

## **HATFIELD AERODROME APPEAL 2024 THE COLNEY HEATH GROUP STATEMENT ON ALTERNATIVE CONDITIONS - 27 JUNE 2025**

This statement has been prepared by Colney Heath Group representing the local community in response to the Inspector's request, issued by email at 06:23 on 13 June 2025, regarding the alternative planning conditions contained within the two addendums of INQ-42\_3.

### **Draft conditions**

#### **Condition 7 (c) Storage bunds and stockpiles.**

The CH group still maintain the need for limits in the height of bunds & storage mounds.

#### Reasons

- 1) to limit visual impacts particularly from the paths & PRow which will be diverted near to processing area to avoid any claustrophobic impacts resulting from the proximity of path to the bunds.
- 2) There is no screening (bunds) along southern boundary of the processing area which is exposed to the country park which is also the most heavily used area of the park.
- 3) We were informed during the inquiry that the landscape schemes were only outline and are still subject to approval and change which is good considering the unsuitable species proposed in the current scheme. There is much still unknown about the visual impacts, and the appellants visual impact assessment is based on incorrect or incomplete landscape planting still to be confirmed despite this being a full application.
- 4) Due the colour of subsoil, overburden, and inter-burden they will be visible across an extended range, there will be a very considerable loss of the current screening following the construction of bunds, roadway, and haul road from the early stage until the final stages of restoration. It a former airfield so the site is flat, so views are over an extended range.

However, if the processing area were to have bund along its entire perimeter constructed at the establishment stage with narrow gaps for the access/haul roads the CH group could agree to the stockpiles & mounds within the processing area being increased to 5m provided the surrounding bunds remain at 3m.

#### **Condition 11 (c) Open of Operation**

The CH group still maintains the need for the 8.00am start on Saturdays.

#### Reasons

- 1) The close proximity of roadways and working to the neighbouring homes including Popefield Farm, Jove Gardens, Lawrence Close and homes on A1057 in Ellenbrook resulting the loss of sleep due traffic noise.

- 2) The proposal to allow HGVs onto the holding area on site from 6.30am each day which is in close proximity to the homes in Jove Gardens also resulting the loss of sleep and rest due to traffic noise.
- 3) The lack of enforcement by the MPA for earlier traffic starts at Tyttenhanger quarry and the use of unauthorized route through Colney Heath village. This quarry also has 7.00am-18.00pm working hours limit however HGVs have been allowed on site from 6.30am to reduce HGV queuing, the site has had a long history of HGVs using unauthorised routes through residential areas.

#### **Condition 47 (c) Noise- maximum levels**

##### Temporary operations

The CH group believes the inclusion of this wording is important.

*‘These temporary operations shall be restricted to a maximum cumulative period of 8 weeks in any calendar year at any individual NSR, including Ellenbrook Park.’*

*‘The operator shall notify the Local Planning Authority (LPA) in writing at least 14 days in advance of any activities expected to exceed the standard operational noise limits, detailing the specific dates and nature of the work.*

*Should works requiring noise levels above the standard operational limits exceed the 8-week period or necessitate higher noise limits, the operator must seek prior written approval from the MPA. Such approval will only be granted if it can be demonstrated that no viable alternative exists, the works are essential, and they will deliver significant environmental benefits.’*

##### Reasons

- 1) The CH group believes this time limit is essential to safeguard park users from high levels of noise throughout the year and that 8 weeks during the spring and summer months is reasonable balance between park users and the quarry operator. The spring and summer month offer the best chance for many to enjoy the outdoors for relaxation and exercise.
- 2) We understand MPA argument on timing and MPPG however for clarity to all parties we believe the draft text should remain included. The inclusion will be clear and avoid in the future time spent checking through the regulations for this key detail.

##### (x) Ellenbrook Park 55dB(A)

The CH group believe a lower noise level limit of 55dB is required.

##### Reasons

- 1) The proposed maximums are those which would be normally allowed on any site; however, this application is for a quarry within a Country Park setup as part S106 agreement. MPPG states that - *MPAs should consider local factors*

*when determining noise limits, such as the presence of quieter rural areas or the potential for complaints from residents.* Therefore, the MPPG provides a basis for using an alternative limit in this case a lower limit.

- 2) Evidence was presented by residents highlighting at the inquiry on the importance of access to quiet open space for people's health and wellbeing, this is particularly important for neuro diverse residents where constant high noise can be extremely debilitating.
- 3) Due to the shortage of accessible in public open space in the area, both in Hatfield and Smallford the Country Park plays an import role in maintaining people health and wellbeing therefore maintaining the park as an attractive area to visit and relax is essential.

### **Condition 30 (c) Groundwater Management Plan**

The CH group still maintains its position on the need for additional boreholes BH303 and BH304.

#### Reasons

- 1) The two additional boreholes BH303 and BH304 were recommended by Dr Rivett (hydrologist) to fill the large gap between in existing boreholes.
- 2) The inclusion of these two additional boreholes would give adequate warning of any incursion from the nearby bromate plume into the site.

### **Condition 39 (c) No mineral excavation within the Lower Mineral Horizon within 100m standoff**

The CH group still maintains its position on the need for conditions to include no mineral extraction within 100m of any borehole identified as intersecting or delineating the bromate.

*'No mineral extraction shall take place within the Lower Mineral Horizon at the site within a distance of 100m from the bromate plume, as measured from borehole BH104 or any other borehole identified as intersecting or delineating the bromate plume (as shown on Drawing PoE G6 dated August 2024).'*

#### Reason

It is important that the 100m applies to any borehole (not just BH104) including the additional ones proposed, as the bromate could come from any direction

### **Condition 50 (c) Air Quality monitoring – baseline conditions**

The CH maintains the need for a minimum 12-month continuous air quality monitoring at agreed location to measure the existing baseline air quality.

#### Reasons

- 1) The appeal site is within a Country Park, and due to the layout of the phases the public will have access to all sides of the active workings therefore different wind directions and dust levels are important.
- 2) The application site is in close proximity to another quarry, its processing area, and its haul roads.
- 3) Only 12-month months recording will record seasonal variations of dusts resulting from different rain level, moisture levels, wind directions and other relevant local activities.

### **Condition 51 (c) Air Quality Monitoring Scheme**

*‘(iv) A monthly report detailing the levels of PM2.5, PM10, NO<sub>2</sub>, and deposited dust, for each working day of the monitoring period.’*

The CH group following our expert’s advice Dr. D Crump continue to believe there is a need to retain this sub-condition.

#### Reasons

- 1) PM10, PM2.5, and NO2 are pollutants regulated under the ambient air quality regulations. All are released through the use of fuels in vehicles, generators and other machinery used for soil stripping and mineral processing activities. PM2.5 is of particular concern for health and hence the limits are lower than for PM10 and a phased reduction sought in future years under current legislation and HCC policy commitments.
- 2) The appellants argument for the CHG proposed condition not being necessary is that the activities are only likely to generate dust in the PM10 range, This statement is absurd and their own consultants have modelled the release of PM10, PM2.5, coarse (deposited) dust and NO2 (reported in the Environmental Statement, chapter 9 and appendices) clearly accepting sources are present and emitted during the mineral processing and soil stripping. We maintain that all these pollutants are monitored on a regular basis to ensure appropriate management of the works to protect the health and well being of those living nearby or using adjacent land for work or leisure services.

### **Condition 52 (c) Ecology – Biodiversity and Habitat Management Plan**

The CH group believes that the proposed condition is required to monitor BNG in timely manner.

*‘If, at any stage, the periodic ecological surveys or the BHMP update show insufficient progress towards meeting the biodiversity targets, the development must be temporarily halted until the applicant demonstrates that corrective actions have been taken to achieve the targets. If progress remains insufficient, the MPA has the authority to suspend further phases of the development until satisfactory progress is made, in line with the targets specified in the BHMP. The local planning authority may require additional mitigation or compensatory measures to be implemented to ensure the conservation of biodiversity.’*



## Reasons

- 1) The trajectory upon which the applicant relies to deliver sufficient BNG is, as their own expert stated at the inquiry, 'challenging but achievable.' Their application relies on delivering this to discharge the condition, but to leave most of the assessment of the discharge of the condition to the end of the quarrying operation is neither reasonable nor necessary.
- 2) It is clear that simply planting stuff and then handing it over to the trust should not be sufficient, it would be a discharge of aftercare not consonant with the fundamental objectives of aftercare, in that awaiting the end of the project to then say 'it failed but not our problem' is to allow the project to proceed with simply a vague hope of future benefit rather than a mechanism to ensure ongoing compliance.
- 3) The modification proposed will ensure full and proper attention by the applicant to soil management, to restoration processes, to appropriate and proper planting and care regimes as well as to full and proper engagement with the trust. The condition as amended would make clear that achievement of future profits were dependent on getting aftercare right from day 1, would demonstrate that the condition was being appropriately discharged before the end of the development, whereas relying, as the applicant and HCC suggest on less robust checks and balances may result in substandard aftercare, a failure to meet the 'challenging' condition, but little to no consequence to the applicant because the extraction has been completed.

## **Condition 67 c soil stripping**

The CH group still maintain the need for the date to start from 1<sup>st</sup> April unless an earlier date is agreed with MPA having due regard to the existing soil conditions at the time.

## Reasons

- 1) The MPA and the appellant concede in their response to the inspector's letter there is a risk of soil conditions being unsuitable for soil stripping early in the year.  
*'The suggested amendment to this Condition is not necessary. The dates included in the agreed Condition reflect the recognised stripping season and there is no justification for a different approach for this proposal. If ground conditions are too wet between 01 March – 31 March, the period which the Colney Heath Group seek to extend the restricted period by, **ground conditions will not support the stripping and placement of soils in any case.** As such, there is no need to further restrict dates simply to account for potential wet ground conditions, as suggested by the Colney Heath Group during the Round Table on Conditions and drafted in Condition 67(c).'*
- 2) The upper soil layers have high clay content which requires careful handling to avoid soil structure damage these soils need to be worked and handled when on the on the drier side, i.e. not saturated or very plasticly.

- 3) Any damage caused to the soil structure will take time to repair this could have several impacts.
  - a) Delays in preparing the soil a workable structure.
  - b) Poor establishment of restoration plantings both seed and plants.
  - c) Delays in achieving a satisfactory restoration of quarried land and former transport routes resulting delays in opening the access to park users and or final completion times.
- 4) Ellenbrook Country Park is being established as result of c2000 S106 agreement which provides for the Country Park over 125-year period, any delay in establishing formerly quarried area will be contrary to the objectives of the S106 agreement.
- 5) Hatfield and Smallford have significant deficits in most forms of public open space, the Ellenbrook Country Park makes a significant contribution to open space in the area.

### **Condition 75 (c) Liaison Group**

#### **(i) Membership**

The CH group believe there is a typo in (a) and the MPA and the mineral operator should be separate lines as the have totally different roles and responsibilities. This will also require the relabelling all the following rows.

*‘The MPA may request additional parties to be included if deemed necessary.’*

The CH group consider this is now no longer required as ‘*k and any successor organisations*’ now offers adequate safeguards for any future changes.

#### **(ii) Venue.**

The CH group are content with the removal of this sub-condition and understands and on reflection agrees with the MPA comments on this point.

#### **(iii) Meeting Frequency**

The CH group agree with the removal of ‘four’ so the sub-condition would read – *‘Meeting Frequency- Meetings shall be held at least quarterly during the first years of the development. Following that, meetings shall be held at least annually, or as otherwise agreed by the Liaison Group. The Mineral Operator shall facilitate meetings in accordance with this schedule.’*

Reason - the CH group agrees this wording offers adequate flexibility.

#### **(iv) Meeting Format**

The CH group are content with the removal of this sub-condition and understands and on reflection agrees with the MPA comments on this point.

(v) Minutes and Transparency

The CH group believe this is critical sub-condition for this site in this area and must remain with within the conditions.

Reasons

The CH group notes the MPAs comments relevant to planning but we believe in this case it is critical that this sub-condition remains due to –

- a) Colney Heath Parish Council (CHPC) a member of the CH group are also members of the Tyttenhanger Quarry liaison group a quarry the other side of the parish, during the last 10 years no officer from local MPA has attended a liaison group meeting its' also possible that period is longer than the 10 years stated as we lack earlier records.

At recent liaison group meeting CHPC presented a substantial list of breaches of planning conditions going back many years this included several safety related issues. Given the lack of enforcement of conditions by the local MPA the CH group believe that it is crucial that minutes are produced in a timely manner so that all parties can ensure the safe operation of the site.

- b) The application site is complex site within a Country Park so the rapid actioning or any concerns particularly related to safety is critical, the rapid transfer of agreed action will be facilitated by early publication of minutes. The CH group believe its highly likely some of those responsible for actioning key points will not be attendees as the liaison meetings.

**COLNEY HEATH GROUP**  
**27/06/2025**