

APPEAL REF:

Town and Country Planning Act

Hatfield Aerodrome, Hertfordshire

LPA Ref PL/0232/21

DRAFT Statement of Common Ground Between the Appellant and Hertfordshire

County Council

In relation to Landscape and Visual Matters

24 May 2023

Landscape Statement of Common Ground

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Landscape Statement of Common Ground

1.0 Background and Purpose

- 1.1 This Statement of Common Ground relates to an appeal by Brett Aggregates Ltd (herein after referred to as 'the Appellant') relating to an application (PL/0232/21) within the Hertfordshire County Council area (The "Council").
- 1.2 This Statement of Common Ground (SoCG) has been prepared jointly by FPCR Environment and Design on behalf of the Appellant and xx on behalf of Hertfordshire County Council. It addresses the areas of common ground between the Appellant and the Council and identifies areas of difference.

2.0 PARTIES

The SoCG is jointly agreed by:

Signed:

Date:



Name: Gary Holliday

On behalf of FPCR Environment and Design

Signed:

Date:

Name:



On behalf of Hertfordshire County Council

19th November 2024

3.0 POLICY

Development Plan

- 3.1 The following policy of the Hertfordshire Minerals Plan (Adopted 2007) is cited within the Reasons for Refusal (RfR) and are relevant to Landscape and Visual matters: Policy 18 (vii).
- 3.2 It is agreed that the scheme does not conflict with Policy 12 Landscape of the of the Hertfordshire Minerals Plan (Adopted 2007), and the policy is not cited in the reasons for refusal of the scheme.
- 3.3 Paragraphs 175 and 211 (f) of the National Planning Policy Framework (NPPF) are also cited as relevant. Paragraphs 175 and 211(f) in the September 2023 version of the NPPF are now 181 and 217(f) in the December 2023 version. Paragraph 217(f) relates to building stone and is not relevant to the RfR.
- 3.4 The parties agree that, under the provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration in making planning decisions.
- 3.5 Hatfield Aerodrome Supplementary Planning Guidance 1999 is referred to in the Site Brief for the Appeal Site in the MLP and forms part of the policy as referred to and is also a relevant planning consideration.

Commented [GH1]: Recent information from the Council on the relevant paragraph references still appears incorrect and required clarification (NPPF December 2023 (paragraphs 174 b) and 211 b)

4.0 MATTERS ON WHICH THE PARTIES AGREE

The Appeal Site and its Surroundings

- 4.1 The Appeal Site amounts to around 87.1ha and comprises the southern part of the former Hatfield Aerodrome. It is located on the north-western edge of Hatfield and to the east of St Albans on land associated with the former Hatfield Aerodrome. The site is broadly flat ranging between 74m and 79m AOD. The site includes grassland, scrub and trees. There is a network of permissive paths, and public rights of way as part of the wider Ellenbrook Country Park.

Landscape Baseline

Landscape Character

National Context

- 4.2 At this very broad landscape scale, the appeal site lies within Natural England's National Character Area (NCA)111 the North Thames Basin.

The South Hertfordshire Landscape Character Assessment

- 4.3 The appeal site is located within area 31 the De Havilland Plain Character Area. The Landscape Character is described.

An area dominated and unified by the level topography yet with a diverse mix of uses and an incoherent pattern. To the north, arable cropping dominates, with open views, very few hedges or trees and only isolated farms. To the centre, the disused Hatfield aerodrome and the new business park have visually dominant structures, together with areas of existing and redundant mineral

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extraction. To the south there is a mix of extraction, urban fringe development and Oaklands College, which has a disjointed and mixed character. There is generally poor access within and to the area.

- 4.4 The De Havilland Plain is assessed as being in "Poor" Condition, and with a "Moderate" Strength of character. The Overall Management Strategy is to "Improve and Restore".

Designations and Landscape Value

- 4.5 The site is not covered by any landscape designations, and it agreed that the site does not form part of a "Valued Landscape" as paragraph 180 of the NPPF December 2023.

Hatfield Aerodrome Supplementary Planning Guidance 1999

- 4.6 The scheme accords with the landscape Green Belt and extraction principles set out in the Hatfield Aerodrome SPG. This includes details on the buffer zones to surrounding areas, protecting the amenity of residents at Smallford and Ellenbrook, and the provision of landscape planting and contouring. It is agreed that public access will be maintained to the unworked areas, and to the restored parts of the site once landscape works are sufficiently established, maintaining public use of large parts of the site through the operational phase.
- 4.7 The officers report to committee confirmed that the additional landscape mitigation measures in the appeal scheme, compared with the earlier application proposals include, (para 9.19)
- Advanced planting/mitigation – Popefield Farm
 - Reduced Plant Site Area
 - Additional scrub planting on plant site mounds
 - Initial site works will include the realignment of the haul road to enable the retention of planting between the plant site and extraction area, and the introduction of advanced planting
 - Linear Phase Effects - Screen views of the clay seals by planting hedgerows along the edges of phases A/B and Phases C/D
 - Clay Ground Water Seal Treatment comprising the planting of sacrificial crops across the clay seals
 - Rotation of Bund F to provide an effective screen.

Methodology and Effects

- 4.8 The Guidelines for Landscape and Visual Impact Assessment, third edition (GLVIA3), published by the Landscape Institute and the Institute of Environmental Management and Assessment, in 2013, provide appropriate guidance for the determination of landscape and visual effects. The LVIA for the application was carried out following this guidance.

Landscape and Visual Assessment at the time of Determination.

- 4.9 The LVIA considered at the time of determination was contained in the Regulation 25 Response July 2023 and this superseded the LVIA submitted with the application. This LVIA contained some

drafting errors on terms of the labels on the photo viewpoints indicating that winter views were summer, or vice versa, but the viewpoints assisted the judgements of landscape and visual effects.

- 4.10 The LVIA in the Regulation 25 Response July 2023, included additional viewpoints and assessment material, compared with the earlier refused application (APP/M1900/W/21/3278097), and this material addressed concerns expressed in the Inspectors Decision Letter on the earlier appeal, (APP/M1900/W/21/3278097 DL 67-71), not fully considering the effects within the Country Park.

Baseline Visual Analysis

- 4.11 It is agreed that the viewpoints used in the LVIA provide a fair and representative range of viewpoints for the purpose of appraisal. No additional viewpoints are necessary.

Residential Amenity

- 4.12 It is agreed that the scheme would not lead to any overshadowing or overbearing visual impacts on existing properties, accepting that the visual amenity (overall pleasantness of views enjoyed) from some properties would inevitably change.

Levels of Landscape and Visual Effects

- 4.13 Different professionals can reach different judgements in the assessment of likely landscape and visual effects.
- 4.14 It is agreed that the current appeal scheme does not include the concrete batching plant, that was part of the previous proposals. This represents a benefit over the previous proposals in terms of character and visual appearance during the operational phase.
- 4.15 Whilst there will be some inevitable adverse landscape and visual effects during the operational phase, the land will be progressively restored resulting in an enhanced landscape in accordance with the adopted Mineral Local Plan policies 13 and 14.

Ellenbrook Country Park

- 4.16 Mineral working will take place in a phased manner. Through the operational phase access will be provided to the undisturbed parts of the site, enabling continued public access. The principles are set out in the Public Access Strategy which will be conditioned. Subject to these controls the Officers report confirmed at para 9.46

"The Public Access Strategy that accompanies the planning application provides sufficient information on how members of the public can maintain access through, or around, each of the phases of mineral extraction during the life of the quarry. The Strategy identifies key rights of way routes that will remain available within each phase and thus will allow members of the public to always access and enjoy the wider Ellenbrook Country Park."

The Officers report to Committee

- 4.17 The Officers report to Committee confirmed that officers acknowledged that adverse effects in terms of the character and appearance of the local landscape would occur due to the completion of mineral extraction and restoration works. However, following extraction in each phase, the land

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would be progressively restored resulting in an enhanced landscape in accordance with the adopted Mineral Local Plan policies 13 and 14.

- 4.18 Officers also noted that the Inspector at the earlier appeal was concerned that this benefit would arise so far into the future that it would not compensate for the cumulative harm over the long operational period of the proposed scheme. Officers noted that with the current scheme appropriate planning conditions would ensure that each worked phase is restored to a country park standard as soon as practicable and, ultimately, transferred to the Ellenbrook Trust under the provisions of the deed of variation.

5.0 MATTERS ON WHICH THE PARTIES DO NOT AGREE

- 5.1 The parties disagree on the following matters;

- *To be completed*

Update note to Statement of Common Ground

The County Council has withdrawn the 8 reasons for refusal as set out in the decision notice.

The County Council has also submitted updated conditions dated 31/10/2024 CD 14.19

The County Council in its statement of case set out that it considered a pre-commencement planning condition requiring the submission of an updated deed of variation should be imposed. This is not covered by the conditions draft as above.

The S106 Agreement has now been signed though not engrossed

