

APPEAL REF: APP/M1900/W/24/3346607

APPLICATION REF: PL/0232/21

**Land at the former Hatfield Aerodrome, Hatfield Road, Smallford,
Hertfordshire, AL4 0HP**

Draft Statement of Common Ground between the Appellant and Colney Heath Group – Updated Public Access Strategy and Phasing Plans

1. Introduction

1.1 Purpose of this Document

This Statement of Common Ground has been prepared jointly by the Appellant (Brett) and Colney Heath Group (CHG). Its purpose is to set out the matters that are agreed between the parties in respect of public access proposals.

1.2 Scope of this SOCG

This Statement addresses matters raised by the Inspector in relation to:

- cross-park access during the life of the quarry, as envisaged in the 2000 Agreement and Mineral Local Plan Policy 18(x);
- the integration of restored land into the existing areas of Ellenbrook Park, including the effects of the positioning of infiltration lagoons.

1.3 The Scheme under consideration

This Statement describes the scheme considered at the 2024 public inquiry (**the Original Scheme**) and the proposed amendments submitted in respect of the 2026 re-opened inquiry (**the Revised Scheme**).

The Revised Scheme encompasses:

- a. An updated Public Access Strategy (Dated February 2026) showing two options:
 - i. **Option 1**, Routes into and across the park if minerals are worked in the phasing sequence as laid out in the Original Scheme
 - ii. ~~**Option 2**~~, Routes into and across the park amended to work the mineral phases in an amended sequence as suggested as a better alternative by CHG. This option was not drawn as described by CHG so is not agreed
- b. ~~Replacement phasing drawings showing further detail of proposed working and public access during extraction and restoration operations for both Option 1 and Option 2_~~ - **This option was not drawn as described by CHG so is not agreed.**
- c. ~~An Addendum to the Environmental Statement of November 2024. This is dated 2 February 2026.~~ **CHG have no expertise in this so cannot comment or agree.**

1.4 Matters Agreed

- 1.4.1 The Appellant has carried out a public consultation on the Revised Scheme, as required in the Inspector's Case Management Conference Note. Accordingly, interested parties have had the opportunity to review and comment on the Revised Scheme.
- 1.4.2 The Appellant met with CHG on two separate occasions, ~~Margaret Eames-Peterson (representing Salisbury Village) and the owners of Popefield Farm.~~ **Their inputs have been incorporated into the Revised Scheme where possible. CHG have no knowledge of what was raised or incorporated by Margaret Eames-Peterson.**
- 1.4.3 ~~In addition, the Appellant met with HCC Planning Officers, Hertfordshire and North Middlesex Ramblers, St Albans and District Footpath Society, the Definitive Map and Enforcement Officers for Welwyn and Hatfield & HCC and the Countryside Access Officer for St Albans during the development of the Revised Scheme.~~ **Their inputs have been**

incorporated into the Revised Scheme. Again CHG have no knowledge of what was raised or changed.

1.4.4 The Revised Scheme does not result in a substantially different proposal to the Original Scheme.

1.4.5 ~~The Addendum to the Environmental Statement confirms that the Revised Scheme would not give rise to any materially different environmental effects.~~ CHG have no expertise in this so cannot comment or agree.

2. Existing Condition

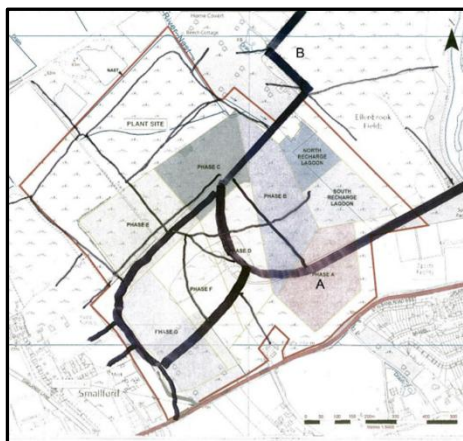
2.1 Existing Paths

2.2 Submitted Plans

The planning application included a Public Access Strategy (2023) that, in itself, described how the application site was being accessed by recreational walkers.

Two plans provided during the Appeal show existing path routes:

Colney Heath Group Plan
(from Statement of Case)



Brett Aggregates Plan
(Public Access Strategy 2026)



A similar plan was also included in the Public Access Strategy 2023 (HQ FP/01).

2.3 Matters Agreed

- 2.3.1 The Appellant's plan and the CHG plan show broadly similar alignments of existing paths within the site. **There are many existing paths currently within the site.**
- 2.3.2 ~~The Plans above show that there are currently only two direct access points between the east of Ellenbrook Fields and the west.~~ **CHG dispute this statement and confirm there are three.**
- 2.3.3 ~~The Revised Public Access Strategy (February 2026) shows that the two existing access points connecting the east of the park to the west always remain open throughout the life of the development.~~ **CHG challenge the term open is questionable as they have unfettered access where they will now be blocked or have gates or crossings.**

3. Access to Ellenbrook Fields

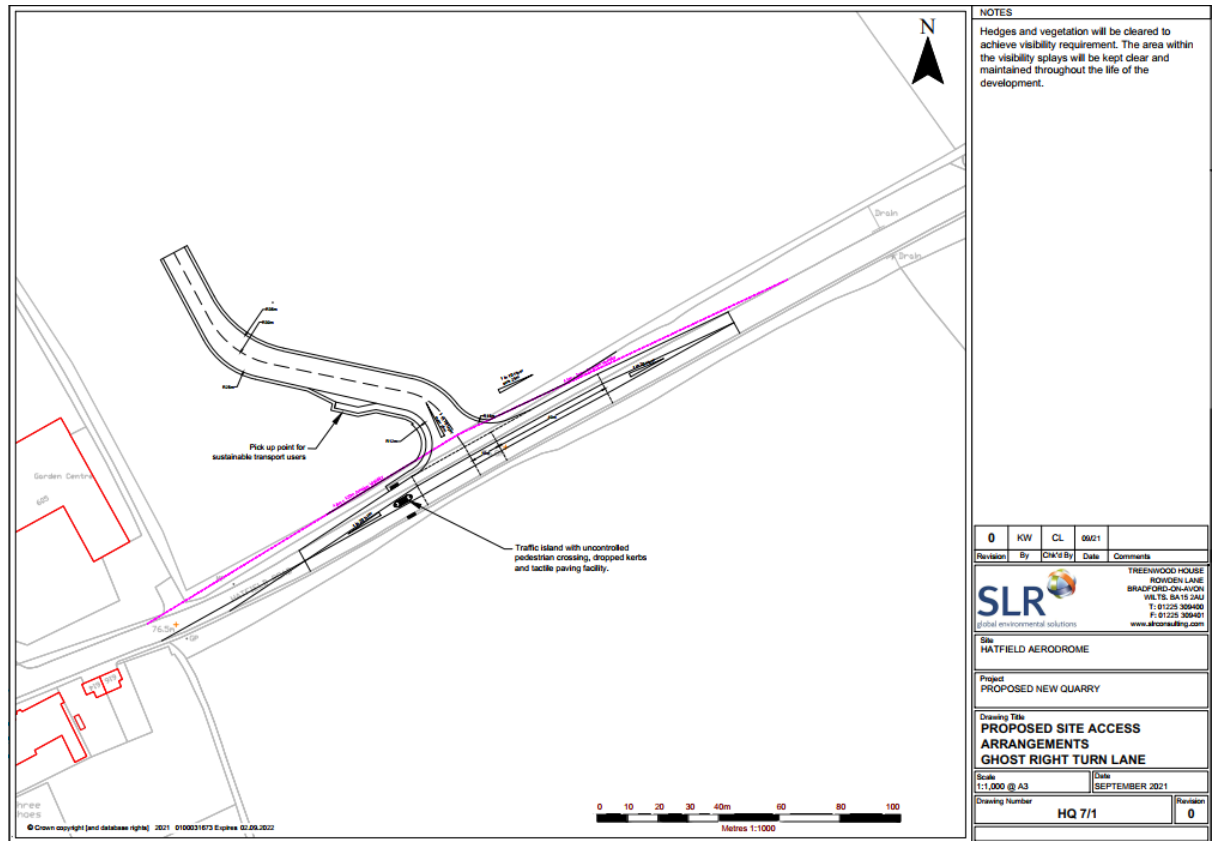
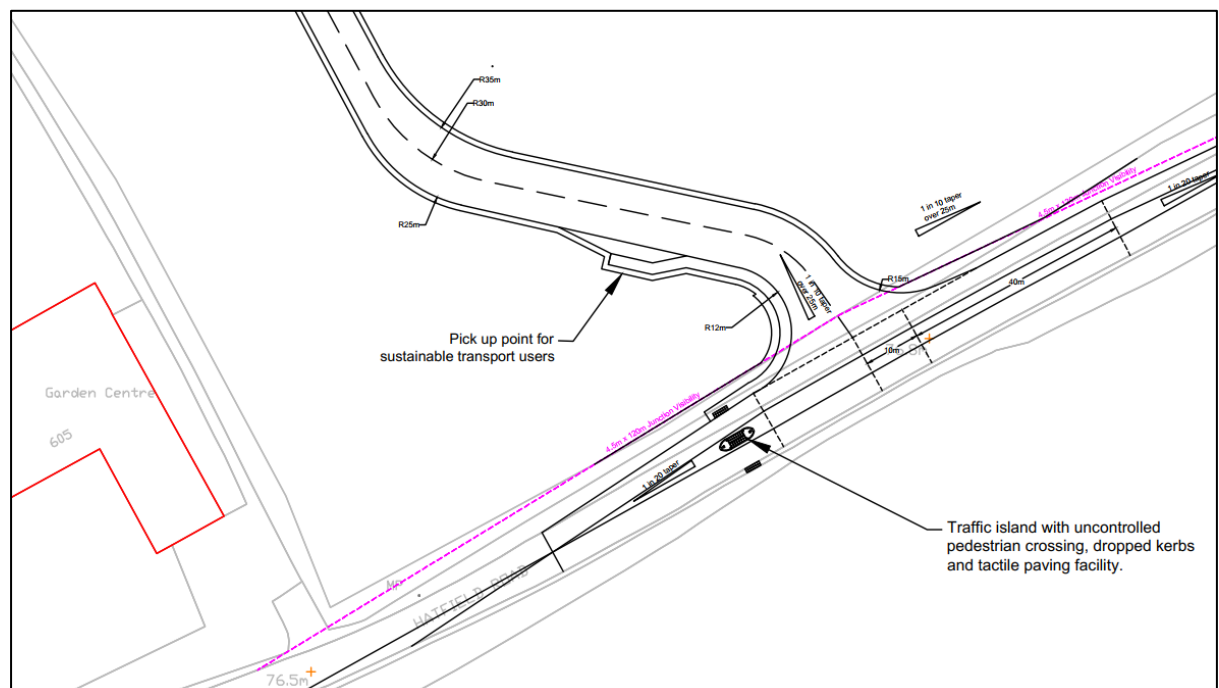
3.1 Submitted Plans

Plans have been provided within the updated Public Access Strategy (2026), the restoration plan HQ3/15 and the s106 December 2024 showing:

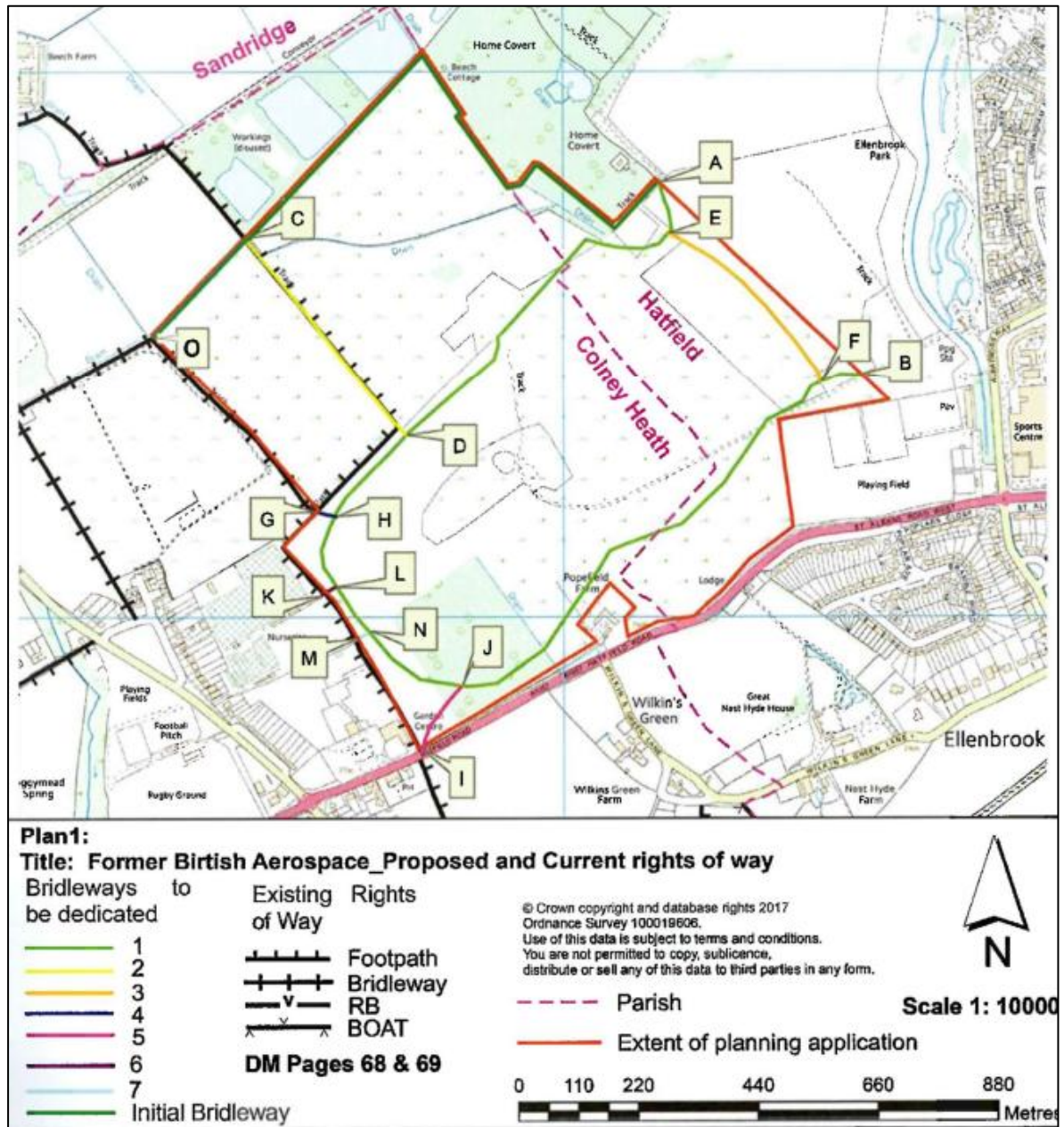
- The location of access/entrance points to Ellenbrook Fields Public Access Strategy February 2026);



- a 'pedestrian refuge' at the proposed site entrance with improved access from the south (HQ 7/1); Not requested by CHG therefore not agreed as the group have no experience or knowledge of this new refuge



- a series of bridleways to be constructed by the appellant (plan to section 106 agreement dated 19 December 2024 INQ 3.1). **Not requested by CHG therefore not agreed as the group have no experience or knowledge of the requested bridleways**



3.2 Matters Agreed

- 3.2.1 All existing access points into Ellenbrook Fields will remain available throughout the development. **CHG challenge the term available is questionable as they have unfettered access where**

they will now be blocked or have gates or crossings the current entrances are beyond the control of all parties.

- 3.2.2—The s106 agreement plan (19 December 2024) requires that a new multi-user bridleway will be installed within 1 year of commencement of development, which will be before extraction begins, improving access from the northwest where the existing route is known to be affected by seasonal flooding.
- 3.2.3—The application (Original and Revised Schemes) proposes a new 'pedestrian refuge' that will be constructed on the A1057
- 3.2.4—The pedestrian refuge will improve safety for pedestrians approaching from the public rights of way leading up to Ellenbrook Fields from the south and Sleapshyde.
- 3.2.5—The crossing area would not be affected by development-related traffic, which must exit eastwards.
- 3.2.6—The s106 plan above shows a series of bridleways that are to be constructed and adopted during the phased restoration. They will improve access in and around the park into the future.
- Not requested by CHG therefore not agreed as the group have knowledge of the requests.

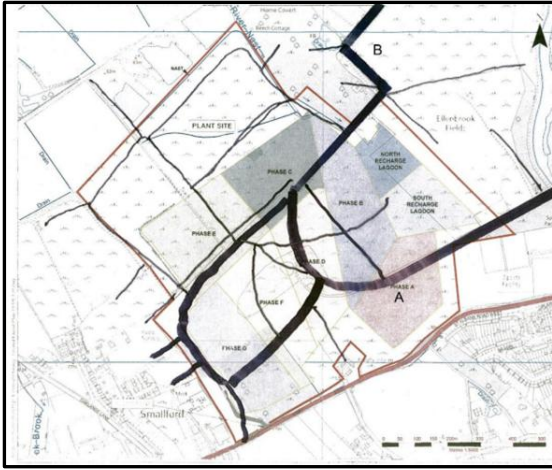
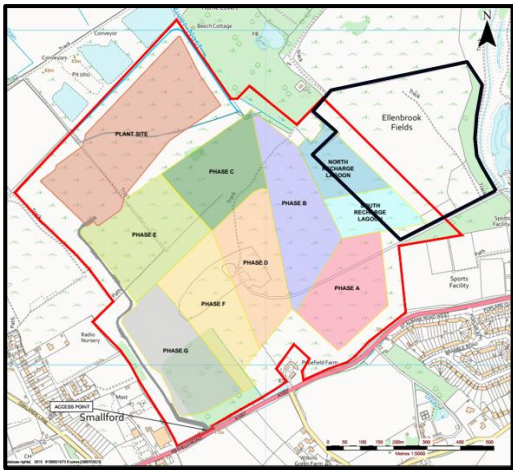
4. Location of Infiltration Lagoons

4.1 Submitted Plan

The plan below shows the proposed lagoon locations relative to access tracks and relative to the fenced area for livestock

Lagoons relative to
existing access tracks
(CHG plan)

Lagoons relative to
fenced area
(drawing HQ3/1R)



4.2 Matters Agreed

- 4.2.1 ~~The lagoons do not sever or affect any existing formal or informal paths.~~ **Do not agree as no methodology provided**
- 4.2.2 The proposed lagoon area was until recently partly located within a fenced off livestock enclosure.
- 4.2.3 ~~The stockproof fence for the livestock enclosure has been recently relocated to the east so as to not be in conflict with the proposed lagoon area. The livestock enclosure and associated fencing was introduced pursuant to the initial establishment works agreed in 2010 under the 2000 Agreement (See Welwyn Hatfield Borough Council Committee Report CD13.6 and Appendix F to the Deed of Variation dated 20 December 2024) (INQ43 and 43.1) and is managed by the landowner in accordance with the Landscape Management Documents within the 2000 Agreement (as varied by the 2024 Deed of Variation) — see Appendix G to the 2024 Deed of Variation.~~ **This would be a matter for the Trust not CHG.**
- 4.2.4 ~~The fence has and continues to act as a barrier to any additional access between the only two east to west cross park routes. There are no breaks in the fence for example from the northern east west access route to the southern east west access route that will allow access through it.~~
- 4.2.5 ~~Significant portions of the land to the west of the livestock enclosure, i.e. to the south of fence line, are currently inaccessible due to dense vegetation.~~ **Not agreed this would be a matter for the Trust to manage and/or change.**
- 4.2.6 The SPG 1999 anticipates water features as part of the site restoration. (SPG 1999 paragraphs 9.9, 9.13, 9.14, 9.30) **Agreed**
- 4.2.7 ~~Evidence from the 2024 public inquiry (Inquiry ref BAL 10.1 I Walton Proof of Evidence, Paragraph 4.2) demonstrated that the proposed lagoon placement provides flood alleviation benefits during operations.~~
- 4.2.8 ~~Evidence (Inquiry ref BAL 10.1 I Walton Proof of Evidence, Paragraph 4.5) also stated that a permanent lake as part of final restoration would provide long term flood alleviation benefits.~~
- 4.2.9 ~~The lagoons form part of the site wide Groundwater and Water Management Plan, which is to be conditioned (as required by the Environment Agency and Affinity Water) and their location~~

~~have been agreed with the Environment Agency and Affinity Water. It is agreed that the lagoons are in the preferred location.~~

~~4.2.10 The lagoons are clean water lagoons and not used for silt. The silt lagoons are located within the processing plant area and do not affect east west public access.~~

4.2.11 An additional proposed path between the lagoons, as requested by CHG and shown on the Revised Public Access Scheme, would increase the number of accessible routes and improve connectivity in this area during the development **but only during some periods of the quarry life.**

5. Phased Working

~~The Public Access Strategy (July 2023) and plans submitted with the Original Scheme, illustrated the worst case scenario, as a snapshot in time, when public access would have been restricted in the follow-on phase once the clay seal around its perimeter was constructed. It also showed no public access in the working phase until after the whole phase was fully restored. The final public access details for each phase were (and still are) to be conditioned, with a requirement for an updated Public Access Strategy to be approved before each phase commences. Not agreed, the 2023 public access strategy did not show the buttresses being constructed during the previous phase and public access is covered in condition 27.~~



5.1 Matters Agreed

- 5.1.1 The Groundwater and Water Management Plan (Inquiry Ref CD2.04, Appendix 2, paragraph 4.4) describes the need for a clay barrier to be constructed around the upper mineral of each phase before it can be worked. This is to ensure cross-contamination between aquifers does not occur.
- ~~5.1.2 The Revised Scheme improves public access to the phases as compared to the Original Scheme, outlined below in Section 6.~~

6. Working Method (Progressive Working and Restoration)

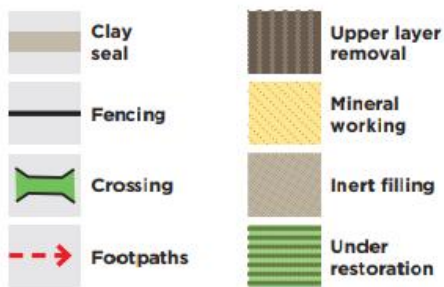
6.1 Overview

The Revised Public Access Strategy (February 2026) lays out how mineral extraction, landfilling and restoration progresses in small sequential sub-stages within and across each larger phase. (Pages 10 and 11 headed "*Our plan includes an incremental work process that maximises access across the park, at all times*").

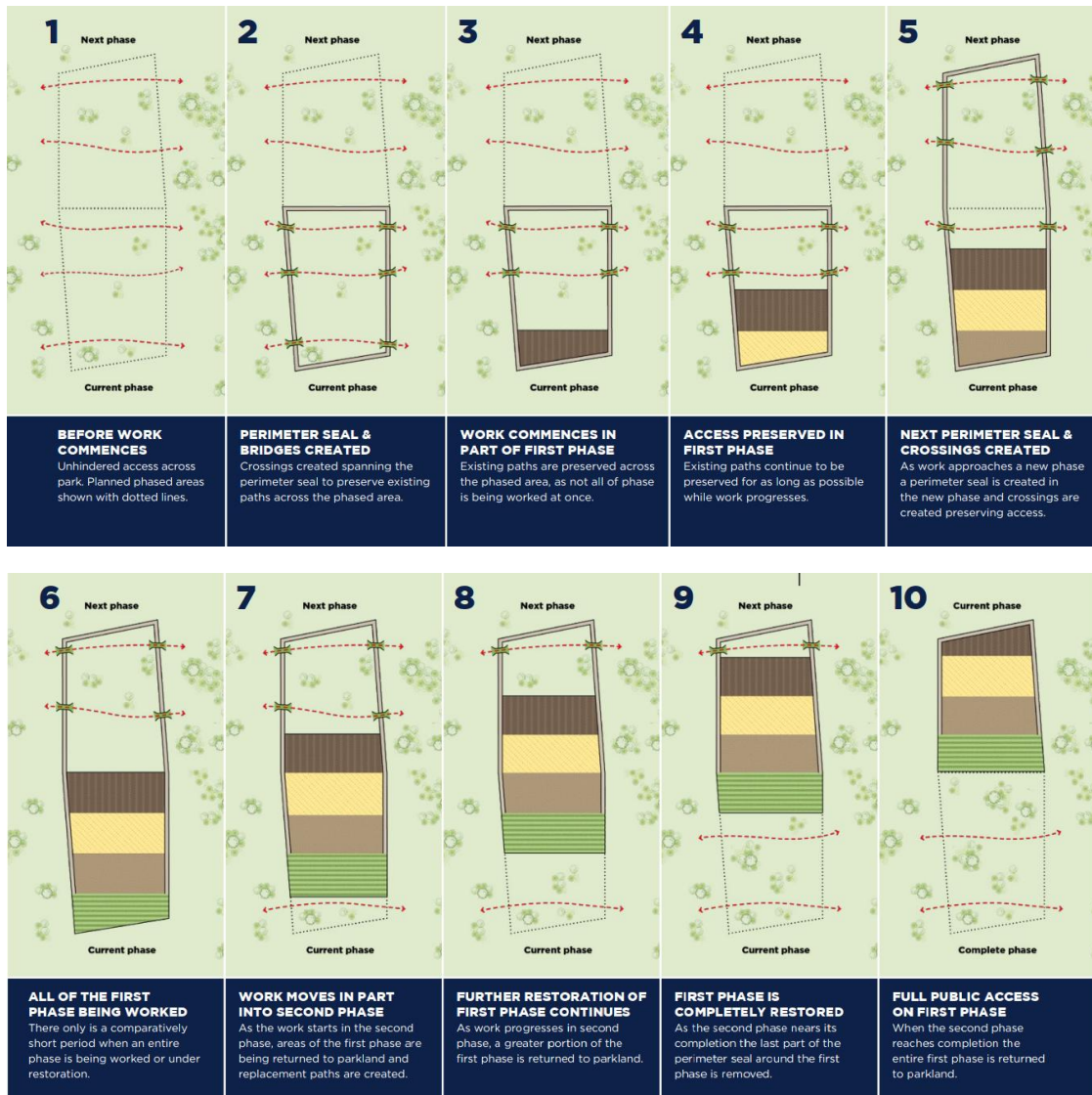
6.2 Activities within each phase

- 6.2.1 After the initial site establishment works, subsequent topsoil in each extraction phase would be stripped ahead of extraction. ~~This topsoil would be placed in areas behind the working zone that have been filled and profiled awaiting final restoration. This is explained by the sequential drawings shown in the Public Access Strategy (February 2026), also shown below paragraph 6.2.4.~~
- 6.2.2 The middle section of the working area is where the mineral extraction and importation of inert fill takes place. ~~The working area will not comprise the whole of a phase.~~
- 6.2.3 ~~Public access is provided on land prior to being worked and on land that has been restored in accordance with the proposed plan.~~ Brett have no control or process to handover small parcels of land beyond condition 27.
- 6.2.4 ~~The area under restoration will be opened to the public as soon as the land is suitably established to allow for public access.~~ Brett have no control or process to handover small parcels of land beyond condition 27.

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Scan QR to see animation



6.3 Matters Agreed

6.3.1 The quarry progresses across phases in smaller, sequential stages allowing access in parts of Phases ahead and behind mineral working.

7. Public Access Management During the Development

7.1 Public Access into the Next Phase and Early Hand-Back

7.2 Matters Agreed

- 7.2.1 ~~Safe crossing points over the clay seal would allow public access to continue for longer into the follow on phase before it is needed for extraction.~~ Brett have provided no information as to how this can be achieved.
- 7.2.2 ~~As extraction advances, fencing is able to be moved, making the forward part of the phase accessible for longer.~~
- 7.2.3 ~~Early hand-back of restored land behind the working area, to parkland would further increase access.~~ No legal process in place to allow for this.
- 7.2.4 These matters are controlled by the proposed planning conditions:
 - 7.2.4.1 Condition 9 provides that a detailed Working Plan is to be submitted for each phase.
 - 7.2.4.2 Condition 10 provides for Phasing Implementation Timetables for each phase, which are to include schedules for soil stripping, overburden movement, mineral extraction, infilling and restoration.
 - 7.2.4.3 Condition 27 provides for Public Access Strategies for each phase and that these must maximise the level of public access to un-worked and restored areas, including during the aftercare period.
 - 7.2.4.4 Condition 75 provides that the Liaison Group will be consulted on applications for approval of the Phase Working Plans and Public Access Strategies.
- 7.2.5 The phased working plans and public access strategies to be submitted and approved under the above conditions. These plans and strategies must be in accordance with the approved phasing plans and approved public access strategy respectively.

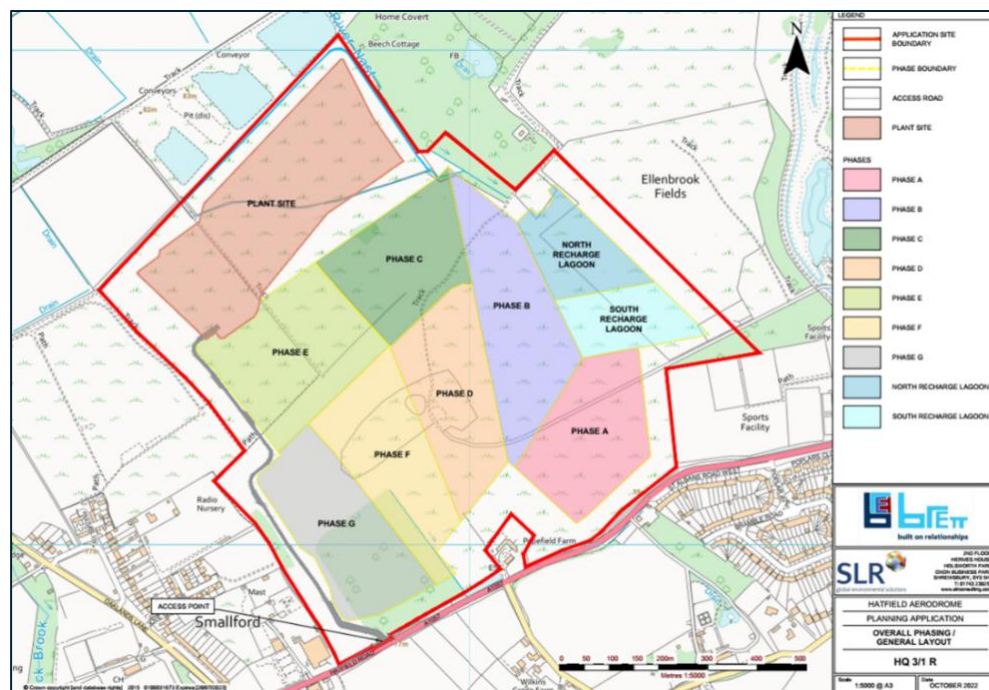
8. Alternative Working Sequence

8.1 ~~Alternative Phasing (Option 2)~~ This does not represent the CHG proposal

8.2 ~~Summary~~

~~It was proposed that an alternative phasing A, B, C, E, D, F, G could improve access further.~~

~~This retains southern east-west routes for longer and creates permanent northern east-west routes once northern phases are restored.~~



8.3 Matters Agreed

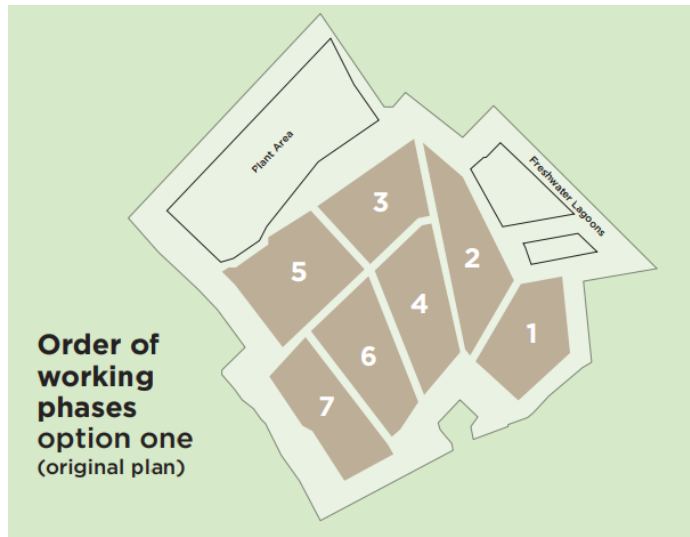
- 8.3.1 The SPG 1999 says that "It is likely that reserves at the eastern part of the preferred area should be worked first." (9.28).
- 8.3.2 ~~Working and infilling Phases A and B first, (the eastern phases of the development) creates a clay barrier between the bromate plume and the subsequent extraction phases to the west.~~
- 8.3.3 ~~The Option 2 sequence would improve lateral (east-west) routes across the park throughout the life of the development.~~

9. Routes and Paths Across Ellenbrook Fields

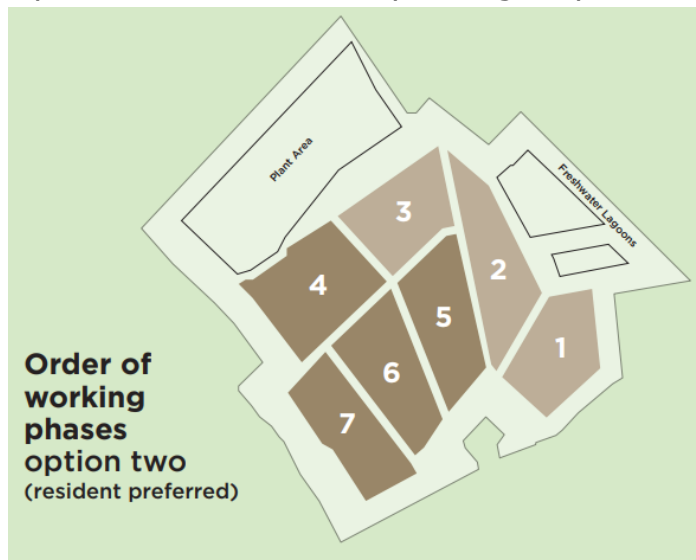
9.1 Public Access Strategy Documents

The Public Access Strategy (February 2026) shows two options:

- Option 1 the original phasing sequence.



- ~~Option 2 an alternative phasing sequence.~~



The document identifies:

- Multi-user Routes (multi-user: cyclists, horse riders, pedestrians).
- Primary Routes (main pedestrian routes).
- ~~Secondary Tracks (additional/circular routes).~~

- Users may walk freely in non-operational areas.

9.2 Matters Agreed

9.2.1—The three multi-user routes would improve cross-park access from how it is currently.

9.2.2—There will be more routes than currently available across the park once the development commences.

10. Conclusions

It is agreed that the Revised Scheme would improve public access compared to the Original Scheme.

It is agreed that the public access proposals in respect of the Original and Revised Schemes Option 1 and Option 2 are acceptable.

The key agreed points are:

10.1 Existing Access Points

10.1.1 There are only two existing east-west access routes connecting the two sides of the park. Also via Home Wood.

10.1.2 Access through these points would remain open during the entire development. No party has control over these entrances

10.1.3 Access to the park from the northwest would be improved with the construction of the proposed northern multi-user route (the Initial Bridleway in the section 106 agreement dated 19 December 2024).

10.2 Lagoons

10.2.1—The proposed infiltration lagoons do not sever existing paths.

10.2.2—The lagoons are in the preferred location for groundwater protection.

10.2.3 The lagoons are consistent with restoration expectations.

~~10.2.4 They also deliver flood alleviation benefits during and post development.~~

10.3 Phasing and Working Method

10.3.1 Mineral working will restrict access temporarily during the development in specific areas.

~~10.3.2 Progressive "smaller stage" working as demonstrated by the Public Access Strategy February 2026 within phases reduces this impact.~~ **Not proved**

~~10.3.3 Progressive working, safe clay seal crossings, movable fencing and early hand-back following established restoration all improve public access.~~ **Not proved**

~~10.3.4 The Option 2, sequence, improves east west routes and maintains southern connectivity for longer.~~ **Does not represent CHG proposal**

10.4 Route Networks

~~10.4.1 Both Option 1 and Option 2 in the Public Access Strategy February 2026 increase recognised paths, with improved multi-user access.~~

~~10.5 Two Schemes~~

~~10.5.1 It is agreed that public access proposals have been improved with the planning conditions as drafted whether for:~~

~~(a) Original scheme~~

~~(b) Revised scheme, Option 1 or Option 2.~~

11.0 Response to Secretary of States Letter

11.1.0 The appellant and The CHG agree that the proposed condition 4a is not a satisfactory or workable way forward. Only a plan based Public Access Strategy will provide all parties with workable basis.

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SIGNED ON BEHALF OF THE APPELLANT

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DATED

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SIGNED ON BEHALF OF COLNEY HEATH GROUP

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DATED