



TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION FOR THE ESTABLISHMENT OF A NEW QUARRY ON
LAND AT THE FORMER HATFIELD AERODROME, INCLUDING NEW
ACCESS ONTO THE A1057, AGGREGATE PROCESSING PLANT
AND OTHER ANCILLARY FACILITIES, TOGETHER WITH THE
IMPORTATION OF INERT FILL MATERIAL TO RESTORE THE
MINERAL WORKINGS**

LAND AT HATFIELD AERODROME, OFF HATFIELD ROAD

HCC REF: PL/0232/21

DISTRICT REF: 6/3031-21

**SECTION 78 APPEAL AGAINST THE REFUSAL OF PLANING
PERMISISON:**

PLANNING INSPECTORATE REFERENCE:

APP/M1900/W/24/3346607

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A. STATEMENT OF FACT

A.1 The proposal subject to this appeal is for: the establishment of a new quarry on land at the former Hatfield Aerodrome, including new access onto the A1057, aggregate processing plant and other ancillary facilities, together with the importation of inert fill material to restore the mineral workings.

A.2 Planning permission (5/0394 -16) was refused for an earlier scheme proposing the extraction of 8 million tonnes (Mt) of sand and gravel together with the installation of ancillary buildings, plant and machinery (including a concrete batching plant) on land at the former Hatfield Aerodrome on 06th January 2021. The scheme was dismissed on appeal on 25th January 2022.

A.3 The 2021 application differs to the 2016 scheme in the following respects, it proposes -

- the erection and operation of a concrete batching plant has been removed from the proposals;
- the standoff for mineral extraction operations in the Lower Mineral Horizon (LMH) to the bromate plume (also in the LMH) has been increased from 50m to 100m;
- there will be no dewatering (pumping) of the LMH; and
- The access road from the quarry entrance has been moved by 5m to the east to allow additional acoustic screening.

Regulation 25 request for further environmental information

A.4 The Mineral Planning Authority formally requested further environmental information¹ in March 2022 relating to:

- Population and Human Health
- Hydrology
- Landscape
- Public Access
- Noise; and

¹ Regulation 25 Request for further environmental information

- Heritage

A.5 Further environmental information was submitted in October 2022 consisting of:

- Groundwater and Water Management and Monitoring Plan (GWMMP)
- Landscape and Visual Impact Assessment
- Updated Noise Impact Assessment
- Heritage Statement in relation to Popefield Farm
- Public Access Strategy

A.6 In addition, a new set of drawings was submitted (suffix “R”):

- HQ 3/1 R Overall Phasing – General Layout Plan
- HQ 3/2 R Site Entrance and Weighbridge
- HQ 3/3 R Plant Site
- HQ 3/4 R Plant Site Plan
- HQ 3/5 R Plant Site Sections
- HQ 3/6 R Advanced Works
- HQ 3/7 R Initial Site Establishment
- HQ 3/8 R Phase A
- HQ 3/9 R Phase B
- HQ 3/10 R Phase C
- HQ 3/11 R Phase D
- HQ 3/12 R Phase E
- HQ 3/13 R Phase F
- HQ 3/14 R Phase G
- HQ 3/15 R Restoration Plan

A.7 Subsequently further information was submitted consisting of:

- Health Impact Assessment (updated July 2023); and
- Restoration Drainage Strategy (07 August 2023)

SECTION 106

A.8 The Planning Application was reported to Committee on 31st October 2023 with a recommendation for approval subject to conditions and the Heads of Terms for a Section 106 Agreement which provided for:

- (a) a sustainable transport contribution of £174,906 (index linked) as a contribution towards improvement/sustainable schemes for Comet Way roundabout as identified within the County's South Central Growth Transport Plan (GTP) and Local Cycle Walking Infrastructure Plan (LCWIP)
- (b) a sum of £30,000 for maintenance of the highway should any deterioration be identified following a condition survey prior to the commencement of development (for each five-year period of the development)
- (c) the mineral operator to enter into a Section 278 agreement under the Highways Act 1980 relating to the improvements; and
- (d) provision of a network of extensions to the Rights of Way network throughout the site in accordance with the routes and specifications prescribed in the definitions section of the s106 2.8 The s106 is agreed between with all parties and will be sealed once there is a resolution to grant planning permission.

A.9 The draft s106 is agreed between the parties.

B. DECISION AND REASONS FOR REFUSAL

B.1 The Development Control Committee of Hertfordshire County Council refused planning permission on 31st October 2023 stating the following reasons:-

GREEN BELT

1. The proposal represents inappropriate development in the Green Belt and would not protect the countryside from encroachment. The scale and extent of the processing plant and stockpile areas, and the long-term siting of the screen and perimeter bunds would not preserve the openness of the Green Belt. There are no very special circumstances to outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. The proposal is thereby contrary to the NPPF (paragraphs 139, 140, 147, 148).

HERITAGE

2. The proposals do not adequately consider the setting of the heritage asset, Popefield farmhouse and barns (Grade II listed), by reason of the proximity of mineral workings and the long term siting of perimeter bunds during mineral extraction and restoration. The proposal is thereby contrary to Minerals Policy 18 (ii) (Operational Criteria for the Control of Mineral Development) of the Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2007 and the NPPF (paragraphs 194, 195, 199).

RESIDENTIAL AMENITY

3. The proposal does not provide an adequate buffer distance and landscape planting to protect the residential amenities of the occupiers of Popefield Farm. The proposal is thereby contrary to the requirements of Minerals Policy Minerals 18 (vii) (Operational Criteria for the Control of Mineral Development) and the site-specific considerations for Preferred Area 1 of the Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2007.

LANDSCAPE CHARACTER AND VISUAL AMENITY

4. The proposals by reason of their size and scale, the extent and long-term siting of screening and perimeter bunds, and the extensive removal of roadside vegetation to create visibility splays for the new access (A1057) would be harmful to landscape character and the visual amenities of the area. The proposal would thereby be contrary to the provisions of Minerals Policy 18 (vii) (Operational Criteria for the Control of Mineral Development) of the Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2007 and the NPPF (paragraphs 175, 211 (f)).

BIODIVERSITY

5. The proposal would not sufficiently minimise the impacts of the development or provide for adequate net gain within an appropriate timescale contrary to National Planning Policy Framework paragraph 174d. Further the development would result in significant harm and is not adequately mitigated contrary to paragraph 180 a). The proposal would be likely to result in loss of or damage to habitats or species, contrary to Policy 9 of the Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2007.

PUBLIC ACCESS

6. The proposals for public access to Ellenbrook Fields, contained within the Public Access Strategy (July 2023) do not demonstrate that users of the Park would be adequately protected over the duration of mineral workings, including vehicle movements associated with the transport of minerals for processing. The proposal would result in the loss of public access over a substantial period of time to Ellenbrook Fields due to areas being excluded for mineral working and associated activities and the amenity of users of areas with public access would be adversely affected. The proposal is thereby contrary to Minerals Policy 18 (x) (Operational Criteria for the Control of Mineral Development) of the Hertfordshire Minerals Local Plan 2007 and the NPPF (paragraph 145).

CUMULATIVE AND VEHICLE ACCESS

7. The additional HGV movements associated with the proposed development would have an adverse impact on the character and amenity of the local area. The proposed access does not adequately mitigate the impact of the development on the highway network given the number of proposed HGVs movements into the site, the siting of the access and amount of traffic along the A1057. The proposal does not adequately provide for safety of vulnerable road users, including cyclists and pedestrians. The proposed development would be contrary to the provisions of Policy 5 (d)(f)(g) of Hertfordshire LTP4 and Policy 16 (Transport) of the Hertfordshire Minerals Local Plan 2007 and Policy SADM2 of the Welwyn Hatfield Borough Council Local Plan 2016-2036.

GROUNDWATER

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

C. THE APPLICATION SITE

C.1 The application site is located on the west side of Hatfield between Ellenbrook and Smallford, approximately 1.1km to the east of Oaklands College.

C.2 The application site area is approximately 87.1 hectares (215 acres). The land is within the Metropolitan Green Belt.

C.3 The application site forms part of the former Hatfield Aerodrome (British Aerospace) site which has outline planning permission [S6/1999/1064/OP] granted in December 2000 for redevelopment involving demolition of existing (unlisted) buildings, removal of the runway, and development including residential, retail, office and warehouse development and the University of Hertfordshire Campus. The subsequent reserved matters applications were approved, and the development has been constructed.

C.4 The surrounding land uses are:

- land at Hatfield Quarry to the north;
- University of Hertfordshire (de Havilland Campus) including sports pitches, Ellenbrook and the western fringes of Hatfield to the east.
- Nottcutts garden centre and residential properties and commercial premises off Oaklands Lane to the west; and
- The A1057 Hatfield Road and Wilkins Green to the south

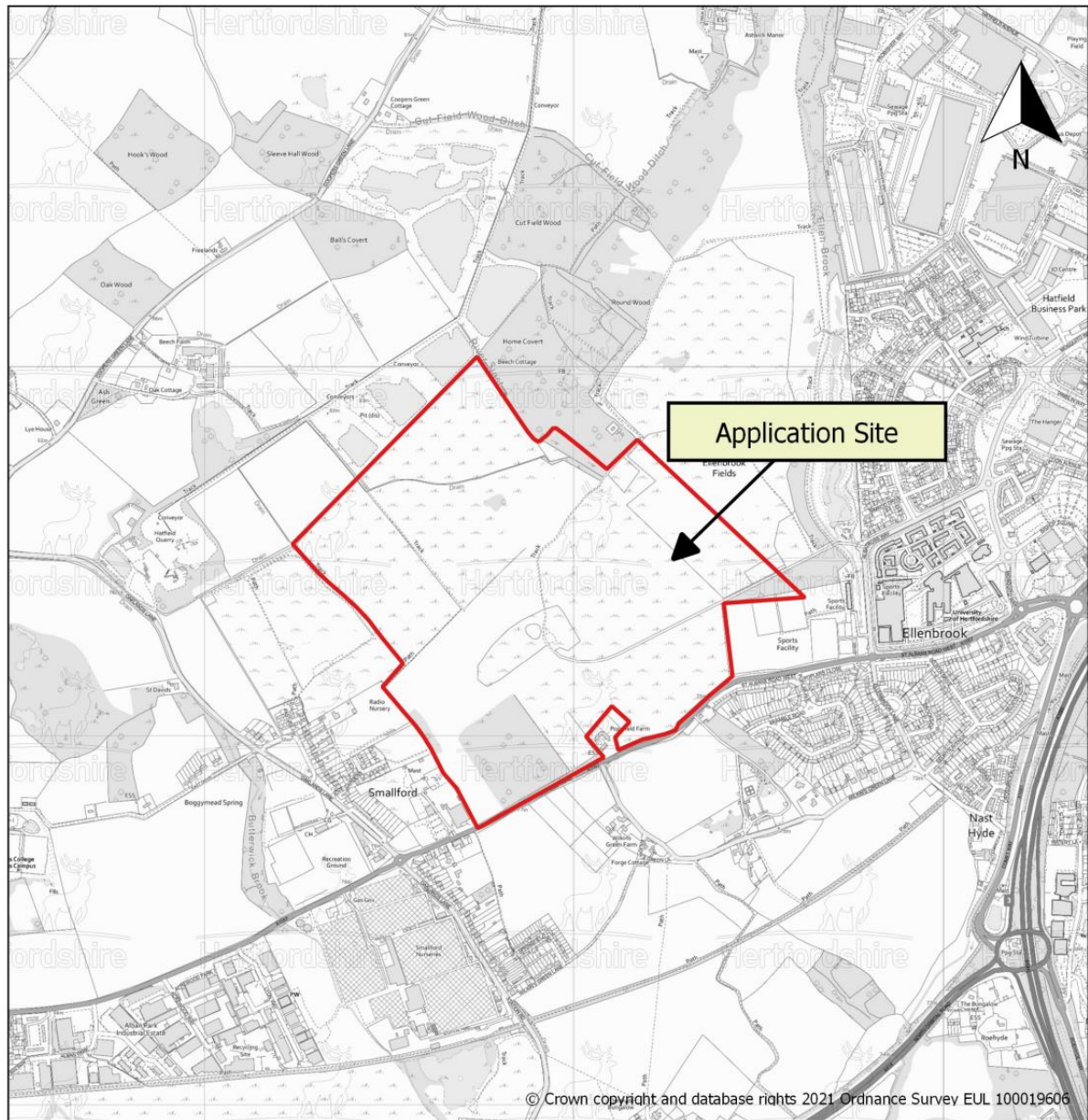
C.5 Home Covert Wood adjoins the northern boundary and is a County Wildlife Site. Three areas of ancient woodland all located to the north of the site, namely, Oak Wood (700m), Hook Wood (880m) and Symmondshyde Green (1.6km).

C.6 Public footpath (Colney Heath 014) runs along the west boundary and connects Hatfield Road with Coopers Green Lane.

C.7 The nearest listed buildings are Popefield Farm and its two barns, on the southern boundary, and the Three Horseshoes Public House located approximately 90m from the proposed site access. Astwick Manor is situated approximately 850m north of the application site.

C.8 The Sleepshyde conservation area is approximately 1km south of the application site. There are no recorded scheduled monuments within 1km of the boundary of the application site.

C.9 The site is situated within Flood Zone 1, therefore at a low risk of surface water flooding from main rivers.



D. ELLENBROOK PARK

D.1 The original development of Hatfield Aerodrome (S6/1999/1064/OP) was subject to a s106 for the establishment of “Ellenbrook Park” including provisions for: a financial contribution (“Ellenbrook Park Contribution”); a 125-year lease (“Ellenbrook Park Lease”) and a Trust (“Ellenbrook Park Trust”) to manage the Park.

D.2 The original s106 sets out the sequence for the establishment of the Park, i.e. -

- 4.81 *Not to occupy more than 50 units of development until a Framework Plan and Landscape Management Document based on principles set out in the Landscape Framework Document for the restoration and enhancement and public use of Ellenbrook Park shall have been submitted to and approved by the District Council and St Albans.*
- 4.82 *No to occupy more than 700 units of development until the Establishment Works² shall have been completed unless otherwise agreed in writing by the District Council.*
- 4.83 *To layout out the Ellenbrook park to the reasonable satisfaction of the District Council and St Albans in accordance with the Establishment works identified in the Landscape Framework Document³ as clarified and identified in greater detail in the Framework Plan and Landscape Management Document within the first planting season following approval of the Landscape Management Document and to ensure that pending the grant of the Ellenbrook Park Lease of the Ellenbrook Park to the Ellenbrook Park Trust the Ellenbrook park is at all times accessible and freely available to the public following Commencement of the Development (save during periods when public access needs to be excluded from parts thereof when landscaping and landscape*

² “Establishment Works” – those works of planting arboricultural woodland management landscaping ground modelling reshaping recontouring regrading the landform laying out and construction of the footpath/bridleways and footpath/cycleways landscape improvements and addition site security measures together with all other works to the Ellenbrook Park in broad accordance with the provisions of Section 2 – “Landscape Treatment and Management” of the Landscape Framework Document”.

³ “Landscape Framework Document” – a document to be based on the principles contained in Landscape Framework Document which will describe in full detail the landscape treatment management and maintenance proposals for Ellenbrook Park and which is to be prepared by Arlington and approved by the District Council and St Albans”.

maintenance works are being carried out or when minerals are being extracted pursuant to a planning permission).

- 4.84 *To manage and maintain the Ellenbrook park as an amenity space to the reasonable satisfaction of the District council and St Albans for a period (“the maintenance period”) expiring on the later of two years following completion of the establishment works or the completion of the Ellenbrook Park Lease of the Ellenbrook park to the Ellenbrook Park Trust for formal and informal public recreation and as a landscape and wildlife resource and to allow free public use enjoyment and access at all times throughout the year in accordance with the management objectivesetc.*
- 4.85 *Following the expiry of 2 years from the completion of the Establishment Works it shall not occupy or cause of permit occupation of any further Development until it shall have granted the Ellenbrook Park Lease and paid the Ellenbrook Park Contribution to the Ellenbrook park Trust unless the Ellenbrook Park Trust shall have declined to enter into the Ellenbrook Park Lease.*
- 4.86 *Upon the grant of Ellenbrook Park Lease of the Ellenbrook Park to the Ellenbrook Park Trust Arlington shall pay the Ellenbrook Park Contribution to Ellenbrook Park Trust and shall make available at their own cost and at no costs a park ranger and landscape consultant in accordance with the terms of the Ellenbrook Park Lease.*
- 4.87 *Pending completion of the Ellenbrook Park Lease in accordance with Sub-clause 4.81 Arlington shall maintain and manage Ellenbrook Park to the reasonable satisfaction of the District Council St Albans and the County Council including any equipment apparatus fencing planting and surfacing in good condition fit for use and in accordance with the sound landscape and open space management practices and shall ensure that Ellenbrook Park is available at all times for controlled access and use by members of the public including all residents of the development.*

4.88 *In the event that Arlington fail to comply with their obligations under Sub Clauses 4.82 4.84 and 4.87 to the reasonable satisfaction of the District Council St Albans and the County council then the District Council and St Albans and the County Council shall be entitled and authorised to enter the Ellenbrook Park to carry out all outstanding work as required under the provision of Sub-Clauses 4.82 4.84 and 4.87 and recover the full cost thereof from Arlington together with interest on any costs which remain unpaid more than 28 days after the date of which such costs were first demanded.*

D.3 In 2010 Welwyn Hatfield Borough Council (WHBC) agreed, in consultation with St Albans District Council (SADC) and Hertfordshire County Council, the scope of “Interim Landscape Works” to ensure the landscape maintenance is suitable for a public open space. However, the full Establishment Works defined in s106 have never been completed and the Landscape Framework Document was never finalised, such that the steps set out in 4.81 to 4.88 of the s106 have not been complied with, with the effect that, the Ellenbrook Park Contribution has not been paid, the Ellenbrook Park Trust has not been established, and the Ellenbrook Park Lease has not been entered into.

D.4 The delivery of Ellenbrook Park is recognised as a matter of significant public interest. The committee report (paragraph 4.10) stated –

Notwithstanding the level of public access to the Site, Ellenbrook Country Park has not been provided in accordance with the provisions of the original agreement and it will be necessary to require a Deed of Variation to the original legal agreement to secure new triggers for the provision of Ellenbrook Country Park as part of the determination of this application. Legal advice from Counsel on this matter has been obtained by the County Council and a head of terms have been agreed with the applicants and landowner. Further discussions will be necessary with Welwyn Hatfield and St Albans Councils, who are also signatories to the Deed of Variation, to ensure that the revised provisions are acceptable and delivers equivalence in terms of Ellenbrook Country Park to that secured under the 2000 s.106 agreement in the changed circumstances pertaining.

D.5 There have been detailed discussions between the landowner (ARC) and officers representing WHBC, SADC and the County Council regarding the Deed of Variation, it is anticipated that, if at all possible, a draft agreement could be made available for the Inspector to consider at the Inquiry, and if necessary, any grant of planning permission could be subject to a condition that the Deed of Variation must be completed prior to the commencement of mineral extraction.

E. SUSTAINABLE USE OF MINERALS

E.1 The NPPF states –

Paragraph 215 It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation’.

Paragraph 217 When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.

Paragraph 219 Minerals planning authorities should plan for a steady and adequate supply of aggregates by -

- e) using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans; and
- f) maintaining landbanks of at least 7 years for sand and gravel

E.2 The adopted Hertfordshire Minerals Local Plan Review 2007 sets out policies in relation to minerals supply (Minerals Policy 1), the need for mineral working (Minerals Policy 2), and the working of Preferred Areas for future sand and gravel extraction (Minerals Policy 3).

Minerals Policy 1 - Minerals supply states -

‘Planning permission for the extraction of proven economic mineral reserves will only be granted where it is necessary to ensure that adequate supplies are available to meet the county’s agreed apportionment of regional supply. The County Council will seek to maintain an appropriate landbank of sand and gravel reserves in accordance with government guidance, throughout the Plan period, consistent with the above apportionment, to enable an appropriate contribution to be made to meet the region’s varying needs’.

Minerals Policy 2 – Need for mineral working

‘When determining planning applications for mineral extraction the County Council will take into account the following factors:-

- i) the existing quantity of permitted reserves of the mineral;
- ii) the rate at which, and the proposed timescale over which it is expected that those permitted reserves will be worked;
- iii) the proposed rate and timescale in the application for working the mineral deposit;
- iv) the existence of resources of the mineral which are identified as Preferred Areas within the Plan and which are shown as being desirably worked at an early stage of the Plan period; and
- v) the particular nature and qualities of the mineral deposit concerned, such as the suitability for a particular end use not met by other available sources in the area or region.

Minerals Policy 3 – Sites for sand and gravel extraction and the working of preferred areas

Specific Sites for sand and gravel extraction are identified on the Proposals Map and listed at Appendix 5. These are:

- i) sites which have a valid planning permission for mineral extraction including active sites with unworked permitted reserves and sites on which extraction has not commenced; and
- ii) sites which are subject to a resolution of the County Council to grant planning permission.

The following sites as defined on the Proposals and Inset Maps are identified as Preferred Areas for future mineral working:

- Preferred Area 1: Land at former British Aerospace, Hatfield
- Preferred Area 2: Land adjoining Rickneys Quarry, near Hertford
- Preferred Area 3: Land at Coursers Road, near London Colney

Proposed mineral working within the Preferred Areas defined in this Plan will be permitted only when: a) they contribute to maintaining the County’s appropriate

contribution to local, regional and national aggregate needs, including the maintenance of a landbank in accordance with Mineral Policy 1; and b) the application satisfactorily fulfils the requirements of the Proposals for that Preferred Area as identified with the Inset Maps’.

SUMMARY OF CASE

E.3 At the time the decision on 31st October 2023 the most up-to-date information on sand and gravel sales in the county (for the calendar year 2021) is set out in the Local Aggregates Assessment 2022 -

- Sand and gravel sales at the end of 2021 stood at 1.15 million tonnes. An increase of circa 25,000 tonnes per annum
- No new mineral extraction permissions have been granted during 2021 so no additional reserves are added to the County’s supply. The total permitted reserves figure stood at 6.47Mt.
- The permitted reserves, as at the end of 2021, can supply aggregate for a period of 5.5 years based on Hertfordshire’s LAA Rate (which is based on the 10-year average sales data).

E.4 The committee report states -

Paragraphs 9.5 The LAA 2022 confirms that the landbank is currently below the minimum requirement and there is a need to add to the supply of sand and gravel. This will necessitate the grant of planning permission either for extensions to existing sites or new sites.

Paragraph 9.6 In the absence of new permitted aggregates reserves but continued demand for supply, it can be assumed that based on the current rate, as at the end of 2022, the landbank for Hertfordshire will likely be circa 4.5 years.

E.5 In December 2023 planning permission (PL\0963\18) was granted for the extraction of sand and gravel extraction 3.52 Mt of sand and gravel from Land Adjoining Coopers Green Lane (LACGL) to be delivered over 10 years.

E.6 Taking into account the additional source of supply from LACGL the estimated landbank at the end December 2023 stood at 6.5 years based on the annual sales rate (1.15Mt).

E.7 The mineral deposit is identified as a Preferred Area for Mineral Working⁴ in the adopted Hertfordshire Minerals Plan 2007.

E.8 The minerals deposit at Hatfield Aerodrome (8Mt) would make a significant contribution to minerals supply in the County for a period of 30+ years. The working of preferred areas is acceptable in principle and consistent with the strategic objective 'to identify and safeguard mineral resources to ensure that there are sufficient environmentally acceptable sources to maintain an appropriate level of current and future supply'.

E.9 The principle of mineral working at Hatfield Aerodrome is acceptable as it involves the working of a Preferred Area, and in the present situation the landbank is below the minimum 7 years.

E.10 Any proposal for working the mineral deposit at Hatfield Aerodrome should be consistent with the NPPF i.e.–

Paragraph 217 In considering proposals for mineral extraction, minerals planning authorities should:

- b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties
- e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards,

⁴ Preferred Area 1 _ Land at Hatfield Aerodrome

through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;

E.11 Furthermore, all proposals for mineral extraction and related development should be consistent with Minerals Policy 18 (Operational criteria for the control of mineral development) i.e. -

- vii) incorporate an appropriately defined buffer zone in order to safeguard sensitive land-uses. The following matters will be taken into account when delineating the buffer zone at the application stage of development:
 - a) topography and hydrology of the site and surrounding areas;
 - b) natural and manmade features, which may reduce the impact of development, for example landscape features, roads, railway lines etc;
 - c) the direction of the prevailing wind;
 - d) the proximity of the proposed development to sensitive land-uses such as dwellings;
 - e) duration and direction of the proposed working; and
 - f) location of plant and other ancillary development;
- viii) demonstrate that no significant noise intrusion will arise from the development; and
- ix) demonstrate that no significant degradation of the air (particularly from dust and emissions) or water quality or quantity –with respect to both groundwater and surface water will occur

GREEN BELT

1. The proposal represents inappropriate development in the Green Belt and would not protect the countryside from encroachment. The scale and extent of the processing plant and stockpile areas, and the long-term siting of the screen and permitter bunds would not preserve the openness of the Green Belt. There are no very special circumstances to outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. The proposal is thereby contrary to the NPPF (paragraphs 139, 140, 147, 148).

1.1 The NPPF states –

Paragraph 142 The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 143 Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns;
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 152 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of

inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.

Paragraph 155 Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are (/include): a) mineral extraction; b) engineering operations.

1.2 The Planning Inspector for the previous appeal (APP/ M1900/ W/ 21/ 3278097) stated –

Paragraph 49 ‘NPPF paragraph 150 must mean that some level of operational development for mineral extraction in the Green Belt would preserve its openness and would not conflict with its purposes, and that beyond that level the development would become inappropriate in the Green Belt, and so the exception would no longer apply. Determining the tipping point would depend upon the particular circumstances, as a matter of fact and degree, but relevant considerations could include the siting, nature and scale of the operational development in its local context, along with its visual effects, duration and the reversibility of any adverse impact upon the openness and purposes of the Green Belt’.

Paragraph 50 ‘The appellant acknowledges that the CBP plays no direct role in the winning and working of minerals and that its presence or absence is irrelevant to operation of the quarry. I find that the CBP is not mineral extraction for the purposes of applying paragraph 150 of the NPPF. Therefore, the appeal scheme would be inappropriate development, which is by definition harmful to the Green Belt. The openness of the Green Belt would be impaired by the CBP. Furthermore, the appeal scheme with the inclusion of the CBP would not assist in safeguarding the countryside from encroachment, and so would conflict with one of the purposes of the Green Belt’.

- 1.3 The Inspector concluded the proposed development was inappropriate development in the Green Belt on the basis that the concrete batching plant alone plays no direct role in the winning and working of minerals. The Inspector did not give a view on whether the operational development would breach the tipping point for a level of operational development that would be considered appropriate in the Green Belt having regards to its siting, nature and scale of in its local context, however, the committee was advised that, in the absence of any reference to the operational development, the Inspector would have regarded the development to be appropriate in the Green Belt if it were not for the concrete batching plant.
- 1.4 The current appeal scheme is absent the Concrete Batching Plant (CBP). The committee were advised that the development in its totality would be appropriate development in the Green Belt based on the Inspectors reasoning.
- 1.5 Notwithstanding the removal of the CBP and the advice note, the committee took the view the development consisting of the processing plant, materials stockpiles and screening bunds were inappropriate development in the Green Belt.
- 1.6 The concern relates to the size and scale of the processing plant, the siting of material stockpiles, screening bunds around the processing plant, and perimeter bunds around the site boundaries and surrounding the mineral working phases.
- 1.7 At the 2020 appeal the Planning Inspector heard evidence from the appellant that the size of the processing plant was justified and necessary to achieve appropriate standards for quarry management, and the size of the stockpiles were simply a consequence of the campaign method of working, involving mineral phases being worked continuously for long periods of the year producing large volumes of ballast which are temporarily stored in stockpiles prior to processing. In the current scheme the processing plant is reduced in size and a screening bund has been introduced along the southern boundary in order to limit views of the processing operation. Additionally, the bund around Popefield Farm has been relocated further away from the boundary with landscape planting introduced.

- 1.8 For all other areas the screening and perimeter bunds are retained in place, for example, around the processing plant, lagoons and the southern and western site boundaries for the duration of the development.
- 1.9 The County Council contends that the scale and extent of the processing plant and stockpile areas, and the long-term siting of the screen and perimeter bunds goes beyond the level of operational development that is necessary for the mineral working to take place, and therefore exceeds the tipping point for mineral working that could be regarded as appropriate development in the Green Belt, and as a consequence of the proposed level of operational development, the openness of the Green Belt would be impaired.
- 1.10 The County Council therefore regards the proposal as inappropriate development in the Green Belt and would not protect the countryside from encroachment, and thereby conflicts with the purposes of the Green Belt as set out in the NPPF.

HERITAGE

2. *The proposals do not adequately consider the setting of the heritage asset, Popefield farmhouse and barns (Grade II listed), by reason of the proximity of mineral workings and the long-term siting of perimeter bunds during mineral extraction and restoration. The proposal is thereby contrary to Minerals Policy 18 (ii) (Operational Criteria for the Control of Mineral Development) of the Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2007 and the NPPF (paragraphs 194, 195, 199).*

2.1 The **NPPF** states –

Paragraph 200 In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 208 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal....

2.2 **Policy SADM 15** of the **Welwyn Hatfield Local Plan 2023** states -

Heritage Proposals which affect designated heritage assets and the wider historic environment should consider the following:

- The potential to sustain and enhance the heritage asset and historic environment in a manner appropriate to its function and significance.
- Successive small-scale changes that lead to a cumulative loss or harm to the significance of the asset or historic environment should be avoided.

- Proposals should respect the character, appearance and setting of the asset and historic environment in terms of design, scale, materials and impact on key views.

.....

Proposals that result in less than substantial harm to the significance of a designated heritage asset will be weighed against the possible public benefits of the development in that location and whether or not these significantly outweigh that harm and the desirability of preserving the asset, and all feasible solutions to avoid and mitigate that harm have been fully implemented.

Proposals that result in harm to the significance of other heritage assets will be resisted unless the need for, and benefits of, the development in that location clearly outweigh that harm, taking account of the asset's significance and importance, and all feasible solutions to avoid and mitigate that harm have been fully implemented.

2.3 The **Regulation 25 Request** sought further information in relation to:

- 1) The potential impacts affecting Popefield Farm during the early phases/years of the mineral working, at least until further tree planting is established; and
- 2) additional planting treatment for site boundary with Popefield Farm.

2.4 The Regulation 25 response included a “Heritage Statement in relation to the setting of Popefield Farm (October 2022)” to supplement the Environmental Statement: Cultural Heritage (Chapter 12). The potential impacts affecting Popefield Farm are summarised in the Regulation 25 response -

- The Farmstead as a group faces inwards towards its courtyard with very limited views out.
- There appears to be no fenestration on north facing elevations that look towards the bulk of the proposed quarry.

- From the 19th century, the farmstead was fully enclosed by a western range that was demolished in the 1970s.
- There would have then been no views beyond the farmyard which is now a garden and an area for parking.
- Historically, the land of the PDA was farmland belonging to Popefield Farm, although that link was broken when the land was purchased by the De Havilland Aircraft Company and the airfield created in 1930.
- It is predicted that there would be a minor adverse effect of slight significance upon the setting of Popefield Farmhouse and adjacent buildings due to proximity and potential views of the proposed development from two attic windows facing Phase A.
- The proposed development area is already well screened by trees and scrub, particularly at ground level, and further tree planting is proposed to further screen views. There would be no effect upon our ability to appreciate the significance of the designated assets
- The test set by Historic England. Paragraph 202 of NPPF therefore applies i.e. -

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The minor adverse effects of the proposed development – at the lower end of the less than substantial scale - should therefore be weighed against public benefit.

- This concurs with the opinion of the Planning Inspector at the 2021 Appeal.

2.5 For the 2020 appeal scheme the Planning Inspector concluded –

Paragraph 82 It was apparent from my site visit that the current open character of the land to the east, north and west of Popefield Farmhouse helps to create a sense of open countryside reminiscent of that

which would have contained the historic buildings prior to the construction of the airfield. The current setting of Popefield Farmhouse therefore makes some contribution to the significance of the listed building. The proximity of bunds and activity associated with extraction/infill in Phases A, B, D and F would diminish appreciation of the farmhouse in its local context for a substantial period of time. The resultant harm would outweigh the eventual benefits to the setting of Popefield Farm of the proposed site restoration. I consider that the overall effect of the appeal scheme would result in less than substantial harm to the significance of the designated heritage asset.

Paragraph 83 I find that harm to the listed building would be at the lower end of the scale of less than substantial harm, which nonetheless attracts considerable importance and weight. In accordance with NPPF paragraph 202 this harm should be weighed against the public benefits of the appeal scheme.

STATEMENT OF CASE

2.6 There are 3 listings at Popefield Farm comprising:

1. Popefield Farmhouse;
2. Barn range north-west of Popefield farmhouse; and
3. Granary and adjoining outbuilding at Popefield farm

2.7 The group of listed buildings are formed around the farmhouse with the larger barn range to the north-east and granary and outbuilding to the south-east of the farmhouse forming a courtyard. All buildings are timber framed and date between the late C17 to the early C19. The north-west barn has a large barn door opening facing north-west towards the application site.

2.8 Notwithstanding the greater stand-off distance provided between the mineral workings and listed buildings at Popefield Farm by comparison to the 2016 scheme, the County Council contends the current scheme does not adequately preserve the setting of the group of listed buildings at Popefield Farm due to the phasing and design of the scheme, involving long periods of mineral workings in

Phases A, D, F, and G and the retention of a large perimeter bunds which enclose the setting of Popefield Farm for the full duration of the mineral working.

2.9 An alternative scheme might consider working the mineral deposit located nearest the boundary of Popefield Farm as a single Phase in the first stage of mineral working following the site establishment works, which would enable the setting of Popefield Farm to be reinstated at the earliest opportunity, and avoid the need to retain the perimeter bund for the full duration of the mineral working.

RESIDENTIAL AMENITY

3. *The proposal does not provide an adequate buffer distance and landscape planting to protect the residential amenities of the occupiers of Popefield Farm. The proposal is thereby contrary to the requirements of Minerals Policy Minerals 18 (vii) (Operational Criteria for the Control of Mineral Development) and the site-specific considerations for Preferred Area 1 of the Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2007.*

3.1 The **NPPF** states –

Paragraph 191 Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life

3.2 **National Planning Practice Guidance (Minerals)** states –

Paragraph 20 Mineral planning authorities should take account of the prevailing acoustic environment and in doing so consider whether or not noise from the proposed operations would:

- give rise to a significant adverse effect;
- give rise to an adverse effect; and
- enable a good standard of amenity to be achieved.

In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure would be above or below the

significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.

Paragraph 21 Mineral planning authorities should aim to establish a noise limit, through a planning condition, at the noise-sensitive property that does not exceed the background noise level ($L_{A90,1h}$) by more than 10dB(A) during normal working hours (0700-1900). Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) $L_{Aeq, 1h}$ (free field). For operations during the evening (1900-2200) the noise limits should not exceed the background noise level ($L_{A90,1h}$) by more than 10dB(A) and should not exceed 55dB(A) $L_{Aeq, 1h}$ (free field). For any operations during the period 22.00 – 07.00 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) $L_{Aeq,1h}$ (free field) at a noise sensitive property.

Where the site noise has a significant tonal element, it may be appropriate to set specific limits to control this aspect. Peak or impulsive noise, which may include some reversing beepers, may also require separate limits that are independent of background noise (e.g. L_{max} in specific octave or third-octave frequency bands – and that should not be allowed to occur regularly at night.)

Care should be taken, however, to avoid any of these suggested values being implemented as fixed thresholds as specific circumstances may justify some small variation being allowed.

3.3 Minerals Policy 18 (Operational Criteria for the Control of Mineral Development) of the Hertfordshire Minerals Local Plan 2007 states –

All proposals for mineral extraction and related development shall, where appropriate:

- vii) incorporate an appropriately defined buffer zone in order to safeguard sensitive land-uses. The following matters will be taken into account when delineating the buffer zone at the application stage of development:
 - a) topography and hydrology of the site and surrounding areas;
 - b) natural and manmade features, which may reduce the impact of development, for example landscape features, roads, railway lines etc;
 - c) the direction of the prevailing wind;
 - d) the proximity of the proposed development to sensitive land-uses such as dwellings;
 - e) duration and direction of the proposed working; and
 - f) location of plant and other ancillary development;
- viii) demonstrate that no significant noise intrusion will arise from the development;
- ix) demonstrate that no significant degradation of the air (particularly from dust and emissions) or water quality or quantity –with respect to both groundwater and surface water will occur.

3.4 The site brief for Preferred Area 1 (Land at the former British Aerospace, Hatfield) states –

Appropriate buffer zones will be required to protect the amenity of residents at Ellenbrook, Smallford and Popefield Farm.

3.5 Policy SADM 18 (Environmental Pollution) of the Welwyn Hatfield Local Plan 2018 states –

A Noise and Vibration Impact Assessment will be required for proposals with the potential to cause disturbance to people or the natural environment due to noise and/or vibration and for proposals that are considered to be sensitive to noise and/or vibration. Proposals that would result in or be subject to noise pollution and/or vibration that is:

- iii. Intrusive and would have an adverse effect on the quality of life or the natural environment will be resisted unless all feasible solutions to reduce to a minimum and mitigate that harm have been fully implemented, including the use of planning conditions.

3.6 The Planning Inspector for the 2020 appeal scheme concluded:

Paragraph 63 There is local concern about the appeal scheme adversely impacting on the amenity of the area because of noise, dust and health considerations. However, except for likely effects on the occupiers of Popefield Farm considered below, I am satisfied that the imposition of appropriate planning conditions would reasonably address concerns about local amenity considerations.

Paragraph 64 I have taken into account the appellant's noise assessment and note that the proposed perimeter bund would extend along Hatfield Road and around Popefield Farm. Drawing HQ 3/7 states that the bund along Hatfield Road would be 3 m high with 1:2 slopes and a 5 m stand off from the toe of the bund to the extraction area and site boundary. But the note does not specify details for the bund around Popefield Farm. Notwithstanding compliance with the suggested noise conditions, I consider that the proximity of the excavation/infill operation, in the absence of further details about the intervening bund, could at times result in a significant adverse effect on the residential amenity of those living at Popefield Farm.

Paragraph 65 In particular, the use of large diesel vehicles emitting low frequency noise and/or tracked vehicles such as bulldozers with distinctive noise characteristics, would at times result in intrusive noise not likely to be properly captured by the LAeq,1hr indices proposed in the suggested noise conditions and advised in the PPG. Disturbing noise from the appeal site would be likely to recur periodically over the 32-year duration of the operation because of the proposed phasing; with Phase A to the north-east of Popefield Farm (HQ 3/7), Phase B to the north (HQ 3/8 and HQ 3/9), Phase D to the north-west (HQ 3/10 and HQ 3/13) and Phase F to the west (HQ 3/14 and HQ 3/15). The likelihood of repeated noise disturbance, albeit intermittently, over such an extended period would result in the appeal scheme having an enduring adverse effect on the living conditions of the occupiers of Popefield Farm

3.7 The 2021 application Drawing HQ 3/16 R (October 2022) includes three cross-section drawings indicating relative distances between the mineral extraction area and the Popefield site boundary and buildings and maximum bund heights:

Section	Bearing	Distance to Popefield site boundary	Distance to Popefield buildings	Bund height
D-DD	W-E	78m	97m	3m
E-EE	NW-SE	75m	92m	3m
F-FF	NE-SW	75m	116m	3m

3.8 The Regulation 25 Updated Noise Impact Assessment comprises -

- a) measured noise (free-field, dB) levels at a monitoring location approximately 50m to the north of Popefield Farm boundary to derive background noise limits at the receptor Popefield Farm (measured value 39.8 (LA90)). Therefore, the maximum operational PPG noise limit would be 49.8 dB above (LA90); and
- b) noise surveys undertaken at George Green Quarry where similar plant is in use to determine the spectral sound levels of specific operational plant to be used at the proposed quarry, in order to predict noise levels at Popefield Farm;

- c) a significance assessment stating the difference between the predicted noise level (51.6) and the maximum PPG noise limit (49.8) is +1.8 dB, which is stated to be a negligible impact magnitude; and
- d) in the worst-case scenario, the predicated overall maximum sound pressure level of Popefield Farm, based on the individual maximum noise level of each item of plant, would equate to 56.1dB(A) which is 3.9 dB(A) below the maximum external noise limit (night-time) of 60dB(A) specified by the World Health Organisation (WHO).

STATEMENT OF CASE

3.9 The Council contends that the Regulation 25 Updated Noise Impact Assessment does not provide an accurate assessment of the impact of the proposed development for the following reasons:

- The daytime noise levels (background) measured for Popefield Farm were taken at a remote location at a distance from the facades of buildings at Popefield Farm;
- The reference noise levels measured at George Green Quarry would not necessarily provide an accurate representation of the site conditions at the application site; and
- The likely impact of noise affecting occupiers of Popefield Farm is understated. The 1.8dB difference between the predicted noise level (51.6) and the maximum PPG noise limit (49.8) is stated to be negligible, whereas the impact is of a higher magnitude i.e. minor based on PPG noise standards

3.10 Therefore, it appears that the operation would exceed the maximum acceptable +10dB(A) level specified in the PPG, and as such, the County Council is not satisfied that the residential amenity of occupiers of Popefield Farm would be adequately protected for the duration of the quarry (lasting 32+ years). The current scheme has not demonstrated that an appropriate buffer zone has been provided to protect the amenity of residents of Popefield Farm.

LANDSCAPE CHARACTER AND VISUAL AMENITY

4. *The proposals by reason of their size and scale, the extent and long-term siting of screening and perimeter bunds, and the extensive removal of roadside vegetation to create visibility splays for the new access (A1057) would be harmful to landscape character and the visual amenities of the area. The proposal would thereby be contrary to the provisions of Minerals Policy 18 (vii) (Operational Criteria for the Control of Mineral Development) of the Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2007 and the NPPF (paragraphs 175, 211 (f)).*

4.1 The **NPPF** states –

Paragraph 135 Planning policies and decisions should ensure that developments:

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change

Paragraph 150 Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

Paragraph 151 The National Forest and Community Forests offer valuable opportunities for improving the environment around towns and cities, by upgrading the landscape and providing for recreation and wildlife.

Paragraph 180 Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem

services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

4.2 Minerals Policy 12 of the Hertfordshire Minerals Local Plan Review 2007

(Landscape) states –

All mineral extraction and related development proposals will be required to take account of existing and, where appropriate, historic landscape character and maintain its distinctiveness. Planning applications may be refused where there is significant local landscape intrusion and loss of important landscapes or distinctive landscape features.

Development proposals will be expected to:

- i) respect landscape character both during operations and in proposals for reclamation;
- ii) ensure that any distinctive landscape features are protected from the impact of development;
- iii) be accompanied by landscape conservation, design and management measures that both strengthen the character and enhance the condition of the landscape.

The County Council will have regard to the visual impact of proposals (including any proposed mitigation measures to minimise visual or other intrusion) on sensitive landuses, including areas of public access. Particular regard will be had to the Hertfordshire Landscape Strategy in assessing proposals.

4.3 Policy SADM 16 of the Welwyn Hatfield Local Plan 2019 states –

Proposals will be expected to help conserve and enhance the borough's natural and historic landscape and sit comfortably within the wider landscape setting. Proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition. Proposals should take full account of the relevant Landscape Character Assessment and adopt the strategy and guidelines for managing change set out therein.

4.4 Welwyn Hatfield Landscape Character Assessment 2002

The application site lies within the De Havilland Plain Landscape Character Area (LCA). The landscape character consists of An area dominated and unified by the level topography yet with a diverse mix of uses and an incoherent pattern, with key characteristics including:

- an extensive level plain
- large open arable landscape to the north on high quality agricultural land
- disused Hatfield aerodrome with associated industrial and commercial development and aeronautical structures
- parkland and horticultural landscape of Oaklands College
- existing and restored mineral workings
- urban-fringe development and glasshouses
- incoherent and jumbled landscape, particularly to the south and centre

The area is most unusual due to its flatness and open character. The visual impacts include intrusive built elements within the area are the Hatfield Business Park warehouses. Other significant features are to the eastern fringes and include the former De Havilland flight sheds and control tower. Localised items are the batching plant on Oaklands Lane, glasshouses and nurseries. Over much of the area there is a sense of semi-dereliction or poor management. There has been extensive land-use change and little of the original pattern remains. Changes have been from arable to mineral and also from mineral to arable and pasture. Some of the workings are poorly screened.

4.5 Hatfield Aerodrome Supplementary Planning Guidance (1999) states –

Paragraph 8.2 To achieve the objectives of the Landscape Masterplan (Figure 7) sets out the following 10 objectives [including] –

(iv) landscape buffer zones providing attractive and functional boundaries between different landscape zones, providing noise and visual screening wherever possible.

Paragraph 9.28 To assist the planning of the extraction of the minerals reserve in the future, it is considered appropriate to set out the following principles which should be taken into account in any future mineral extraction from the Green Belt land:

- Appropriate buffer zones, normally of at least 60 metres in width, should be provided on all boundaries where adjoining land uses would be adversely affected;
- The boundary between theGreen Belt should generally.....incorporate the introduction of landscape planting and contouring prior to the extraction of any minerals. The design will be sufficient to protect the amenity of existing and potential occupiers...from minerals extraction in the Green Belt. Opportunity for mineral extraction during the process should be optimised, having regard to the existing and proposed land uses;
- The mineral reserve, when extraction, should generally be worked at a reasonable rate to avoid a prolonged period of extraction but equally to allow restoration to keep pace. It is likely that the reserves at the eastern part of the preferred areas should be worked first;
- The access will be located to provide as direct a route as possible to the trunk road network and to minimise disturbance to local residents. Opportunities will need to be explored for haul routes and access arrangements as part of the consideration of development phasing. A haul road to provide access to Hatfield Road would be acceptable if suitable

controls to ensure all vehicles travel to/from the east are also provided, and subject to such proposals satisfying any other requirements of the Minerals Local Plan.

- It is recognised that the extent of the processing plant is a matter of separate consideration; but it is likely to be significant in terms of its size. Any processing plant should be sited in a location which generally accords with the relevant Minerals Local Plan and in particular will:
 - (a) be well screened visually
 - (b) be well screened aurally
 - (c) minimise dust emissions
 - (d) minimise impact on sensitive surrounding occupiers, through careful attention to details of siting, design and hours of operation
- The setting of Grade II listed buildings at Astwick Manor and Popefield Farm should be respected and safeguarded in considering future details proposals for mineral extraction.

STATEMENT OF CASE

4.6 The proposed mineral workings involve a significant change in land use from open land being used as a Country Park to a mineral working for a considerable period of time (32 + years). The mineral working involves intrusive elements including a very large processing plant, stockpiles, screen and perimeter bunds, temporary haul roads and mineral working phases, and restoration operations.

4.7 The design of the scheme, involving very large mineral working phases in place for 5 years for each phase, will have a negative visual impact on users of the Country Park, residents adjoining the mineral workings, and users of adjoining public footpaths and bridleways.

4.8 The southern boundary of the site is marked by a strong landscape boundary which effectively screens views of the former aerodrome. This section of the A1057 marks the transition from Hatfield to Smallford through a section of open countryside with dispersed settlement pattern with some individual isolated properties.

- 4.9 The proposal involves the creation of a new access onto the A1057 resulting in the removal of significant section of hedgerow and some large individual trees. The new access will result in a significant loss of a historic boundary and some newly established plantation areas within the application site. This will open up views of the mineral workings and result in a visual scar for this section of the A1057 and result in encroachment into the countryside.
- 4.10 The scheme as a whole is insensitive to the existing landscape within the De Havilland Plain Landscape Character Area and results in harm to the visual amenities of the area.

BIODIVERSITY

5. *The proposal would not sufficiently minimise the impacts of the development or provide for adequate net gain within an appropriate timescale contrary to National Planning Policy Framework paragraph 174d. Further the development would result in significant harm and is not adequately mitigated contrary to paragraph 180 a). The proposal would be likely to result in loss of or damage to habitats or species, contrary to Policy 9 of the Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2007.*

5.1 The **NPPF** states –

Paragraph 180 Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

Paragraph 186 When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can

secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate

5.2 The **Hertfordshire Minerals Local Plan 2007** (Aims and Objectives) states –

To ensure sensitive working, reclamation and aftercare practices so as to preserve or enhance the overall quality of the environment and promote biodiversity where appropriate (Aim 4).

Minerals Policy 9 (Contribution to bio-diversity) states –

Proposals for mineral development should, where appropriate, provide opportunities to contribute to the delivery of the national, regional, and local biodiversity action plan targets. Additionally, proposals that prejudice the delivery of these targets or would result in the loss of, or damage to habitats and/or species will not be supported. Where appropriate, the minerals planning authority will seek long-term overall enhancement to local biodiversity through restoration or by other means such as by the attachment of conditions or planning obligations.

5.3 **Policy SP12 of the Welwyn Hatfield Local Plan 2023** states –

The Council will work with partners to actively support the creation and enhancement of strategic green infrastructure across the borough. Opportunities to link existing green spaces and to improve public access and amenity will be supported in order to provide a comprehensive network of functional and linked spaces for the benefit of wildlife, biodiversity and the community. The Council will aim to ensure there is no overall net loss in green infrastructure across the borough within the plan period. Development that would compromise the integrity, functionality or cause significant fragmentation of the green infrastructure network will not be permitted.

..... Development proposals within the borough should plan positively for, and contribute to, the creation and management of high quality, multifunctional green spaces that are linked to the 5

surrounding green infrastructure network. To ensure beneficial results for biodiversity and habitat creation....

Welwyn Hatfield Green Corridor

The council will work with partners and developers to enable the delivery of a Green Corridor located east to west across the borough between Welwyn Garden City and Hatfield.

The Green Corridor Project will provide new strategic connections to Ellenbrook Country Park, Symondshyde Great Wood and Heartwood Forest in the West, and Stanborough Park, the Commons Wood Nature Reserve, and Moneyhole Lane Park to connect to Panshanger Park, the River Mimram and Lea Valley in the east. In particular, the Council will work with Hertfordshire County Council as mineral planning authority and St Albans District Council as adjoining authority to maintain appropriate and safe public access to Ellenbrook Country Park during mineral extraction within the Park, and to restore and enhance the Park for public access and biodiversity following extraction.

5.4 Policy SADM 16 (Ecology and Landscape) states –

Ecological Assets

- i. Proposals will be expected to maintain, protect, conserve and enhance biodiversity, the structure and function of ecological networks and the ecological status of water bodies. All developments that are not otherwise exempt will be required to deliver a measurable biodiversity net gain of at least 10%.

5.5 For the 2020 appeal the Planning Inspector concluded –

Paragraph 80 The NPPF provides that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, providing net gain for biodiversity. I have had regard to local reservations about the effects of the proposal on wildlife, but I am satisfied that the long-term ecological benefits of the

progressive restoration would be sufficient to compensate for the harm to biodiversity during extraction/infill over the operational period. This would result in an overall enhancement for biodiversity, albeit that the full benefits would only accrue a considerable time into the future. Notwithstanding that biodiversity net gain is a policy requirement, this is a benefit of some significance in this case that would accord with MLP Policy 9 and should attract slight weight.

5.6 The **Hatfield Aerodrome SPG** states

Paragraph 9.8 Biodiversity The creation of new habitats is a key objective and should take into account the Biodiversity Action Plan for Hertfordshire. Subject to the need for hydrological data to determine the potential, it is expected that new habitats should include water features, which will be created following mineral extraction, and also running water.

Paragraph 9.9 In particular, the possibility of establishing new nature reserves should be explored further, which could include: open water comprising both deep and shallow expanses, running water to include a possible 'natural stream', a series of ponds with some larger bodies of water, and reedbed/marsh around the margins of open water.

Paragraph 9.10 Other types of habitat should also include woodland, hedgerows, grassland and heathland

Paragraph 9.13 The objective of the Watling Chase Community Forest to increase woodland to 30% cover over the De Havilland Plateau should be considered balanced with the need to retain some openness and views across the wider landscape. The approximate proportion of land uses should be within the following ranges: Woodland (20% - 30%), heathland, grassland and open space for leisure including water features (70% - 80%), small scale facilities e.g. sailing, interpretation centre (2% max.), and footpaths and bridleways etc. (2% max.)

SUMMARY OF CASE

- 5.7 Schedule 7A (1(1)) of the Town and Country Planning Act 1990 makes provision for the grant of planning permission to be subject to a condition to secure biodiversity gain objective (10%). The application was submitted in 2021 and therefore the BNG objective is not mandatory⁵ in this case.
- 5.8 However, Policy SADM 16 requires all developments that are not otherwise exempt will be required to deliver a measurable biodiversity net gain of at least 10%.
- 5.9 The site includes Ellenbrook Park which forms part of the strategic Welwyn Hatfield Green Corridor connecting Hatfield with Welwyn Garden City in the Welwyn Hatfield Local Plan (October 2023). The size of the application site represents a significant opportunity to deliver biodiversity enhancement which would complement the objectives for public access and conservation within Ellenbrook Park.
- 5.10 The creation of new habitats is a key objective of the Hatfield Aerodrome SPG (November 1999) with the possibility of establishing new nature reserves with open water and other habitat types to increase woodland coverage and new hedgerows, grassland and heathland.
- 5.11 Drawing HQ 3/15 R (Restoration Plan) illustrates the restoration concept with areas of semi-natural species rich grassland, freshwater and silt lagoons, planting of new hedgerows and trees and a permanent waterbody in place of the lagoons.
- 5.12 The County Council will contend that the Restoration Plan falls far short of the level of detail justified for the status of Ellenbrook Park and does not meet the high standards set out in the original s106 agreement, in the Hatfield Aerodrome SPG, or the Green Infrastructure policies in the Welwyn Hatfield Local Plan 2023. The Landscape Management Document required by the original section 106 should be submitted for approval to guarantee the restoration scheme will deliver the high landscape standards justified for Ellenbrook Park.

⁵ For major developments BNG is mandatory from 12 February 2024

PUBLIC ACCESS

6. *The proposals for public access to Ellenbrook Fields, contained within the Public Access Strategy (July 2023) do not demonstrate that users of the Park would be adequately protected over the duration of mineral workings, including vehicle movements associated with the transport of minerals for processing. The proposal would result in the loss of public access over a substantial period of time to Ellenbrook Fields due to areas being excluded for mineral working and associated activities and the amenity of users of areas with public access would be adversely affected. The proposal is thereby contrary to Minerals Policy 18 (x)(Operational Criteria for the Control of Mineral Development) of the Hertfordshire Minerals Local Plan 2007 and the NPPF (paragraph 145).*

- 6.1 **Welwyn Hatfield Local Plan 2023** includes objectives for Hatfield relating to Ellenbrook Park -

Paragraph 15.7 Hatfield Objective 5: Maintain appropriate access to Ellenbrook Country Park during any mineral extraction as part of the Green Corridor, and work in partnership with St Albans District Council and Hertfordshire County Council to restore full access to the Park once mineral extraction is complete, to support healthy living.

- 6.2 **Policy SP 12** Green Infrastructure states –

The Green Corridor Project will provide new strategic connections to Ellenbrook Country Park.....the Council will work with Hertfordshire County Council as mineral planning authority and St Albans District Council as adjoining authority to maintain appropriate and safe public access to Ellenbrook Country Park during mineral extraction within the Park, and to restore and enhance the Park for public access and biodiversity following extraction.

Developer contributions will be sought to deliver strategic green infrastructure.....Support will be required to deliver the following projects:

- implementation of the Hertfordshire Rights of Way Improvement Plan;
- implementation of the Welwyn Hatfield Green Corridor project.

6.3 Hertfordshire Minerals Local Plan 2007 states -

Minerals Policy 12 Landscape–

The County Council will have regard to the visual impact of proposals (including any proposed mitigation measures to minimise visual or other intrusion) on sensitive landuses, including areas of public access.

Minerals Policy 14 Afteruse states –

Mineral operators will be required to facilitate proposals for sustainable after-use as part of the reclamation scheme.

Proposals for afteruse will, where appropriate:

- provide improved and increased public access to the countryside and recreation and create public open space.

6.4 The NPPF states –

Paragraph 124. Planning policies and decisions should: a) encourage multiple benefits from both urban and rural land.....and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside.

6.5 The **Regulation 25** request response (November 2022) included a Public Access Strategy (PAS) 'to help the local community and interest groups understand how the proposed quarry will link with the Ellenbrook Country Park'.

6.6 Subsequent meetings were held with Hertfordshire Rights of Way Unit, The Ramblers and the local stakeholder group St Albans Access Group (STAG) resulting in submission of an updated PAS (June 2023) and a subsequent email (17.07.23) to clarify -

- the diversion for footpaths 14/15 for the duration of minerals workings as favoured by the Ramblers/STAG (see Option 3 - shown as a dashed yellow line on the updated PAS);
- if planning permission is granted, Brett agrees to provide the four principal routes (as indicated in the updated PAS) at all times. This matter can be controlled and enforced by the use of planning conditions;
- The surfacing of adopted paths will be in accordance with HCC Rights of Way Unit specifications, as provided by the s.106 Agreement.
- 'In response to feedback from 'Parish Councils and Residents Associates and all other consultees..... we have incorporated almost all of the suggested improvements from all parties into the updated Public Access Strategy (June version) other than where the suggested changes gave rise to safety concerns. We have reviewed these changes and can confirm that they do not alter any of the conclusions made in the Environmental Statement'.

SUMMARY OF CASE

6.7 The s106 for the development of Hatfield Aerodrome makes provision for Ellenbrook Park to be 'managed and maintained as an amenity space.... for formal and informal public recreation and as a landscape and wildlife resource to allow free public use enjoyment and access at all times throughout the year in accordance with the management objectives set out in Schedule Seven...'

6.8 The Hatfield Aerodrome SPG states –

Paragraph 9.26 The Green Belt land falls within a Preferred Area for mineral extraction as the area is generally underlain with minerals. The most economically viable reserves are located primarily toward the southern part of the site.

Paragraph 9.27 The SPG needs to ensure that the surface development proposals do not unreasonably affect the future extraction of minerals from the Preferred Area and that the amenity of the future development proposals will not be unreasonably affected in the event that minerals are extracted. In determining future minerals applications, the County Council will need to strike a balance between:

- Maximising the use of mineral resource.
- Protecting the amenity of existing residents at Ellenbrook and Smallford and other existing occupiers/ users.
- Protecting the manet of existing and provide development on the Future Development Land

6.9 It is clear there needs to be a balance between facilitating the efficient use of mineral reserves and providing an appropriate level of public access, in accordance with the provisions of the s106 and Hatfield Aerodrome SPG, and in doing so, ensure the safety of users of Ellenbrook Park.

6.10 The design of the mineral working with a predominance of large working phases would result in members of the public being excluded from extensive areas of the Park for long periods of time when individual phases of the mineral are being worked for mineral and restored. Furthermore, the north to south orientation of Phases A, B, F and G represents a significant impediment to east to west movement through the Park, a route which is particularly popular for recreational users of the Park and people wanting to travel between the university campus and Smallford. The Rights of Way Improvement Plan identifies a new east to west connection through the Park as a priority. In future Ellenbrook Park is likely to become even more popular for making sustainable

journeys between Hatfield and Smallford given the increase in HGV traffic on the A1057 generated by the mineral workings.

- 6.11 The scheme also involves a number of places where pedestrians have to cross haul roads. The County Council is concerned that the scheme does not minimise the potential risks to users of the Park coming into conflict with large vehicles transporting mineral for processing over long distances through the Park in each phase of the mineral working and for an extended period of time (32+ years).

CUMULATIVE AND VEHICLE ACCESS

7. *The additional HGV movements associated with the proposed development would have an adverse impact on the character and amenity of the local area. The proposed access does not adequately mitigate the impact of the development on the highway network given the number of proposed HGVs movements into the site, the siting of the access and amount of traffic along the A1057. The proposal does not adequately provide for safety of vulnerable road users, including cyclists and pedestrians. The proposed development would be contrary to the provisions of Policy 5 (d)(f)(g) of Hertfordshire LTP4 and Policy 16 (Transport) of the Hertfordshire Minerals Local Plan 2007 and Policy SADM2 of the Welwyn Hatfield Borough Council Local Plan 2016-2036.*

7.1 The **NPPF** states –

Paragraph 114 In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree

Paragraph 115 Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 116 Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles

7.2 The Hertfordshire Minerals Local Plan 2007 aims to:

- (3) - ensure that the adverse impacts on the environment and people caused by mineral operations and the transport of minerals are kept, as far as possible, to an acceptable minimum
- by: (4). preventing excessive environmental and cumulative impacts;

Minerals Policy 11 Cumulative impact states –

Development which would result in an unacceptable cumulative impact on the environment of an area either in relation to an individual proposal having regard to the collective effect of different impacts, or in relation to the effects of a number of minerals developments occurring either concurrently or successively will not be permitted.

Paragraph 4.6.1 states –

One of the most obvious effects of mineral workings on an area is the amount of heavy lorry traffic generated. This usually falls into two stages: transporting the material from the quarry to the processing plant and then from the plant to the customer. As far as possible in relation to the first stage the County Council would expects such movements to be kept off public roads through the use of internal haul routes or preferably conveyor belts. Internal haul routes, particularly where they traverse sensitive terrain,

whether in landscape or ecological terms, need careful design and landscaping.

Paragraph 4.6.6 states –

Policy 16 therefore seeks to promote alternative modes of transport for minerals water where this is justified by the balance of all likely costs and benefits. Where road transport is the only option, the policy seeks to channel lorry movements on to appropriate routes within the County's road hierarchy, to avoid overloading unsuitable roads and to avoid unnecessary damage to them:

Minerals Policy 16 states –

Mineral development will only be permitted when the provision for vehicle movement within the site, the access to the site, and the conditions of the local highways network are such that the traffic movements likely to be generated by the development including the proposed afteruse would not have an unacceptable impact on highway safety, the effective operation of the road network, residential amenity or the local environment.

In assessing the likely impact of traffic movements, account will be taken of any highway improvements, traffic management or other mitigating measures that may be provided in association with the development. Applicants must demonstrate, by a detailed transport appraisal, that the safest and least environmentally damaging methods of transporting minerals from extraction/production to markets, that are practically achievable, are used.

Planning permission will normally only be granted for the extraction of minerals which are capable of being transported from sites via Primary and Distributor Roads (as defined in the County Council's Local Transport Plan).

Where the transport of material would require the use of local roads (as defined in the County Council's Local Transport Plan) to gain access from the site to the major road network, or where other roads may be unsuitable on traffic safety, engineering or environmental grounds for increased levels of heavy traffic, applicants seeking planning permission will normally be required to carry out, and submit the results of a study of the impact of heavy goods vehicle traffic on road safety and the environment

SUMMARY OF CASE

- 7.3 The local area has been the subject to successive and concurrent mineral workings over a considerable period of time related to the workings at Hatfield Quarry since the mid C19.
- 7.4 Minerals Policy 11 requires consideration of the cumulative impact of an individual proposal and/or the effects on the local area of a number of minerals developments occurring either concurrently or successively. Where impacts are unacceptable planning permission will not be permitted.
- 7.5 Therefore, consideration should be given to the impact of mineral working on the local area and the impact of HGV movements from both sites travelling along the same section of the A1057.

Hatfield Quarry

- 7.6 The original mineral workings associated with Hatfield Quarry have taken place north of Oaklands Lane and east of Coopers Green Lane and subsequently at Suttons Farm to the north and west of Coopers Green Lane since 1997. Most of the historic workings have involved the importation of waste material for infilling.
- 7.7 In 2000 planning permission was granted for an extension to mineral workings north of Coopers Green Lane at Symmondshyde Farm with restoration to a lower level using in-situ soils and overburden. Restoration is currently taking place in the final phase (Phase 13) with a completion date of 2023/24.

7.8 Mineral extraction is currently taking place at Furze field to the north of Coopers Green Lane (pursuant to PL/0820/16) for the extraction of approximately 0.45 million tonnes of sand and gravel. The County Council is also currently considering a s73 application to allow extraction to continue for 3 years at Furze field with a further year to complete restoration by 31 December 2027.

7.9 Hatfield Quarry also has a concrete batching plant and a sand bagging facility operating from the site. The current operations at Hatfield Quarry are restricted to a maximum of 250 HGV movements (125 in/125 out).

7.10 In December 2023 planning permission (5/0963-18) was granted for an extension to mineral working at Hatfield Quarry to the land east of Coopers Green Lane (at Astwick Manor and Stanbourough Farm) over a 10 -12-year period likely to start in 2024/25.

7.11 Condition 10 of 5/0963-18 places a restriction of average/ maximum HGV numbers i.e. –

- i) average two-way HGV movements to the site via Coopers Green Lane shall not exceed 174 (87 in, 87 out) Mondays to Saturday. The calculation of average HGV movements applies on a weekly basis; and
- ii) maximum number of HGV movements shall not exceed 200 (100 in, 100 out) on any one individual day.

Land at Hatfield Aerodrome

7.12 The proposed number of HGV movements for the export of mineral and importation of waste is 164 movements (82 in/82 out) per day, at a rate of 16HGV's per hour on average over a 10-hour working day.

7.13 The Environmental Assessment Chapter 7 Transport identifies the total number of HGV trips generated by the development represents a small proportion of the overall number of vehicle trips on the A1057, whether considered in isolation or combined with the number of HGV trips associated with Hatfield Quarry.

- 7.14 The appeal scheme involves the creation of a new junction onto the A1057 located approximately 260m to the east of the junction with Oaklands Lane. The new access will require the creation of visibility splays measuring 600m. The new access and junction arrangements can take place within the application site and highway boundary. The provision of a new vehicular access via the A1057 Hatfield Road eastbound to A1001 is a site-specific consideration of the site brief for Preferred Area 1.
- 7.15 The Highway Authority has no objection subject to conditions, noting the new junction arrangements have been the subject of a Stage 1 Road Safety Audit. The Highway Authority requires improvements to pedestrian facilities along Hatfield Road (A1057) and pedestrian links between the site and Alban Way, plus a financial contribution toward improvements to three roundabout junctions between the proposed site access and the A1001, and a financial bond to cover the maintenance of the highway surface over the duration of the workings, which are covered in the draft s106.
- 7.16 Notwithstanding the above considerations, the County Council remains concerned that proposed access does not adequately mitigate the impact of the development on the highway network given the proposed number of HGVs movements to and from the site, the siting of the access and amount of traffic along the A1057.
- 7.17 In relation to other road users, including cyclists and pedestrians, the A1057 is identified in the A414 Corridor Strategy (September 2019) as a route primarily for local, shorter distance trips and providing access to longer distance routes such as the A414 and A1(M) with the priorities for this section of the A1057 as 'a local link for shorter distance journeys between eastern St Albans and Hatfield, catering for local access to the business park and university campus, and catering for multiple modes with a focus on walking, cycling, local bus services, lower traffic speeds and a heightened sense of place'.

- 7.18 The County Council is concerned that a significant increase in HGV traffic using this section of the A1057 would make it less attractive for walking and cycling and may impact non-motorised traffic choices between Hatfield and St Albans and the university campus. Further, the application does not take the opportunities available to provide a sustainable travel corridor within the site at the early stages of the development.
- 7.19 For these reasons the proposal does not take the opportunities to promote sustainable transport or give first priority to pedestrian and cycle movements, contrary to the provisions of the NPPF Paragraphs 14 and 116.

GROUNDWATER

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

8.1 **Minerals Policy 17** Criteria for the control of mineral development to protect critical capital and environmental assets, states –

All proposals for mineral extraction and related development (including after uses):

- (iv) shall not be permitted if the development and/or subsequent afteruse would have a negative quantitative and/or qualitative impact on the water environment, including main rivers, ordinary water courses and groundwater resources, unless appropriate measures can be imposed to mitigate any harmful effects;
- (ix) demonstrate that no significant degradation of the air (particularly from dust and emissions) or water quality or quantity –with respect to both groundwater and surface water will occur;

8.2 The site brief for Preferred Area 1 states –

The proposed site lies over an area contaminated with a plume of Bromate. A more robust risk assessment may be required at this site in order to determine the risk of impact on the Three Valleys Water source at the public water source at Bishops Rise

8.3 Welwyn Hatfield Local Plan 2023 states –

Paragraph 12.6.3

When considering planning applications for the development of land which may be contaminated, the Council will need to assess whether, in the light of the type of contamination, the proposed development will be suitable and whether there are likely to be any unacceptable risks to health or to the environment arising from its development or future occupation. In considering whether planning permission should be granted, the Council will need to be satisfied that there will be no unacceptable risks including impacts on the quality of surface or groundwater that may arise from remedial works or the proposed use of the site in relation to the type of contamination. After remediation, land should not be capable of being classified as contaminated land under Part IIA of the Environmental Protection Act 1990.

Policy SADM 18 Environmental Pollution states –

When considering development proposals, the Council will adopt the approach set out below to ensure that pollution will not have an unacceptable impact on human health, general amenity, critical environmental assets or the wider natural environment. Contaminated land and soil pollution.

Planning applications for proposals on land formerly used for industrial, commercial or utilities purposes, or land which is considered to be contaminated or potentially contaminated, must be accompanied by a preliminary Contaminated Land Risk Assessment.

Proposals which, by their nature, risk contributing to soil and water pollution will be required to demonstrate how this risk will be avoided or mitigated to an acceptable level.

8.4 The **NPPF** states –

Paragraph 189 Planning policies and decisions should ensure that: a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

Paragraph 194 The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

SUMMARY OF CASE

- 8.5 It is common ground that the application site is very close to a regional bromate plume where the lower chalk aquifer has been impacted by a historical pollution incident caused by the disposal of bromide at a former chemical works at Sandridge.
- 8.6 The bromate contamination has resulted in the Hatfield Bishops Rise public water extraction borehole no longer being available. The continued expansion of the bromate plume in a northwest - southeast direction is considered likely to threaten the public drinking water supply borehole at Essendon in future, regardless of whether or not mineral working takes place at the application site. The bromate contamination is likely to continue to impact groundwater quality for the duration of mineral working and reclamation.

- 8.7 The bromate plume was subject of a remediation notice, and while steps specified in the notice no longer have effect, remediation treatment is still continuing on a non-statutory basis.
- 8.8 The 2021 planning application was accompanied by Environmental Statement including Chapter 6: Water which identifies Drawing HQ 6/9 (April 2021) as providing an adequate illustration of the (interpolated) position of the bromate plume, indicating the southern edge of the bromate plume in the lower mineral horizon is located in close proximity to the north of the application site boundary.
- 8.9 In response to concerns raised at the 2020 Inquiry in regard to the potential risks posed by the mineral workings affecting the hydrogeological regime and possibly cause the position of the bromate plume to move towards the application site, the current application avoids any working of the upper mineral horizon within 100m of the extent of the bromate plume. The current application also proposes no dewatering from any part of mineral workings in order to avoid any potential risks of creating a new pollution pathway between contaminated water in the lower mineral horizon with uncontaminated water in the upper mineral horizon which could inadvertently be disposed of with surface water to the Ellenbrook during an exceedance event from the upper lagoon.
- 8.10 The application site has been identified as a preferred area in the adopted Minerals Local Plan and thus a potential source of mineral supply since the first Hertfordshire Minerals Local Plan 1998 and subsequently as a preferred area for mineral working the current Hertfordshire Minerals Local Plan adopted 2007.
- 8.11 Additionally, the site has been proposed to be carried forward into the emerging Minerals and Waste Local Plan as a preferred site for mineral extraction. The principle of mineral extraction from the site is therefore consistent with the aims and objections of Minerals Policy 3 (Sites for sand and gravel extraction and the working of Preferred Areas).

8.12 The appellant's Statement of Case (18 June 2024) considers the groundwater reason for refusal in paragraphs 6.96 - 6.102, and includes references to –

- the original GWM&MP for the 2016 application;
- the Planning Inspector's report for the 2020 appeal,
- The Statement of Common Ground at the 2020 Inquiry,
- The position statements of both Affinity Water and Environment Agency,
- The GWM&MP submitted with the 2021 application; and
- The GWM&MP submitted with the Regulation 25 response.

8.13 The appellant's statement of case considers the sections of the committee report (31 October 2023) that refer to groundwater, specifically –

Paragraph 9.70 In response to consultation on the planning application the Environment Agency have raised no objections subject to several planning conditions including the preparation and submission of a Groundwater and Water Monitoring and Management Plan prior to the commencement of mineral working.

Paragraph 9.71 Affinity Water have also raised no objection to the proposals subject to conditions requiring the preparation of a Groundwater Management Plan and the absence of pumping from the Lower Mineral Aquifer (LMA).

Paragraph 9.72 This matter, and the scope of any planning conditions, was considered in detail by the Inspector at the public inquiry into the earlier appeal. The Inspector concluded that, with conditions, that there was no conflict with local and national policies concerning groundwater pollution.

8.14 The appellant's statement of case in referring to these documents contradicts the groundwater reason for refusal and considers the GWM&MP provides sufficient information to mitigate and manage the risk to groundwater such that there is no evidential basis for the reason for refusal.

8.15 Notwithstanding the views expressed in the committee report, the County Council is concerned by the considerable level of public concern regarding the risks to public water source, and accordingly, will provide evidence to show that the application has not properly demonstrated the existing hydrogeological flow regime would not be adversely affected during mineral workings, and that the GWM&MP does not demonstrate the risks to groundwater from disturbance of the bromate plume will be adequately managed and mitigated via the steps proposed in the GWM&MP, and therefore the proposal is contrary to the provisions of Minerals Policy 17 (iv) and the site specific considerations in the site brief for Preferred Area 1.

G. DOCUMENTS TO BE REFERRED TO IN EVIDENCE

2021 Planning application

Planning application plans, drawings, and supporting documents;

Regulation 25 drawings (October 2022)

- HQ 3/1 R Overall Phasing – General Layout Plan
 - HQ 3/2 R Site Entrance and Weighbridge
 - HQ 3/3 R Plant Site
 - HQ 3/4 R Plant Site Plan
 - HQ 3/5 R Plant Site Sections
 - HQ 3/6 R Advanced Works
 - HQ 3/7 R Initial Site Establishment
 - HQ 3/8 R Phase A
 - HQ 3/9 R Phase B
 - HQ 3/10 R Phase C
 - HQ 3/11 R Phase D
 - HQ 3/12 R Phase E
 - HQ 3/13 R Phase F
 - HQ 3/14 R Phase G
 - HQ 3/15 R Restoration Plan
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- Environmental Statement;
 - Regulation 25 request, responses and clarifications;.
 - Statutory consultee responses;
 - Third party representations received;
 - Committee Report (31 October 2023) supplemental report and Addendum
Note Green Belt “Appropriate Development” and “Inappropriate
Development”; “Late Document – Corrections to report”

2016 Planning application and appeal

- Planning application plans, drawings and supporting documents;
- Environmental Statement;
- Committee Reports (2017 – 2019)
- Proofs of evidence, statement of common ground, closing statements, s106 and conditions for 2021 appeal
- Planning Inspectorate decision letter (25 January 2022) for appeal reference APP/M1900/W/21/3278097

Policy and Guidance

- National Planning Policy Framework December 2023
- Planning Practice Guidance
- National Planning Policy for Waste (2014)
- Hertfordshire Minerals Local Plan Review 2002 – 2016 (adopted March 2007)
- Hertfordshire Waste Core Strategy and Development Management Policies DPD (November 2012)
- Hertfordshire Waste Site Allocations DPD (July 2014)
- Hertfordshire Minerals and Waste Local Plan 2040 Draft Plan Regulation 18 (July 2022) – Core Documents (CD 01 – CD10); Primary Evidence (PE 01 – PE 14c); Secondary Evidence (SE 01 – SE 03); Policy Evidence (EVR 00 – EVR 27).
- Hertfordshire Minerals Local Plan Site Selection Report: Land Use Consultants and Cuesta Consulting (2024)
- Local Aggregates Assessment 2020 – 2023
- Welwyn Hatfield Local Plan (2023)
- St Albans District Plan Review (1994)
- Hatfield Aerodrome Supplementary Planning Guidance (1999)
- Hertfordshire Rights of Way Improvement Plan

Other relevant policy and guidance

- Hertfordshire Local Transport Plan 4: 2018 – 2034 (May 2018)
- Hertfordshire Non-Motorised Routes: Design Guide (September 2000)
- Hertfordshire Rights of Way Good Practice Guide Surfacing Specifications
- Hertfordshire Green Infrastructure Strategy: LUC (August 2022)
- The Environment Agency's approach to groundwater protection (February 2018) Version 1.2

Other relevant information

The original s106 agreement (29 December 2000) for the original development of Hatfield Aerodrome (S6/1999/1064/OP) comprising:

- The written statement and schedules, in particular –
 - Ellenbrook Park Lease Plan – Plan 08
 - Hatfield Aerodrome – Masterplan – Plan 04
 - Schedule 10 – Model Forms of the Ellenbrook Park Lease
 - Schedule 21 – Ellenbrook Park Framework Document - Key Drawing
 - Schedule 21 – Landscape Framework Document
- Ellenbrook Fields – Hatfield Updated Management Plan Draft for presentation to 1st Trust Meeting (30.06.2022)