms of this condition.

The detailed restoration works shall be carried out in accordance with the programme agreed with the Mineral Planning Authority.

Reason: to ensure the extraction is carried out on a phased basis to ensure the land is restored at the earliest opportunity to high environmental standards in accordance with Policies 13 (Reclamation) and 14 (Afteruse) of the Hertfordshire Minerals Local Plan Review 2007 and the NPPF 2019 (paragraphs 204 and 205)

Construction Management Plan

10. Prior to the commencement of development, including the works shown on drawing HQ 3/6 Initial Site Preparation Dec 2015, a detailed construction management plan shall be submitted to and agreed in writing by the Mineral Planning Authority, to include details of:
- vehicle routing
 - phasing - including timescales
 - construction of the access ramp
 - noise and dust mitigation measures

The Construction Management Plan shall be implemented as agreed in full for each Phase for the duration of the development.

Reason: to ensure any adverse impacts of development are mitigated

Access – enabling works

11. Prior to the commencement of the development hereby permitted detailed drawings to show the proposed means of access during the

site enabling works, as indicated on drawing HQ 3/6 Initial Site Preparation Dec 2015, shall be submitted to and approved in writing by the Mineral Planning Authority. The site shall be accessed via the approved means of access only throughout the period of the enabling works, unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: in the interests of highway safety and residential amenity

New access

12. Prior to the commencement of mineral extraction, the site access onto the A1057, as indicated on drawing 402.01009.00064.14.H002 R4, shall be provided in accordance with the technical approval of the Highway Authority. The approved means of access shall be the only means of access for the purposes of mineral extraction and infilling for the duration of the development.

Reason: To ensure the provision of safe access in the interest of highway safety and amenity.

Visibility splays

13. Prior to the commencement of the site preparation works, as shown on drawing HQ 3/6 Initial Site Preparation Dec 2015, visibility splays measuring 4.5 x 120 metres shall be provided on both sides of the proposed site access on Hatfield Road where it meets the highway. The visibility splays shall be maintained free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway at all times.

Reason: In the interests of highway safety.

HGV routing

14. Prior to the commencement of mineral extraction, an HGV Routing Plan shall be submitted to and approved in writing by the Mineral Planning Authority that shall provide for vehicles exiting the site left only east bound to the A1001. The HGV Routing Plan shall include:
 - a plan illustrating the route between the site and Comet Way/ A1(M) via the A1057
 - measures to ensure all vehicles exit the site left only and travel eastbound on the A1057/Comet Way (A1001)/A1(M);
 - means to ensure compliance with the routing plan; and
 - enforcement measures

The site shall be operated in accordance with the approved HGV routing plan throughout the operation of the development⁵⁴ and shall apply to all HGV movements related to (a) the export of minerals from the site, and (b) the importation of inert material for restoration, and (c) operation of the concrete batching plant

Reason: In the interests of highway safety and amenity.

Traffic Management Scheme

15. Prior to the commencement of the development, as shown on drawing HQ 3/6 Initial Site Preparation Dec 2015, a Traffic Management Scheme shall be submitted and approved in writing, to include:
- a detailed plan to show the site layout between the junction with the public highway and the weighbridge to, include sufficient provision for queuing vehicles to stand clear of the highway and a loop road to return HGVs to the public highway
 - a clear protocol for managing HGV arrivals and departures at peak times, including a managed system for HGV arriving at the site;
 - haul road signage
 - schedule of cleaning and maintenance of the haul road;
 - operation of a wheel washing facility

The approved Traffic Management Scheme shall be implemented and operated in throughout each phase of the mineral working

Reason: In the interests of maintaining highway efficiency and safety.

Public highway - condition survey

16. Prior to the commencement of mineral extraction, and subsequently for each calendar year over the lifetime of the development, the mineral operator shall carry out a condition survey of the section of public highway between the site access and the access to Popefield Farm. The condition survey shall assess any abnormal wear and include proposals to remedy any damage to the highway surface, as may be necessary. The condition survey shall be carried out by a highway engineer and submitted in accordance with a timetable to be agreed with the Mineral Planning Authority. Any works necessary to remedy abnormal wear and tear identified by the condition survey shall be remedied in accordance with a timetable approved by the Mineral Planning Authority.

Reason: in the interest of highway safety.

⁵⁴ For the purpose of condition 14 this means mineral extraction and restoration

Provision of parking and servicing areas

17. Prior to the commencement of mineral extraction, sufficient space shall be provided within the site to enable HGVs to park, turn and re-enter the highway in a forward gear. A detailed scheme showing the levels, surfacing and drainage of these areas shall be submitted to and approved in writing by the Mineral Planning Authority. The parking and turning space within the site shall be provided in accordance with the approved scheme and maintained for the lifetime of the development.

Reason: In the interests of satisfactory development and highway safety

Right of Ways – detailed plans

18. Prior to the commencement of mineral extraction, detailed plans to include cross section drawings to show the detailed design and construction for public rights of way shall be submitted to and approved in writing by the Mineral Planning Authority. The details plans shall indicate:
 - i. Proposed improvements to the width and surfacing of the footpath opposite the site access between nos. 403 and 616 St Albans Road West;
 - ii. upgrading / surfacing for the new public bridleways, in accordance with the Rights of Way Good Practice Guide Surfacing Specifications for Hertfordshire;
 - iii. provision of safe and level access, width and design suitable for wheelchair users, cyclists and horse riders for new public bridleways within the site.

The detailed design shall have regard to the Good Practice Guide for Rights of Way Hertfordshire

The new rights of way implemented under this condition shall accord with the approved detailed design

Reason: In the interests of sustainable travel, to ensure that all pedestrians and cyclists can conveniently travel to and from the development.

Archaeology

19. Prior to the commencement of the works shown on drawing HQ 3/6 Initial Site Preparation Dec 2015, the mineral operator shall submit an Archaeological Written Scheme of Investigation for approval in writing by the Mineral Planning Authority. The scheme shall include an

assessment of archaeological significance and research questions;
and:

- i. The programme and methodology of site investigation and recording;
- ii. The programme and methodology of site investigation and recording as suggested by further archaeological evaluation;
- iii. The programme for post investigation assessment;
- iv. Provision to be made for analysis of the site investigation and recording;
- v. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- vi. Provision to be made for archive deposition of the analysis and records of the site investigation;
- vii. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: to ensure that adequate opportunity is provided for archaeological research on this likely historically important site.

The minerals workings shall be undertaken in accordance with the approved written scheme of investigation for the lifetime of the development

Dust suppression scheme

20. Prior to the commencement of mineral extraction, the mineral operator shall submit a dust suppression scheme to demonstrate how dust will be controlled at source during each Phase and for the duration of the development. The scheme shall provide measures aimed at removing and reducing dust emissions at source, and appropriate mitigation measures, to include (but not limited to):
- the use of water to dampen haul roads and stockpiles,
 - installation of air quality monitoring equipment in locations to be agreed as part of the approved scheme;
 - review of air quality monitoring data by an air quality monitoring professional;
 - action plan for managing dust; including a protocol for restricted working when the wind speed/direction may result in dust being carried from the site affecting nearby properties
 - The measures comprising the scheme shall be fully implemented at all times when the site is operational.

The development shall be undertaken in accordance with the approved dust suppression scheme for the lifetime of mineral extraction and restoration

Reason: in the interest of public amenity; to protect the living conditions of the neighbouring properties; to ensure that the development does not have an adverse impact upon human health; and to comply with the NPPF 2019 (paragraph 204) and Policy 70 of the St. Albans District Local Plan Review 1994.

Landscaping and planting scheme

21. Prior to the commencement of mineral extraction, a detailed landscaping scheme for advance planting within the site and on site boundaries shall be submitted to and approved in writing by the Minerals Planning Authority. The scheme shall include:
- a) provision of permanent woodland planting south of the plant area;
 - b) plant specifications, species, size, spacing and number of trees and shrubs to be planted and measures to protect and maintain the trees and shrubs in accordance with good practice;
 - c) plans to show the position, species type and size of all existing trees, shrubs and hedgerows to be retained, and the proposals for their protection throughout the operations;
 - d) details of hard landscaping, entrances gates other means to secure the site, to include the location, type and height of proposed fencing to prevent public access to operational areas;
 - e) a programme to implement the scheme

The approved scheme shall be implemented in full within the first available planting season for each phase of the restoration in accordance with British Standards.

Reason: to provide for appropriate landscaping of the site in accordance with Policy 12 (Landscape) of the Hertfordshire Minerals Local Plan Review 2007

Ecology - Biodiversity and Habitat Management Plan

22. Prior to the commencement of enabling works, as shown on drawing HQ 3/6 Initial Site Preparation Dec 2015, a Biodiversity and Habitat Management Plan shall be submitted to the Mineral Planning Authority. The Plan shall include detailed proposals to achieve a net enhancement to biodiversity during mineral extraction and restoration and upon completion of the development. The Plan shall include a schedule of management proposals and long term biodiversity objectives, and set out responsibilities and mechanisms to achieve the long term objectives

The development shall be undertaken in accordance with the approved biodiversity and habitat management plan for the lifetime of mineral extraction and restoration

Reason: to ensure appropriate compensation and enhancement of habitats in accordance with the NPPF (paragraph 109)

Ecology - Habitat Management Plan – Great Crested Newts

23. Prior to the commencement of mineral extraction a Habitat Management Plan for Great Crested Newt populations within the site shall be submitted to and approved in writing by the Mineral Planning Authority, to include habitat areas on adjoining land at Home Covert, and measures to safeguard populations of Great Crested Newts during mineral extraction through safeguarding areas and exclusion fencing, and measures to translocation populations on a phased basis. The measures contained within the Plan shall be implemented prior to the commencement of development.

Reason: to ensure the favourable conservation status of the species is maintained.

Ecology - habitat licence

24. Prior to the commencement of the enabling works shown on drawing HQ 3/6 Initial Site Preparation Dec 2015, the necessary licences required under the Wildlife Acts and Habitats Directive shall be obtained.

Reason: to ensure that any works having the potential to affect protected species are carried out under the appropriate licence to maintain the favourable conservation status of the species.

Ecology - mitigation

25. Prior to the commencement of the enabling works shown on drawing HQ 3/6 Initial Site Preparation Dec 2015, and subsequently prior to soil stripping in each Phase, the mitigation measures detailed in the ecological survey shall be carried out in accordance with a programme to be agreed in writing with the Mineral Planning Authority.

Reason: to mitigate the impact on habitats and protected species and to provide appropriate contribution of nature conservation; in accordance with the NPPF (paragraph 109) and Policies 74 and 106 of the St. Albans District Local Plan Review 1994.

Groundwater

26. Each phase of the development hereby permitted shall not commence until a Water Monitoring & Management Plan, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of

any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

Reason To protect controlled waters and to not exacerbate the existing groundwater pollution.

- **ensuring no deleterious impact to groundwater quality, in accordance with Policy 16 (Soil, Air and Water) of the Hertfordshire Waste Core Strategy 2012;**
- **To prevent development that would have an unacceptable risk or adversely affect water pollution;**
- **To minimise the risks associated the flow and quantity of surface and groundwater and migration of contamination from the site, in accordance with paragraph 143 of the NPPF.**

The Water Monitoring and Management Plan for each phase shall refine the Groundwater and Water Management Plan. Final (Version 5). Prepared for: Brett Aggregates Limited by SLR consulting and shall include:

1. Details of construction and water management during construction of the two infiltration lagoons.
2. Clarification of the restored site discharge point for the UML back-drain.
3. A long-term groundwater monitoring plan to continue during and post the operational phase.
4. A mechanism for periodic review.

The plan should include monitoring and reporting programs, location of monitoring points including additional monitoring boreholes particularly in the vicinity of the infiltration lagoons, analytical suites, limits of detection and groundwater level monitoring. Details of contingency actions in the event of impact shall also be included. The two infiltration lagoons and back drain shall be constructed in accordance with the approved Groundwater Management Plan prior to the commencement of mineral extraction.

Groundwater monitoring shall be conducted by the Mineral Operator in accordance with the long-term groundwater monitoring plan for the lifetime of the development. Prior to mineral extraction in each Phase, the Groundwater Management plan shall be reviewed and an updated plan submitted and approved in writing by the Mineral Planning Authority.

The management of water shall be carried out in accordance with the approved Plan, or as otherwise agreed by the Mineral Planning Authority under the periodic review process, for the lifetime of the development.

Public access strategy

27. Prior to the commencement of mineral extraction, and subsequently

prior to mineral extraction in each Phase, detailed proposals for managed public access shall be submitted to and approved in writing by the Mineral Planning Authority.

The proposals shall clearly define areas where public access is allowed and exclusion zones for each Phase. The Access Strategy shall provide an appropriate level of public access to un-worked and restored areas of the site during the lifetime of the quarry. Footpaths shall be clearly sign posted. Fencing of an appropriate height and design shall be provided to deter unauthorised or unintended access to the mineral workings and plant site. Warning signs shall be erected to clearly indicate working areas.

The Access Strategy shall comprise a plan and a written statement.

Reason: to ensure the maximum opportunity for public access to areas non-worked and restored areas; to protect members of the public from exposure to risk from quarrying activities; in the interests of visual and public amenity; to protect and enhance public rights of way in accordance with the NPPF (paragraph 74) and Policy 74 of the St. Albans District Local Plan Review 1994.

Air Quality monitoring – baseline conditions

28. Prior to the commencement of the development the mineral operator shall undertake a minimum of 6 months continuous air quality monitoring, in locations to be agreed with the local Environmental Health department, to measure existing baseline air quality. Air quality measurements shall be recorded for a minimum of 12 months following the commencement of sand and gravel export from the site. A report of air quality information gathered by the monitoring equipment shall be submitted to the Mineral Planning Authority for each day of the 12 month period

Reason: to establish an accurate baseline reading of existing conditions, and demonstrate fluctuations in air borne particles related to vehicle emissions from the site in the interests of human health.

Noise monitoring

29. Prior to the commencement of mineral extraction, and subsequently prior to mineral extraction in each phase of development, a noise management strategy shall be submitted to and agreed in writing by the Mineral Planning Authority. The strategy shall indicate locations for noise monitoring equipment on the site boundary nearest to sensitive receptors and include mitigation measures such as soil bunds and acoustic barriers as may be necessary to ensure compliance with maximum noise standards in the National Planning Practice Guidance.

The strategy shall be implemented in full as approved for the lifetime of the development.

Reason: to ensure compliance with accepted noise standards

Water Management Plan

30. Prior to the commencement of mineral extraction in each Phase, a water management plan shall be submitted and approved in writing by the Mineral Planning Authority. The water management plan shall detail measures to manage water from the lagoons, including an exceedance route for discharge of water from the lagoons as surface water under exceptional circumstances, and include a mechanism for periodic review. The management of water shall be carried out in accordance with the approved Plan, or as otherwise agreed by the Mineral Planning Authority under the periodic view process, for the lifetime of the development.

Reason: to minimise the risk of surface water flooding and in the interests of water quality.

Landscape Management Plan

31. Prior to the commencement of development a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- details extent and type of new planting
- details of maintenance regimes
- details of any new habitat created on site
- details of treatment of site boundaries and/or buffers around water bodies
- details of management responsibilities

Reason: to contribute to enhancement of biodiversity by establishing ecological networks; to protect wildlife and their habitats and secure opportunities for the enhancement of the nature conservation value of the site (NPPF, paragraph 109); and to take the opportunities to incorporate biodiversity in and around developments (NPPF, paragraph 118).

Overburden handling - method statement

32. Prior to the commencement of mineral extraction in each Phase, a method statement for the handling of overburden material shall be submitted to and approved in writing by the Mineral Planning Authority. The method statement shall include plans and cross sections as necessary showing the height and location of stockpiles, indicate the maximum duration for bunds and stockpiles to be retained in-situ, and provide for the removal of stockpiles upon completion of restoration in each Phase.

Reason: to ensure the excavated volumes of material are managed effectively within the site and to in the interests of public and visual amenity.

Gas Pipeline – safeguarding

33. Prior to the commencement of development a Gas Pipeline Management Plan shall be submitted to and agreed in writing by the Mineral Planning Authority to include plans and cross sections and clearly indicate minimum working distances between the haul road and mineral extraction areas and the gas pipeline. The minimum working distances, as agreed with energy infrastructure company (National Grid), shall be maintained at all times during the workings.

Reason: to ensure the integrity of the energy infrastructure.

Controlled Access

34. Prior to the commencement of development, including the works shown on drawing HQ 3/6 Initial Site Preparation Dec 2015, the Mineral Operator shall submit details of a barrier controlled access within 100m of the site access junction with the A1057, to include:

- weighbridge
- raised viewing platform to view loads;
- a double gate security system
- a loop route for vehicles to return to the public highway at the weighbridge
- gates to secure the site access outside operational hours;
- signage setting out conditions of entry
- advance signage to indicate when the site is open / closed

The Mineral Operator shall keep accurate records of each HGV entering the site to deposit waste, to include: the waste carrier licence; the type of waste; the origin of the waste, vehicle weight; registration of the vehicle, and company name, for each Phase for the lifetime of the development.

Reason: in the interest of highway safety, condition of the highway and the free flow of traffic.

Wheel cleaning facilities – for construction vehicles

35. Prior to the commencement of the works shown on drawing HQ 3/6 Initial Site Preparation Dec 201, and subsequently prior to the commencement of mineral extraction in each Phase of the development, wheel washing facilities shall be provided and maintained in a usable condition. HGVs shall not be permitted to exit the site until the wheels and chassis are free from mud and debris.

Reason: To prevent mud and debris from the site being deposited on to the highway.

TIME LIMITED CONDITIONS

Landscaping scheme for restoration

36. Within 12 months of the commencement of mineral extraction, a detailed landscaping scheme shall be submitted for approval; to include: a written statement and detailed illustrations for each phase of the mineral workings, illustrated as Phases A-G on the approved plans, to include the following information:
- a) The provision of woodland planting within the site in accordance with Landscape Management Document principles 20-30%;
 - b) the maintenance and defects liability period should be minimum 5 years;
 - c) details of removal / retention of tree planted mounds / buffer planting;
 - d) details of footpaths design to conserve and enhance the rural character and visual amenity;
 - e) clear strategy for the siting and design of interpretation boards;
 - f) siting and design of car park;
 - g) provision of security fencing;
 - h) details of the treatment of Nast Culvert;
 - i) timescales for implementation

The approved scheme shall be implemented within 12 months of soil placement in each phase.

Reason: to provide for satisfactory landscaping of the site in accordance with best practice and in accordance with Minerals Policy12 Landscaping.

Phased restoration scheme

37. Within 6 months of completion of mineral extraction in each Phase of the development, a detailed restoration scheme shall be submitted for approval to include:

- a) calculation of the volume of fill material required to complete restoration;
- b) cross section drawing to show:
 - the depth of the mineral void; and
 - the depth and final levels of:
 - fill material
 - sub soil
 - topsoil
 - final restored contours

The scheme shall be approved in writing by the Mineral Planning Authority prior to the commencement of infilling. Each Phase of the development shall be restored in accordance with the approved phased restoration scheme for that Phase.

Reason: to ensure a satisfactory restoration is achieved

Marker levels

- 38. Prior to the infilling within 1m of the finish levels in each phase, marker levels shall be erected to show the final fill levels, sub soil and top soil levels. The site operator shall give the Minerals Planning Authority not less than 3 working days notice in writing that filling within any area of the site is approaching 1 metre of final levels.

Reason: to ensure the restoration levels are suitable for the proposed restoration in accordance with the approved plan, and in accordance with Policies 13 (Reclamation Scheme) and 14 (Afteruse) of the Hertfordshire Minerals Local Plan Review 2007.

Restoration Programme & Monitoring

- 39. Within 12 months of the commencement of mineral extraction in each Phase, the Mineral Operator shall submit a detailed restoration programme setting out:
 - progress with restoration in each Phase;
 - progress with mineral extraction for the preceding 6 months;
 - groundwater monitoring
 - management of water storage volumes de-watering regime monitoring over the preceding 6 months;
 - proposals for de-watering in the following 6 months;
 - groundwater (levels and quality) from monitoring boreholes over the preceding 6 months;
 - surface water quality monitoring for the UMH/LMH lagoons;
 - proposals for biodiversity enhancements;
 - management of the restored land;
 - arrangements with the Ellenbrook Park Trust

The Mineral Operator shall provide a written report of the preceding 6 months monitoring, to include illustrations as appropriate, and proposals for the following 6 months.

The Mineral Planning Authority will provide an annual monitoring programme at the start of each calendar year and provide the Mineral Operator with a written report after each meeting setting out any agreements and actions for the following 6 months.

Reason: to ensure a satisfactory programme of progressive restoration in each Phase and to provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards in accordance with the National Planning Policy Framework 2012 (paragraph 144) and in accordance with Minerals Policy 13 Restoration Scheme of the Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2007;

Aftercare

40. Within 6 months of the date of this planning permission, and subsequently prior to the commencement of mineral extraction in any subsequent phase, an aftercare scheme requiring such steps as may be necessary to bring the land to the required standard suitable for the proposed conservation afteruses shall be submitted for the written approval of the Minerals Planning Authority. The scheme shall specify the steps as may be required to achieve and maintain the standards required for the proposed conservation afteruses:
- a) cover a five year period;
 - b) specify all practical steps and periods during which they are to be taken;
 - c) contain provision for the submission of an annual report to be submitted to the Minerals Planning Authority;
 - d) contain provision for site meetings on at least an annual basis with officers of the Minerals Planning Authority and any relevant consultee in order to assess the progress to date, any remedial action required, and the management of the site for the following year.

The approved aftercare scheme shall be implemented in full on completion of restoration or completion of restoration of any working phase, and shall be carried out for a period of ten years following restoration or restoration of each phase (as appropriate).

Reason: to ensure the proposal meets the aftercare requirements set out in Policy 14 (Afteruse) of the Hertfordshire Minerals Local Plan Review 2007, and in particular (i) enhances the character of the local area ensure (ii) is a benefit to the local community (iii)

provides for increased public access and (iv) enhances biodiversity.

Air quality monitoring scheme

41. Prior to the commencement of soil stripping within each Phase, the mineral operator shall submit proposals comprising an air quality monitoring scheme to the Mineral Planning Authority for approval, to include:
- proposals for siting air quality monitoring equipment adjacent to the site boundary, including a plan showing their location
 - details of the type, make, model, and specification;
 - a programme of monitoring air quality on a weekly and/or monthly basis;
 - a monthly report of NO_x and PM₁₀ levels for each working day

The air quality monitoring scheme shall be approved in writing prior to the commencement of soil stripping in each Phase.

The air quality monitoring equipment shall be installed prior to the commencement of soil stripping in each Phase.

The monthly air quality monitoring report shall be submitted for each in accordance with a programme to be agreed with the Mineral Planning Authority.

Reason: to assess real-time changes in air quality related to air borne dust emissions from the site in the interests of human health.

42. The development shall take place in accordance with the programme of archaeological works set out in the approved Written Scheme of Investigation. The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation within 12 months of the commencement of mineral extraction in each Phase. Provision shall be made for analysis and publication where appropriate.

Reason: to ensure that adequate opportunity is provided for archaeological research on this likely historically important site; to comply with Policy 111 of the St. Albans District Local Plan Review 1994.

43. No tree or hedge removal shall take place during the bird breeding season (March to August inclusive)

Reason: to protect breeding birds, their nests, eggs and young.

Noise – maximum levels

44. The maximum noise levels generated by the operations at the site shall not exceed 55dB LAeq (1 hour) measured at the boundaries of the site. During temporary operations, including soil stripping, bund construction, and soil placement, noise levels measured at the boundary of the site shall not exceed 70dB LAeq (1 hour). At all other times noise shall not exceed 10dB LAeq (1 hour) above the background levels measured at the nearest sensitive receptor.

Reason: in the interests of residential amenity in line with Policy 70 of the St. Albans District Local Plan Review 1994; to comply with maximum noise levels specified in the National Planning Policy Guidance.

Noise - vehicle maintenance

45. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers.

Reason: in the interests of residential amenity.

Hours of operation

46. The hours of operation of the site, where mineral extraction and processing is permitted are limited to:
- 07:00 to 18:00 hours Monday to Friday; and
 - 07:00 to 13:00 hours on Saturdays

There shall be no operations, including the use of machinery, mineral processing and waste disposal outside of the above hours. No working is permitted on Sundays or Bank Holidays, unless otherwise agreed in writing by the Mineral Planning Authority under exceptional circumstances. For the purposes of this condition operations shall include vehicle movements connected with the importation of waste.

Reason: to limit the disruption caused by mineral working and processing and HGV movements upon the local area; in the interests of residential amenity; to comply with Policy 70 of the St. Albans District Local Plan Review 1994.

HGV movements

47. There shall be not more than 174 HGV movements (87 in, 87 out) on each day from Mondays to Fridays, and not more than 108 HGV movements (54 in, 54 out) on Saturdays unless otherwise agreed in writing in advance with the Mineral Planning Authority. The above

maximum figures shall be applied to all operations at the site, to include all HGV movements related to:

- sand and gravel export,
- operation of the concrete batching plant, and
- waste importation.

The Mineral Operator shall keep written records of all HGVs entering and exiting the site for the lifetime of the development. The written records shall be made available upon request for inspection by the Mineral Planning Authority.

Reason: In the interests of highway safety and local amenity.

Single access

48. Upon commencement of mineral extraction and thereafter at all times, HGVs shall enter / exit the site only via the approved access onto A1057 St Albans Road West, as indicated on drawing 402.01009.00064.14.H002 Revision R0. No other vehicular access shall be provided to the site.

Reason: in the interest of highway safety

HGV routing

49. The junction design shall include measures so that all HGVs exit the junction with Hatfield Road (A1057) left only (eastbound) and are routed to Comet Way (A1001). The junction design shall be implemented in accordance with the approved plans. The left only arrangement shall be maintained for the lifetime of the development.

Reason: in the interests of highway safety and amenity. .

Mud on highway

50. The operator shall take steps to ensure that mud and debris is prevented from being carried out of the site and deposited onto the public highway. No Heavy Goods Vehicle shall exit the site and join the public highway unless and until their wheels and chassis have been thoroughly cleaned.

Reason: to prevent the deposit of mud onto the road; in the interest of highway safety and amenity.

Extent of working

51. With the exception of enabling works, including construction of the silt lagoons and ecological mitigation works, no mineral extraction shall take place -

- a) within the processing plant area, as shown on drawing Aggregate Processing Plant on drawing on drawing HQ 3/3 - Plant Site (Masterplan) - November 2015; and
- b) outside the maximum extent of the mineral extraction area shown on drawing HQ 3/6 - Initial Site Preparation - December 2015.

Reason: to minimise the environmental impacts of mineral working.

Mineral extraction method

- 52. Unless otherwise agreed in writing mineral extraction shall take place in accordance with the methods proposed in the planning application based on the use of excavators and dumpers.

Reason: to minimise the environmental impacts of mineral extraction.

Inert waste only

- 53. No material shall be disposed of at the site other than inert waste within the waste types specified in the Environmental Permit issued by the Environment Agency.

Reason: to minimise the risk of pollution to land and water and to ensure the material used in reclamation is appropriate for the proposed afteruse

Waste volumes

- 54. The maximum volume of waste imported and disposed of at the site shall not exceed the volume necessary to achieve the approved restoration contours.

Reason: to ensure the site is restored in accordance with the planning permission and to limit the impact to the highway network.

Weighbridge records

- 55. The weighbridge shall be maintained in a working condition through the lifetime of the development. The mineral operator shall keep accurate weighbridge records of the volume of waste material imported to the site. All HGVs entering the site must be weighed on before entering the site and weighed off before exiting the site. The Mineral Operator shall keep daily records of the volumes of waste imported to the site during each phase of the restoration.

Reason: to ensure the volume of waste imported and disposed of at the site is the minimum necessary to achieve the approved development.

Waste storage, sorting and processing

56. With the exception of engineering material required for the construction of the landfill barrier/buttress, no importation, storage, sorting, processing, or stockpiling of waste or other material is permitted at the site. No engineering material for use in the construction of the landfill barrier/ buttress shall be imported or stored on site until detailed plan(s) to show the volume, location and height of stockpiles has been submitted to and agreed in writing by the Mineral Planning Authority. Storage of engineering material shall only take place in accordance with the approved plan(s). On completion of restoration all engineering material shall be removed from site and the land restored in accordance with the approved restoration plans.

Reason: in the interests of amenity and to maintain the purposes of the Green Belt.

Water resources and groundwater protection

57. Operations shall not be carried out in such a way as to cause any adverse change in flows or levels in any rivers, streams, ditches, springs, lakes or ponds in the vicinity of the site.

Reason: to avoid having an adverse impact on the water environment

Storage of liquid fuel, oil or chemicals

58. All fuel, oil and other liquid chemicals used or stored on site shall be kept in bunded storage tanks or bowsters. No fuel, oil, or other chemical likely to cause pollution to surface or groundwater shall be deposited at the site.

Reason: to minimise the risk of pollution of soils and groundwater.

59. Any storage tank for oil or other potentially polluting liquid used on site shall be located on an impervious base and surrounded by oil tight bund walls or within another liquid container, which shall be capable of containing 110% of the volume of the storage tank and shall enclose all fill and draw pipes and sight gauges. The vent pipe shall be directed downwards into the bund.

Reason: to contain any fuel spills minimise pollution risks

Chalk Aquifer protection

60. No excavations shall take place at the base of the quarry within 1m of the chalk aquifer.

Reason: to protect the aquifer and minimise the risk of groundwater contamination.

Groundwater protection

61. No solid matter shall be deposited so that it passes or is likely to pass into any watercourse.

Reason: to prevent contamination of groundwater.

Groundwater monitoring

62. Real-time monitoring of groundwater levels in boreholes adjoining the mineral workings shall be undertaken at all times throughout the lifetime of the development. No dewatering of the mineral workings shall take place if the groundwater levels are within 0.5m of surface levels of the adjoining land. No de-watering of the mineral working shall take place unless and until it has been demonstrated that it would not increase the risks of groundwater flooding to areas adjoining the site, and where it has been agreed in writing by the Mineral Planning Authority.

Reason: to minimise the risks associated with groundwater flooding.

Discharge of groundwater to surface water

63. No water shall be discharged from the storage lagoons to other storage facilities, or to any ordinary watercourse, including The Ellenbrook and The Nast, unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: to ensure surface and ground waters are managed appropriately; in accordance with best practice for Sustainable Drainage Systems (SuDS).

Minimum working distances to boundaries

64. A minimum distance of 10m shall be maintained between the edge of perimeter bunds and the site boundary and no operations including mineral extraction shall take place within 10m of the site boundary.

Reason: to protect the root systems and viability of established trees and hedgerows along the site boundary in compliance with Policy 18 (v) of the Minerals Local for Hertfordshire 2002-2016 adopted in November 2007.

Hedgerows

65. All hedgerows removed as a result of the development shall be compensated for within the site through:

- advance screen planting, and
- boundary hedge and tree planting, and
- final restoration of the site

All new hedgerows shall:

- maximise the opportunities to create wildlife corridors;
- use appropriate native species and planting density;
- establish and define a pattern of enclosures within the site; and
- provide links to existing hedgerows and woodland adjoining the site.

All new hedgerows shall be planted in each Phase in accordance with the landscaping scheme approved under Condition 37.

Reason: to ensure appropriate compensation and enhancement of habitats; to contribute to the establishment of coherent ecological networks which are more resilient to current and future pressures, and thereby halting the overall decline in biodiversity, in accordance with the NPPF (paragraph 109)

Soil stripping

66. No soil stripping shall take place outside of the following times 01 March and 30 September in any calendar year without the prior written approval of the Mineral Planning Authority. Any request to strip soils between 01 March and 31 August shall be accompanied by a soil handling method statement

Reason: to protect soil condition and minimise soil degradation.

Soil handling

67. No indigenous soils (topsoil and subsoil) are to be removed from site or disposed as waste.

Reason: to ensure that soil resources for use in restoration are managed and retained on site in an appropriate condition for use in restoration and aftercare in accordance with Mineral Policies 13 (Reclamation Scheme) and 14 (Afteruse) of the Hertfordshire Minerals Local Plan Review 2002-2016

Pre-settlement Levels

68. On completion of all infilling the pre-settlement levels shall not exceed those shown on the approved Illustrative Restoration Concept drawing HQ 3/11A Aug 2016. After allowing for soil placement, the maximum height of the final landform shall not exceed 76 metres AOD.

Reason: to ensure that the final levels are appropriate and comply with the planning permission; to minimise the impact of the development upon the openness of the Green Belt

Notice prior to soil placement

69. The Mineral Operator shall provide the Minerals Planning Authority with a minimum of seven days notice prior to the commencement of works involving the movement, replacement or cultivation of topsoil or subsoil resources.

Reason: to ensure the Mineral Planning Authority has an opportunity to inspect the soil conditions and agree the method of working

Soils content for the 1m top layer of soils

70. Upon completion of infilling operations to the levels shown on drawing HQ 3/11A the final (top) 1m of soils shall be kept free from any material which may damage cultivation machinery or interfere with the subsequent conservation uses. Prior to topsoiling, the area shall be thoroughly ripped with a winged subsoiler at a depth of 300mm at a tine spacing of no more than 450mm and then at a depth of 600mm. All rocks, stones and other solid objects in excess of 75mm diameter on the surface following ripping shall be removed.

Reason: to ensure that soils are constituted of material suitable for the proposed afteruse.

Removal of permitted development rights

71. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, replacing or re-enacting that Order, planning permission shall be obtained for the erection of any building, fixed plant, fixed machinery or fixed structures on the land and the written agreement of the Minerals Planning Authority shall be obtained prior to the placing on site of any buildings or structures in the nature of portable plant.

Reason: in the interest of the openness of the Green Belt.

Public Right of Way

72. Other than the works necessary to facilitate the upgrade and legal

dedication of the new public rights of way as outlined above, all public right of way routes shall remain undisturbed and unobstructed at all times unless legally stopped up or diverted prior to the commencement of the development hereby permitted. The alignment of any public right of way shall be protected by temporary fencing/signing in accordance with details first submitted to, and approved in writing by, the Local Planning Authority throughout the course of the development.

Reason: To safeguard the rights of the public and in the interest of pedestrian safety.

Informatives

Section 278 Agreement (Highways Act)

- Any works within the highway boundary (including the proposed site access and removal of existing vegetation on highway land) will need to be secured and approved via a s278 Agreement with the HCC.
- A S278 Agreement will be required for improved pedestrian facilities along Hatfield Road (A1057) and for improved pedestrian links between the site and Alban Way.

S106 Agreement

- A s106 Agreement will be required to secure a Condition Survey prior to commencement of the use, in order to assess the condition of the highway within the vicinity of the site before the construction of the development and an updated version will be required at the completion stage. Where the development as a result of construction is likely to increase road degradation a highway bond of £30,000 should be secured via a Section 106 agreement prior to commencement on site.
- Hertfordshire County Council will seek contributions via a S106 for improvements to both the Hatfield Road / Ellenbrook junction and the Hatfield Road / Comet Way junction. Contributions will be sought for an amount to be determined, based on Hertfordshire County Councils Planning Obligations Guidance Toolkit. The toolkit specifies that non-residential charges will be calculated at a rate of £1000 per one peak hour two-way trip. Based on 46 PCU's per peak hour, this equates to £46,000 towards the Hatfield Road / Ellenbrook junction and £46,000 towards the Hatfield Road / Comet Way junction. The financial contributions will need to be secured through a legal S106 agreement, with exact triggers for payment to be agreed between the parties.

EUROPEAN OFFICES

United Kingdom

AYLESBURY

T: +44 (0)1844 337380

LONDON

T: +44 (0)203 805 6418

BELFAST

belfast@slrconsulting.com

MAIDSTONE

T: +44 (0)1622 609242

BRADFORD-ON-AVON

T: +44 (0)1225 309400

MANCHESTER (Denton)

T: +44 (0)161 549 8410

BRISTOL

T: +44 (0)117 906 4280

MANCHESTER (Media City)

T: +44 (0)161 872 7564

CARDIFF

T: +44 (0)29 2049 1010

NEWCASTLE UPON TYNE

T: +44 (0)191 261 1966

CHELMSFORD

T: +44 (0)1245 392170

NOTTINGHAM

T: +44 (0)115 964 7280

EDINBURGH

T: +44 (0)131 335 6830

SHEFFIELD

T: +44 (0)114 245 5153

EXETER

T: + 44 (0)1392 490152

SHREWSBURY

T: +44 (0)1743 23 9250

GLASGOW

T: +44 (0)141 353 5037

STIRLING

T: +44 (0)1786 239900

GUILDFORD

T: +44 (0)1483 889800

WORCESTER

T: +44 (0)1905 751310

Ireland

DUBLIN

T: + 353 (0)1 296 4667

France

GRENOBLE

T: +33 (0)6 23 37 14 14