Colney Heath Parish Council (CHPC) closing statement

CHPC EARA and SRA believe the public have been prevented on making representation to the 2021 application, if determined by this Appeal.

It appears Brett are seeking to conflate the 2016 and 2021 applications by substituting the four changes (The appellant's Note dated 2 November refers)

Additionally, the substitution of plans (via an attachment to an email of 25 November 2021 received at 17.53) was unclear. In para 4 of it says ….

> *So, it is proposed to substitute such plans from the 2021 scheme as are necessary to achieve that outcome. They are: HQ3/1, HQ3/2 and HQ3/3, all dated August 2021, as opposed to November 2015.*

It was evident during the Inquiry the appellants representatives were as equally unclear as we were on which plans were being referred to.

As CHPC stated our case is supported by Mr Justice Dove in Holborn Studios Limited [2020] decision of 11 June 2020 para 46 where he refers to … ***R(Joicey) v Northumberland County Council*** *[2014] EWHC 3657; [2015] PTSR 622 and* highlighted paras 47 and 48 of Joicey

Mr Justice Dove in his para 71 again refers to Joicey *71 …. In my view the principles identified in the case of Joicey by Cranston J at paragraph 47 are clearly on point, "since the purpose of having a legal obligation to confer a right to know in relation to material underpinning a democratic decision-taking process is to enable members of the public to make well-informed observations on the substance of the decision."*

CHPC EARA and SRA believe

- Information was not published by the public authority in good time for members of the public to be able to digest it and make intelligent representations to the Inquiry about the 2021 application due to the timing of Brett lodging it and representations being due by 20 November 2021 to the County Council, in the middle of this Inquiry.

- Publication of the 2021 application was arranged in a manner that has not allowed proper consideration at the Inquiry by CHPC EARA and SRA or by the public, due to the timing of the application and its validation

- If the Appeal is determined on the 2021 application the right of the public will have been removed to

    - be in a position where they can make sensible contributions to democratic decision-making

    - make representations on the planning application

    - make well-informed observations on the substance of the application.

For all of the above reasons the Appeal should only be determined on the 2016 application and not by using Conditions to effectively substitute the 2021 application in to the Appeal process.

As has been highlighted at the Inquiry the inability of the County Council, together with Welwyn Hatfield Borough Council and St Albans District Council, to ensure Arlington complies with its obligation to complete the formation of Ellenbrook Trust from the 29 December 2000 section 106, has added an unnecessary level of complexity and time to the Inquiry.

We have provided supporting evidence for all four refusal grounds

On Ground one we provided clear evidence on the impact on the Green Belt including that the application is in an area that forms a key gap between St Albans and Hatfield to prevent coalescence of the towns.

Additionally, the Inquiry has clearly demonstrated the impact on visual openness particularly to the Country Park users during quarrying phases and whilst restoration of each phase is taking place.

On Grounds two and three we have clearly demonstrated the cumulative impact of quarrying for potentially over a century and the long-term harm caused by quarrying in the Smallford area since the mid-1930s, contrary to the NPPF.
If permission is granted it would result in more than 120 years of quarrying in the area.

Evidential harm in the area includes: Smallford Pits quarried pre 1939 and still not reinstated; active quarry sites in the Smallford area which are accessed through the village.
The associated Dust, Noise and Loss of amenities residents suffer combine to create a cumulative detrimental effect including risks to individuals' health generally.

The site is not in a sustainable location with the main issue being Increased transport mileage due to the concentration of all Hertfordshire's sand and gravel being supplied from one small area of south west Hertfordshire when other sites are available, which would reduce transport in the east of the County and further east in to Essex

The site is also likely to increase the frequency of non-observance of the St Albans 7.5-ton weight limit zone especially travelling west on the A1057 with the difficultly of monitoring vehicles not associated with the operator.

The dangers of site access were shown to be a risk, even with the additional plans supplied during the Inquiry, that although reduced by potential layout changes will not be removed entirely. We are also concerned at the Highways authority abilities and resource availability to monitor the highways issues appropriately.

We also believe the proposal runs the risk of non-compliance with the current Minerals Policy 14 as the Policy would not prevent post quarrying in a similar vein to the proposals for Tarmac's quarry south of Coursers Road for 6,000 dwellings and 2,000 jobs

Many of the officer's recommendations and support for the application in the Committee reports are contrary to the policies set out the Hertfordshire Minerals Plan. In CHPC's view it should be difficult to give weight to officer's comments or their recommendations regarding this application, which the appellant relies on heavily.

On Ground four detailed evidence was supplied to express our concerns, primarily by the Residents' Associations, with the Ground Water Management Plan; the EA Remediation Plan and Borehole monitoring. As highlighted the risk of bromate to public health is too high. Dr Rivett's concerns have not been properly addressed.

It is not easy to predict the flow outcome – as one resident compared it 'it's like ink on wet blotting paper"

The other consequence is if the Bromate plume moves there will be increased water extraction in other areas. There are unknown risks to the water supply volume to support the current demand together with the forecast 50,000 jobs and 50,0000 additional new homes to be built along the A414 corridor with significant increases at the Eastern end of the corridor, particularly around Bishops Stortford in Essex. The growth corridor is broadly similar to the current and projected area covered by the bromate plume.

We are disappointed the EA, Affinity Water, the County Council seem almost oblivious to the real risk of contamination to Hertfordshire's residents, however slight,
If proven in due course all four will have responsibility for and liability to the public.

CHPC has consistently highlighted the true 'non-delivery of the Country Park. If the appeal is granted there will be a much greater loss of access and the resultant harm on residents' health resulting from its loss.
We trust the Inspector will refuse the 2016 Appeal and not grant planning permission and not allow the substitution of the 2021 application.

Peter Cook
Colney Heath Parish Council
Chair 2021-22
06 December 2021