

TOWN AND COUNTRY PLANNING ACT 1990

PROPOSED QUARRY AT FORMER HATFIELD AERODROME

Ref: APP/M1900/W/24/3346607

**APPELLANT'S CLOSING STATEMENT
FOR RECONVENED INQUIRY**

APPEARANCES FOR THE APPELLANT¹

Witnesses

Owen Jones BA PGDip MSc MRTPI PIEMA (**Planning**)

Gregor Mutch BSc FIQ (**Public Access**)

Ian Walton BSc MSc DIC MICE CEng (**Surface Water**)

Dr Luke Wilkinson BSc PhD FGS (**Groundwater**)

Simon Treacy BSc MIQ MRICS (**Conditions**)

Legal

Odette Chalaby, Landmark Chambers

Andrea Bruce, Knights

¹ A list of the Appellant's appearances for the previous inquiry is at INQ/04.2. Richard Kimblin KC has since the previous inquiry become a High Court Judge and so did not appear at the re-convened inquiry.

KEY DOCUMENTS RELIED ON BY THE APPELLANT

Re-Opened Inquiry (2026)

- Appellant Re-Opened Inquiry Statement of Case and Appendices (CD/17.21-1 and CD/17.21-2)
- Appellant Re-Opened Inquiry Supplemental Statement and Appendices (CD/17.21-3)
- Updated Public Access Strategy (CD/17.02)
- Phasing Drawings: Option 2 (CD/17.04), also Option 1 (CD/17.03)
- SOCGs with the MPA (CD/17.13, CD/17.14, CD/17.15)
- HCC Re-Opened Inquiry Statement of Case (CD/17.20)
- ES Addendum (CD/17.05)
- Groundwater Management Plan (CD/17.31-0 and CD/17.31-1)
- SOCG with the Environment Agency and Affinity Water (CD/19.09)
- Amended section 106 Agreement (CD/17.11) and Landscape Management Document (CD/17.35-1 and CD/17.35-2)

Original Inquiry (2024)

- Appellant's Closing Submissions from the 2024 Inquiry (INQ/41)
- MPA Opening (INQ-05) and Closing (INQ-40) from the 2024 Inquiry
- SOCGs with the MPA (INQ-10 to INQ-16 and INQ-30)
- The Brett Aggregates Limited ("BAL") Proofs of Evidence

INTRODUCTION

1. The Appellant seeks consent for the winning and working of a steady supply of 8 million tonnes of sand and gravel from land at the former Hatfield Aerodrome (“the Appeal Site”). The mineral would be won on a phased basis, with progressive restoration.
2. The scope of this re-opened inquiry is concerned only with east-west public access and integration of restored phases. The re-opened inquiry has not revisited the many other matters considered previously. On those other matters, the Appellant continues to rely on its Proofs of Evidence and previous Closing Submissions.² The Appellant has also provided a response to third parties who have raised other matters not before the scope of this re-opened inquiry in its Statement of Case.³
3. The Appellant has considered carefully the correspondence from the Secretary of State and has, as requested, critically reviewed the scheme considered at the previous inquiry. That review has benefitted from an extensive informal consultation with input via a series of meetings and exchanges with the Minerals Planning Authority (“MPA” or “HCC”), a range of statutory consultees, and local residents. In developing its revised proposals, the Appellant met with a wide range of stakeholders including HCC Planning Officers, Hertfordshire and North Middlesex Ramblers, St Albans District and Footpath Society, the Definitive Map and Enforcement Officers for Welwyn and Hatfield and HCC, the Countryside Access Officer for St Albans, Colney Heath Group (“CHG”), Mr Jackson, and Cllr Eames-Petersen, amongst others.⁴
4. The Appellant now proposes the following changes (“the Revised Scheme”):
 - a. A new Public Access Strategy.
 - b. New Phasing Plans, with two options for phasing.
 - c. Modified conditions.
 - d. Additional detail about the scheme design.

² The BAL series of documents are the Proofs and INQ/41 is the Closing.

³ CD/17.21-2 at Appendix 5.

⁴ See CD/17.14 at §1.4.2 and meeting notes from the informal public consultation carried out is detailed in Appendix 1 to the Appellant’s Statement of Case (CD/17.21-2).

- e. An Environmental Statement (“ES”) Addendum.
5. A period of formal consultation on the Revised Scheme was carried out between 11 February 2026 and 15 March 2026.
 6. The MPA has reviewed the proposals and have explained that, in their view⁵:
 - a. The MPA’s inputs have been incorporated into the Revised Scheme.
 - b. The Revised Scheme would improve public access compared to the previous scheme considered at the 2024 inquiry (“the Original Scheme”).
 - c. The public access proposals in the Revised Scheme (and indeed in the Original Scheme) would be acceptable and policy compliant.
 7. This Closing Statement will start with some background, then set out the public access proposals, and finally explain why they comply with the relevant policies.

THE PRINCIPLE OF DEVELOPMENT

8. I start with the issue of the principle of development. While not directly related to east-west public access, the reason I do is that it provides the direct answer to many of the public comments made to the re-convened inquiry. Many third parties, while purporting to comment on the design of the Revised Scheme, have instead essentially objected to the principle of quarrying on the Site.
9. However, and as I said in Opening, the principle of the acceptability of and need for sand and gravel extraction here goes as far back as the Hertfordshire County Council Minerals Local Plan (1991-2006), which informed the 1999 Supplementary Planning Guidance: Hatfield Aerodrome (“the SPG”).
10. The extant Minerals Local Plan (“MLP”), which allocates the Appeal Site as Preferred Area 1, was adopted in 2007.⁶

⁵ Their position is set out in a series of Statements of Common Ground at CD/17.13, CD/17.14, and CD/17.15. The Appellant can confirm the position on costs is as explained in HCC’s Opening at footnote 4, i.e. the costs of the re-convened inquiry are outside the scope of the Appellant’s extant costs application.

⁶ CD/3.1 at §3.4.2.

11. The mineral was needed then, and it is needed even more today. The current Government places economic growth driven by the planning system at the core of its agenda. There is a need to deliver housing at quantities and rates not seen for many years, including in the districts within easy reach of the Appeal Site.
12. As discussed in the policy Roundtable, St Albans' Local Plan (which is at Examination with main modifications currently subject to consultation) now proposes a housing requirement that would double the long-term build rate.⁷ Since the 2024 inquiry, St Albans' annual housing requirement under the standard method has gone from 889 to 1,669 homes a year, an increase of almost 90%.⁸ Neighbouring Welwyn Hatfield's draft new Plan, which is at reg. 18 stage, likewise includes a higher housing requirement and greater employment land than the current plan.⁹
13. All of that is important context. We know from §222 of the 2024 NPPF that it is "*essential*" that there is a sufficient supply of minerals to provide the infrastructure, buildings and goods the country needs. The NPPF at §224 requires "*great weight*" to be given to the benefits of mineral extraction, including to the economy.
14. In short, without mineral extraction, the social and economic benefits of new built development cannot be delivered. Mr Mutch referred to evidence submitted for the previous inquiry which shows that in the South East, the volume of sand and gravel sales in 2014-23 was almost three times higher than new permitted reserves.¹⁰
15. That imbalance threatens economic recovery. The need in Hertfordshire for new sand and gravel is clear and "*urgent*": the landbank as assessed in the Local Aggregates Assessment ("LAA") dated December 2024 was assessed as 6.8 years, falling below the 7 years required.¹¹ It is agreed that it is continuing to fall, with no new permissions granted.¹² Mr Hodbod explained that HCC's December 2025 LAA will produce an even

⁷ CD/17.13 at §49.

⁸ Under the December 2024 Standard Method – as is explained CD/17.13 at §50.

⁹ CD/17.13 at §47.

¹⁰ 11th Annual Mineral Planning Survey Report (2023) on page 9 (CD 3.11).

¹¹ CD/17.13 at §61. 2024 LAA CD/17.12, Need SOCG INQ-15 at §4.51.

¹² CD/17.13 at §61. 2024 LAA CD/17.12, Need SOCG INQ-15 at §4.51.

lower figure than reported in December 2024. We are now in April 2026. The Minerals PPG explains that a landbank below 7 years is “*a strong indicator of urgent need*”.

16. Those minerals which will deliver the development that will support the economy must be worked where they are found: NPPF §222. In Hertfordshire, they are found in the deposits proposed to be worked by this scheme at the former Hatfield Aerodrome.
17. With acceptance of the principle of quarrying on the Appeal Site comes by necessity an acceptance of an impact to public access. There is no other way of extracting the mineral. But, as I will explain, while some impacts are inevitable, the proposed design here has ensured an appropriate balance between public access and extraction has been struck.

THE PROPOSED SCHEME

18. This scheme’s design has been the product of a complex collaborative effort over many years between the MPA, the Appellant’s technical specialists, and consultees.¹³ It is worth recalling that the present application was first submitted in 2021, some 5 years ago. The public access proposals had their origins via engagement with local stakeholders.¹⁴ The final result addresses in one coherent scheme a range of environmental inputs, from heritage to green belt, landscape, water quality, biodiversity and access (as required by policy and anticipated in the SPG¹⁵).
19. The quarry would be worked on a phased basis to allow for progressive restoration; this minimises the amount of land taken at any one time. Each phase would last approximately 4 years.
20. For this re-convened inquiry, the Appellant has critically appraised the working scheme and public access proposals and has provided a new suite of phasing drawings, a new

¹³ The design of the Original Scheme was explained at Appendix 1 to Mr Holliday’s Proof (BAL/05.2):

¹⁴ As explained in Mr Mutch’s Proof BAL/07.1 at §9.6.

¹⁵ For example, see SPG CD/3.3 at §9.4 objective to enhance ecological/nature value and §§ 9.8-9.10 where different water habitats are identified “to be explored” (including reedbed).

Public Access Strategy (“the 2026 PAS”), and suggested changes to the conditions. The proposed improvements principally comprise:

- a. Retaining to a greater extent public access within a phase but outside areas being prepared, worked or restored (i.e. sub-stages).
- b. Revised phasing proposals.
- c. More and better permissive routes for all stages of the scheme.
- d. Updated conditions.

(i) Access to Stages within Phases

21. Under the Original Scheme drawings, up to two phases were shown as entirely out of access at any one time. It was nonetheless always proposed that the public would be able to access restored land within a phase incrementally.

22. From the consultation carried out was born a suggestion to open public access to parts of phases ahead of mineral working by allowing crossings over the perimeter clay seals.¹⁶ To give effect to this, the 2026 PAS proposes sub-stages within the phases. Public access is retained in the part of e.g. Phase A that is not being worked and through e.g. Phase B when it is being prepared for working. The working would progressively move into the next phase, but as it does, more areas would be opened up behind. Consequently, and importantly, it is no longer necessary to exclude public access to two complete phases. There would also only be short periods where one entire phase is shut. This maintains to a greater extent connectivity across the park and improves movement. There was no challenge to this approach.

23. The phasing plans as static drawings cannot fully illustrate the progressive working method, but the animated clips were shown to the inquiry.¹⁷ The result of the sub-stage approach is a significant improvement in public access.

¹⁶ As explained in Appellant’s Supplemental Statement CD/17.21-3 at §2.7.

¹⁷ at CD/17.02.1-17.02.3.

24. It is now proposed through condition 12 that no more than one phase shall be entirely closed to the public at any one time (and no more than two phases shall even be partly closed). This is an important change. The below are extracts from Mr Mutch's presentation, which illustrate the difference this makes.¹⁸

PAS 23 v PAS 26 (Option 1 comparison)

Original Phase C (2023)

Updated Phase C (2026)



PAS 23 v PAS 26 (Option 1 comparison)

Original Phase E (2023)

Updated Phase E (2026)



25. This sub-stage working method would maximise the integration of restored phases into the rest of the parkland and illustrates how public amenity is not unreasonably affected, when seen alongside the importance of mineral extraction.

¹⁸ CD/19.12. The dark green (on the left hand) are unavailable and should be contrasted with yellow and light green (right hand).

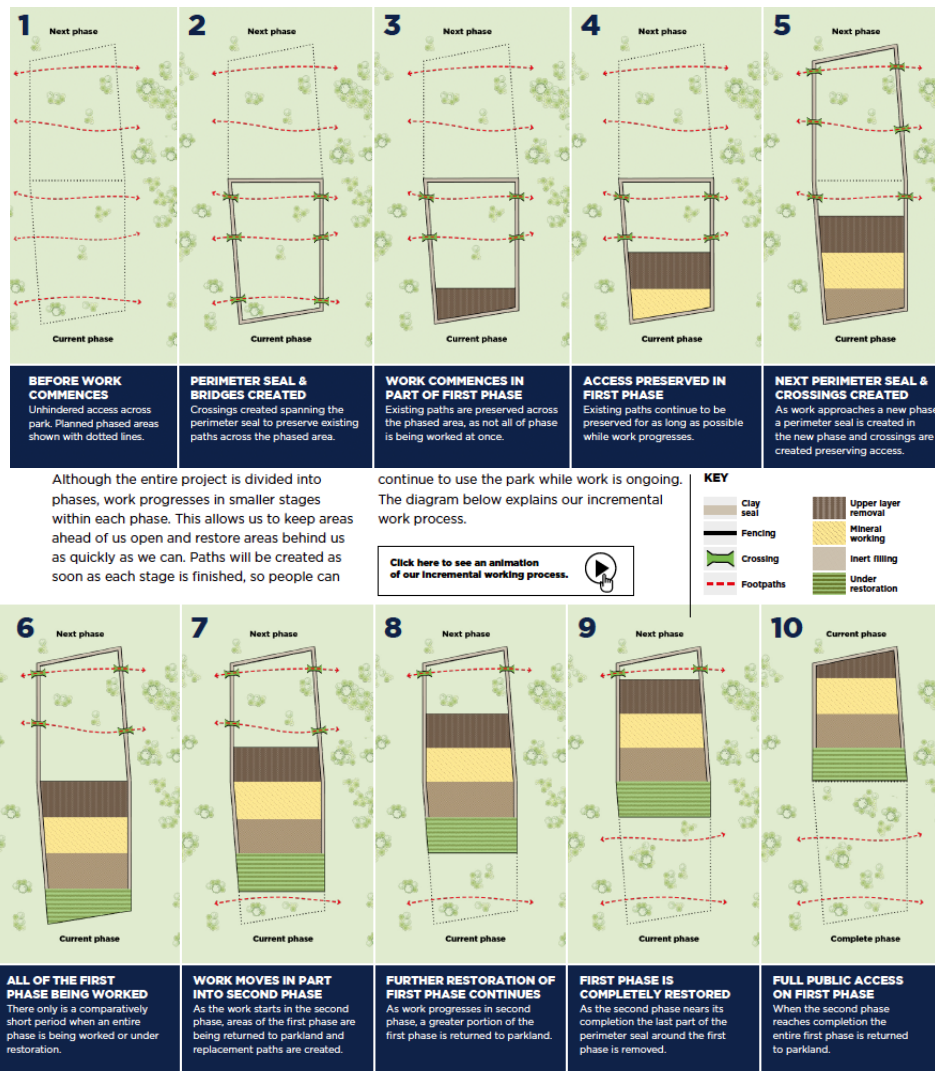
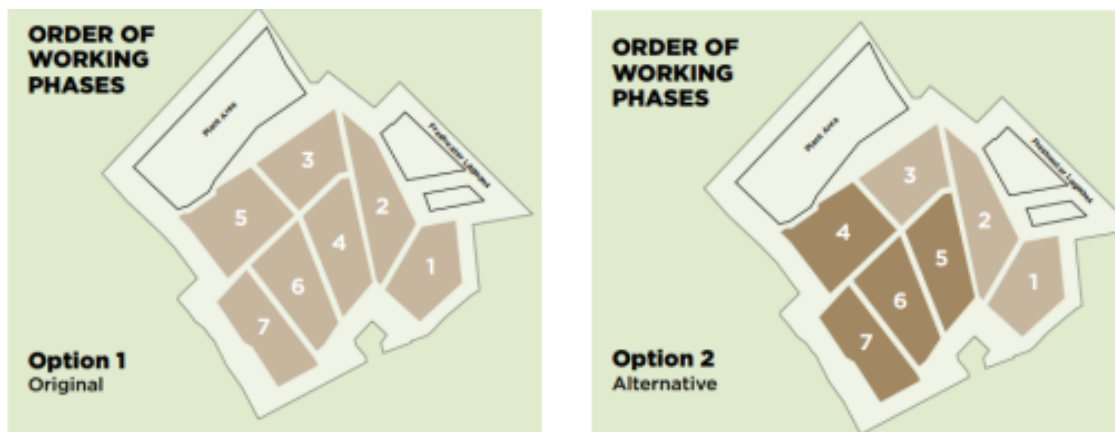


Illustration of incremental working from 2026 PAS

(ii) Revised Phasing

26. The Revised Scheme also offers two phasing options, the original phasing (Option 1) and a revised proposal (Option 2) (the below are from the 2026 PAS).



27. The MPA and several interested parties agree Option 2 is preferable.¹⁹ However, CHG's Public Access Analysis document²⁰ only considered Option 1. CHG would not say which Option it prefers.

28. Under Option 2, following Phases A and B, the northern part of the site area would be worked entirely, before the southern part. That offers the following access benefits:

- a. Routes across the southern area undisturbed for longer.²¹
- b. Once the southern area is being worked, the northern routes are established and remain in place.
- c. More direct routes connecting east to west.

29. For anyone entering Ellenbrook Fields from the west at Nottcutts, Option 2 has the benefit that phases D, F and G would not be affected at all until phases A, B, C and E are complete. That would leave access from the west from Nottcutts for those wanting to follow a circular route unaffected for longer.

(iii) Access Routes

30. Focusing on east-west connectivity, the proposed routing strategy includes:

- a. Retention of the two existing points of access between the eastern and western parts of the parks throughout the life of the development.
- b. A new east-west bridleway and two further multi-user east-west routes, all of which would be designed to accord with HCC standards.
- c. A collection of other routes throughout the Site to be laid out as part of the initial establishment works and re-routed to accommodate the sequence of mineral working.

31. The 2026 PAS proposes the following improvements compared to the Original Scheme:

- a. An additional route bisecting the upper and lower mineral lagoons.²²

¹⁹ Public Access SOCG (CD/17.15). Agreed by, e.g., the Ramblers Association CD/18.35 and Mr Jackson CD/17.17 and Marshalwick North Residents Association CD/18.50.

²⁰ CD/17.23.

²¹ As is explained in the Appellant's Statement of Case CD/17.21-1 at §§2.39-2.45.

²² This is shown in the Initial Site Establishment plan (HQ3/7S) – note this is not a multi-user route.

- b. The southern multi-user path laid out as part of the establishment works is re-aligned to more closely align with the taxiway and to provide a more direct route east-west once Phase A is restored. A temporary diversion would be immediately available while Phase A is being worked, improving cross-park connectivity from the outset.
- c. Two additional primary routes from the Site Establishment Phase in the central part of the Site to improve east-west and north-south connections.²³
- d. Significantly more routes proposed on final restoration.²⁴

32. I will return to the path between the lagoons in a minute. As to the multi-user routes, in total, four are proposed, three east-west and one north-south, all put in place during the Site Establishment. The inquiry heard that this would comprise a total of some 4km of new multi-user routes.²⁵ While the middle and southern east-west routes would accommodate temporary diversions for one phase each, following feedback in the consultation the Appellant has committed to constructing the temporary diverted sections with a surface suitable for multi-users.²⁶

33. These routes, available from the outset, are particularly beneficial.²⁷ CHG have referred to the use of the former taxiway for people with pushchairs or mobility requirements. The taxiway acts as the only current multi-user route within the park but is not a complete east-west or circular route. It is not an adopted right of way nor a feature the SPG expects to be retained.

34. In contrast, the four proposed multi-user routes would allow for improved year-round east-west and circular routes for walkers, cyclists, horse-riders, and those with wheelchairs or pushchairs – a safer and more enjoyable alternative to the A1057 and of particular benefit for commuters.²⁸ Their specification is governed by condition 27. The final restoration scheme requires the establishment of 7 formal dedicated bridleways.

²³ This is shown on the Initial Site Establishment plan (HQ3/7S).

²⁴ HQ3/15R in comparison with HQ3/15S.

²⁵ As Mr Mutch Explained.

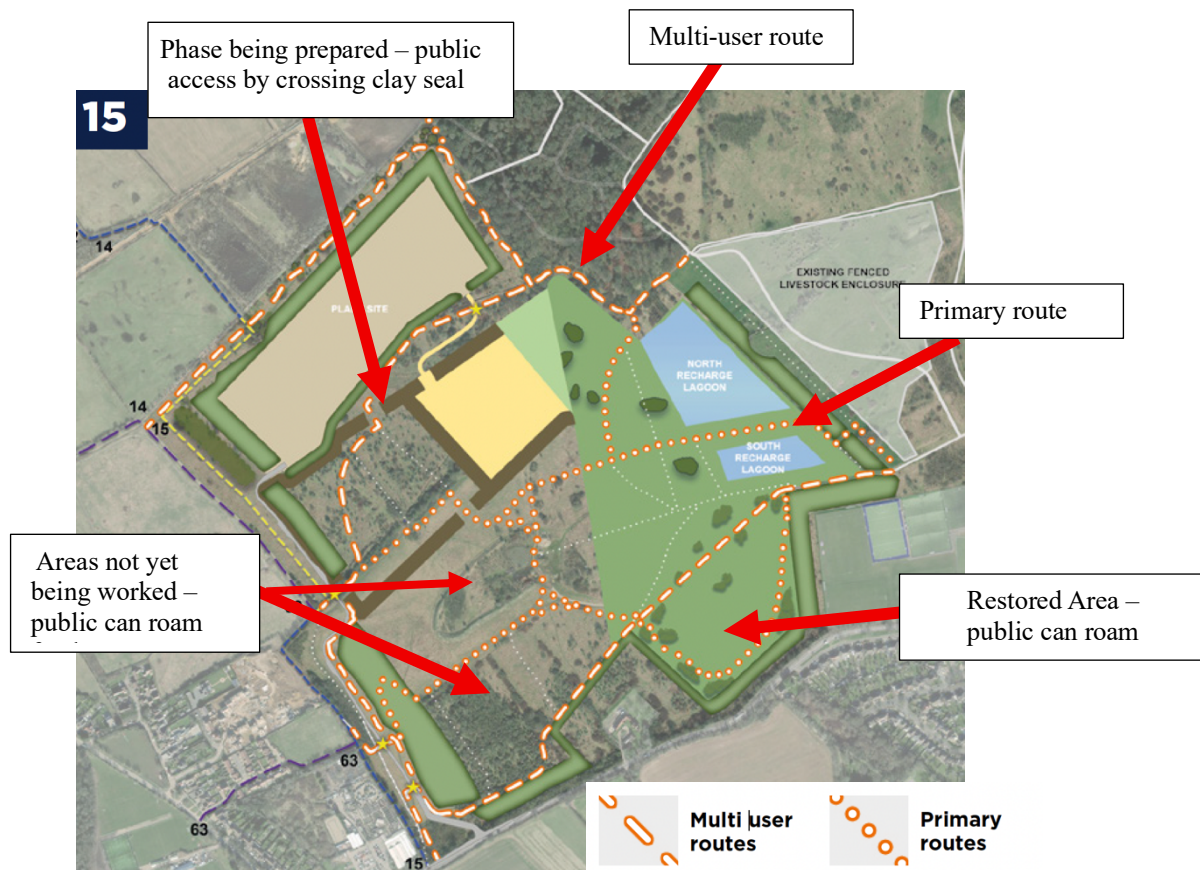
²⁶ As explained in the Appellant's Supplemental Statement CD/17-21/3 and by Mr Mutch. This is now proposed to be secured by condition 27.

²⁷ They would conform with the standards laid out in 'Non-motorised routes in Hertfordshire design guidance' (September 2020) (CD/10.2) – as explained in the Appellant's Statement at §2.13.

²⁸ Mr Mutch Proof BAL/07.1 §9.10 and in the Roundtable.

35. Impacts on persons with protected characteristics will be considered as part of the Secretary of State’s decision. The Appellant considers these paths are of significant benefit in that regard, providing more options for more people to access more of the Site at more times. The final restored site would be vastly more accessible.
36. As well as being constructed to a multi-user standard, condition 27 requires the multi-user paths to be – in accordance with the HCC design guidance – some 6m in width, 3m unsealed path and 3m amenity grass. Those wide avenues would improve natural surveillance compared to some of the narrower paths between woodland and fencing currently on the Site. The openness of the centre of the Site would remain.
37. In addition to the multi-user routes available for bicycles and so on, the Appellant also proposes to create a whole series of mown grassed paths (described in the 2026 PAS as “primary” or paths).²⁹ Where there are existing primary routes, such as the taxiway, these will be retained in their current form until that area is worked. The provisional locations of the primary paths are shown with dotted lines in the PAS drawings, but their precise alignment would be determined with the discharge of the phase-by-phase public access schemes required by condition 27. Mr Mutch confirmed that the PAS would be a living document that would be updated for each phase to respond to users’ evolving needs, in consultation with the Council and residents.

²⁹ As agreed in the SOCG with the MPA CD/17.15 at section 9.



Example phase extracted from 2026 PAS

38. In addition to the annotated routes, it is important to keep in mind that the public would still have access across the rest of the Site – other than into the specific area that is being worked. The 2026 PAS, as I’ve discussed already, even allows for the public to enter the phase that is being prepared for working by way of the new proposed crossings over the clay seals.
39. Draft condition 27, which requires submission of a new updated public access scheme phase-by-phase, requires that these documents must “*maximise the level of public access to un-worked and restored areas of the site in each Phase of mineral working and for the lifetime of the quarry*” and “*demonstrate a safe, accessible and inclusive walking and cycling environment*”.
40. CHG raised the question of gates and crossings. Mr Mutch explained by reference to the 2026 PAS that there would at all times only be one crossing in the middle of the park on the multi-user routes, which would otherwise be unimpeded east-west. The

crossings would be suitable for multi-users. In terms of safety of the crossing points, Mr Mutch referred back to his Proof from the 2024 inquiry, which sets out the relevant legislation and standards that would apply.³⁰ There would be repeat risk assessments as the development progresses.

41. CHG also raised the question of public access during establishment. As the Site Establishment Plan³¹ shows, the Appellant is required to put the multi-user routes in place as part of the initial establishment works. The multi-user routes would be established before the current main east-west routes identified by CHG are disrupted. The details of the construction programme, and how public access would be maintained during it, are required to be submitted for approval via condition 27.

42. Importantly, **no other party proposed any alternative way to design the access routes**. That is probably because, as Mr Mutch explained, the PAS has taken on board the extensive public consultation carried out, and ideas posed by local residents and Councillors have been included – for example, Cllr Eames-Petersen’s suggestion of re-routing the southern multi-user route once Phase A is complete, back along the line of the existing taxiway.

(iv) Environmental Assessment

43. It is agreed with the MPA that in light of (a) the consultation carried out, and (b) the nature of the changes, the Revised Scheme complies with the procedural and substantive principles on scheme amendments established in *Holborn Studios Limited v London Borough of Hackney* [2017] EWHC 2823 (Admin).

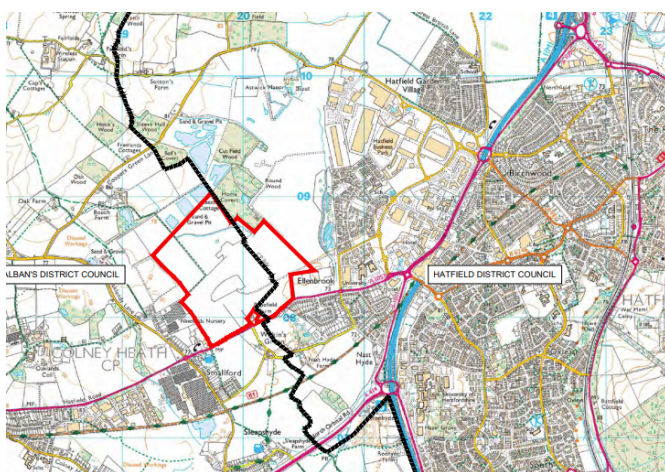
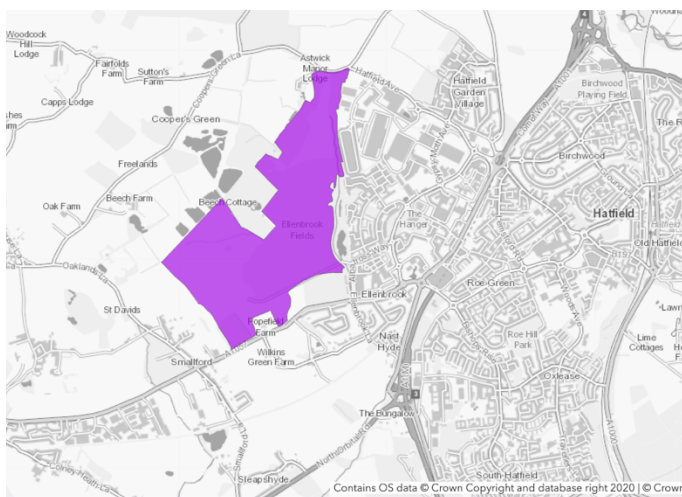
44. The Appellant has ensured that the Revised Scheme does not undermine the suite of environmental mitigations agreed with the MPA and technical consultees. The MPA concur that, as reported in the ES Addendum, the predicted environmental effects are not materially different.³²

³⁰ BAL-07.1 Mr Mutch Proof at §9.15 and onwards.

³¹ CD17.03-01 HQ 37 Initial Site Establishment.

³² CD/17.15 at §1.4.5. The ES Addendum is at CD/17.05. In reference to comments made by Ms Eames-Petersen in relation to the Health Impact Assessment, the ES Addendum confirms that the reported effects for the Revised Scheme would not be materially different to the Original Scheme.

45. One important aspect that the Revised Scheme has carefully integrated is the water management principles agreed with the Environment Agency (“EA”), Affinity Water, the Lead Local Flood Authority (“LLFA”), Arup (the MPA’s experts), and the MPA itself over many years of research, reporting, and engagement. These are precautionary³³ principles necessary given the nature of the protection required: groundwater contamination. The assessment by the statutory consultees has proceeded on the basis these will be adhered to. That has influenced the design in three ways.



³³ See Ms Thomas Statement for the 2024 Inquiry which refers to ‘precautionary’ principles. INQ-31.

47. In this way, public access will be affected across a smaller area than originally expected in the MLP.³⁴
48. In that context, it bears repeating that throughout operations, large parts of the Appeal Site and wider Ellenbrook Fields area would be accessible and with little visual influence from the quarrying works.³⁵ It was agreed at the previous inquiry that public access would be maintained to a minimum of 80% of Ellenbrook Park, which comprises about 177-180 ha, at all times.³⁶ Even more would be achieved with the sub-stages of phases approach now proposed in the Revised Scheme.
49. In terms of the wider unaffected park available, it's worth keeping in mind the conclusions of CHG's user survey.³⁷ This comes with the caveat that the weight to be given to that survey must be tempered by the various methodological concerns identified in the Appellant's Supplemental Statement of Case.³⁸
50. The point is that even on CHG's case, for both entering and leaving the park, Hatfield Albatross Way (no.1) was the most important entrance followed by Hatfield Barlow (no.9), both of which are in the east.³⁹ Mr Rawlins agreed at the inquiry that the majority of people appear to be entering from the east, doing a loop and returning back to the east. Those people that access the park from the east would have relatively easy access to the whole of the unaffected north-eastern part during operations. I note that – while in land beyond the control of the Appellant – the agreed Landscape Management Document (“LMD”) that forms part of the varied (and now enforceable) 2000 agreement requires the landowner to upgrade the north-south path in Ellenbrook Linear Park to a full bridleway.⁴⁰ There is likewise an obligation on the landowner under the LMD to improve public access to Home Covert, including by creating more and wider

³⁴ As agreed with the MPA at CD/17.13 §34.

³⁵ Mr Holliday BAL/05.1 §7.16.

³⁶ Main SOCG with MPA INQ/15 at §3.35.

³⁷ CD/17.18.

³⁸ See CD/17.21-1 at §2.15-2.22.1.

³⁹ CD/17.18 at §4.09.

⁴⁰ CD17.35-1 Schedule 23 at pp.24-35 for details of enhancement works outside the Appeal Site . See Fig 4 on CD17.35-2

paths and letting more light in.⁴¹ Any further enhancements in relation to public access beyond the Site would be a matter for Ellenbrook Trust in due course.

51. While that access from the east to the northern unaffected part would not assist those crossing directly east-west (i.e. for commuting), CHG's survey (again with the caveats identified) only identified 20 / 312 interviewees across 85 hours of surveying as travelling east-west (6%).⁴² What will definitely assist those east-west travellers are the multi-user routes proposed, which would, for the first time, open up unimpeded all weather routes on a surface accessible to all directly across the park. With these, we would expect a significant increase from the current low numbers of commuters.
52. Second, the quarry design is required by a condition required by the EA and MPA to adhere to the principles of the 2022 Groundwater and Water Monitoring and Management Plan ("GWMMP").⁴³ Such is its significance to the principle of quarrying in this location that document took, quite literally, years to agree by way of detailed site investigations, monitoring, research, reporting, and discussion between the Appellant, the MPA, the EA, Affinity Water, and Arup.
53. A key aspect of the GWMMP is the requirement for two freshwater lagoons (the Upper and Lower Mineral Lagoons) at the eastern edge of the quarry. These allow the recharge of shallow groundwater removed from the aquifer to work the quarry and the management of surface water runoff.
54. It is agreed with the EA and Affinity Water in the Statement of Common Ground ("SOCG")⁴⁴ that:
- a. The proposed quarry, including the lagoon location and quarry phase working and restoration, has been subject to a detailed assessment which demonstrates that quarrying can be undertaken at this location in a manner which will not disturb the bromate plume.

⁴¹ CD17.35-1 Schedule 23 at pp.24-35 for details of enhancement works outside the Appeal Site . See Fig 4 on CD17.35-2

⁴² See section 1 summary of CD/17.18.

⁴³ CD/2.11 Appendix 6-10. The final GWMMP is required by a condition required by the MPA's technical advisors Arup and the EA to be based upon the 2022 GWMMP (SLR Ref: 403.09885.00024 Version No FINAL) (see INQ-30 (2024 SOCG at §§15-20, 2021 SOCG at section 8)).

⁴⁴ CD/19.09.

- b. The lagoons are required for surface water and groundwater management.
- c. The lagoons are needed to accept and recharge shallow groundwater removed from the Upper Mineral Aquifer and rainfall runoff during mineral extraction. They are entirely separate from the proposed “silt lagoons” within the plant site.
- d. The rationale for **the location and sizing of the lagoons** is clear and has been optimised to maintain and protect the groundwater environment.
- e. The parties to the SOCG have considered the Appellant’s Technical Note at CD/17.21-1 Appendix 2 and agree its contents.
- f. Due to what is known about the prevailing hydrogeological regime, **the lagoons are required to be located at the downgradient eastern edge of the proposed quarry** as currently proposed. Here, they benefit from the head difference between the surface water level in the lagoon and the groundwater table in both aquifers, facilitating the highest possible rate of infiltration of water into the aquifers, whilst maintaining the hydraulic separation between the two aquifers. The scheme has been assessed, and **the 2022 GWMMP agreed, based on the lagoons as currently proposed in terms of both siting and sizing.**
- g. Affinity Water and the EA require any permission granted to accord with the conditioned final groundwater and water management plan, which is to be based on the 2022 GWMMP. **That includes a requirement for the provision of the proposed lagoons in their proposed location.**
- h. **The full design details of the lagoons are to be agreed with the MPA by condition. The final details should substantially accord with the conceptual design within the 2022 GWMMP.**

55. As explained in the GWMMP, the lagoons are to be constructed on the “*hydraulically down gradient, northeast perimeter of the Site*”. Their location was specifically selected based on their suitability for infiltrating water into the aquifers and was agreed with the EA more than a decade ago.⁴⁵ As I explained in Opening, the primary technical rationale is as follows:⁴⁶

- a. First, the lagoons are, by necessity, downgradient of the prevailing groundwater flow paths.

⁴⁵ CD/17.21 at §§2.20-2.35 and Appendix 2.

⁴⁶ As explained in the Appellant’s Statement at CD/17.21-1 at §§2.20-2.35 and Appendix 2.

- i. If the lagoons were upgradient of the quarry, infiltrated water would naturally flow back towards the quarry, undermining their function.
 - ii. If the lagoons were upgradient and surrounded by backfilled phases, water would not be able to infiltrate effectively into the aquifer.
 - iii. Locating the lagoons downgradient avoids the need for groundwater pumping. If the lagoons were to the west, the perimeter drains would have to be pumped uphill back to the lagoons.
- b. Second, the lagoons are located so that the difference between the surface water level in the lagoon and the surface of the groundwater table (the hydraulic head) is as great as possible. This optimises the ability to manage surplus water encountered in quarry excavations by increasing downward water pressure and speeding up infiltration. This hydraulic head creates “*significantly more storage capacity*”.⁴⁷ Slower infiltration would require larger lagoons.
- c. Third, the other benefit of the lagoons in the east is that they are recharging groundwater – collected by the backdrains – into the aquifer, as close as possible to its original flowpath, thereby causing the least disturbance to the aquifer system.

56. Dr Wilkinson’s Technical Note (now agreed by the EA) explains that the hydrogeological regime “*would simply not allow the lagoons to function as needed to facilitate mineral extraction*” if they were moved in a westerly direction into the quarry.⁴⁸

57. The lagoons being in this location, also downgradient for surface water, is additionally a fundamental aspect of the drainage strategy agreed with the LLFA. The restored surface will drain by gravity to the lagoons primarily by a series of shallow swales with gently sloping sides.⁴⁹ The lagoons have been sized to accommodate the required infiltration in respect of the anticipated groundwater and to provide the required attenuation for surface water up to and including during a 1% AEP rainfall event +40%

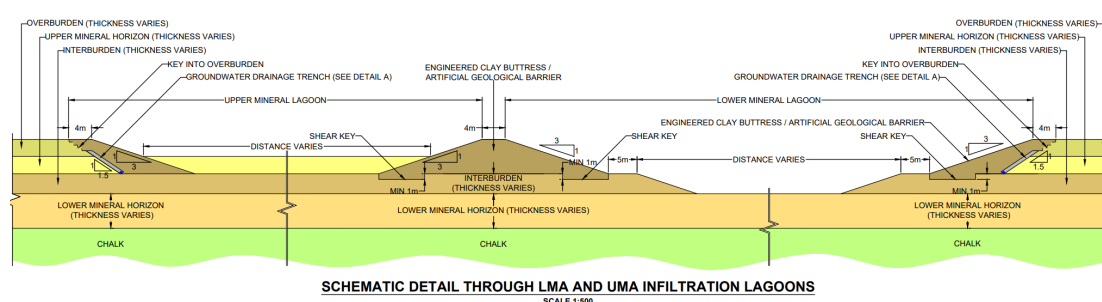
⁴⁷ GWWMP at §2.3.

⁴⁸ Appellant’s Statement at CD/17.21-1 Appendix 2. The MPA is clear that, in its view, “*the lagoons are in the preferred location*” - CD/17.15 at §4.2.11. See also Mr Owen’s Proof of Evidence at CD/17.20 §4 for the Re-Convened inquiry.

⁴⁹ See Mr Walton’s Technical Note at Appendix 1 to the Appellant’s Supplemental Statement for the Reconvened Inquiry CD/17.21-3. That is illustrated on drawing SWM003.

for both the operational and restoration phases.⁵⁰ That is explained in the Appellant's Flood Risk Assessment.⁵¹

58. The lagoons are a central element of the mineral operation. They are fundamental to groundwater and surface water management. As Mr Walton described, of necessity they have been designed and sized to achieve the required storage volume associated with the infiltration rates.⁵² That is understandably a scientific and engineering exercise which rightly employed a precautionary approach and has given rise to a conceptual design in at Drawing 11 of the GWMMP.⁵³



59. As shown in Figure 11, the top bank of the lagoons and path between them would be at ground level, the land would slope down from the causeway to the water at the bottom of the lagoons, and there is proposed to be a notable 4m width between them. Many of the current paths elsewhere on the Site, for example between existing vegetation and fencing, are far narrower.

60. It is explicitly acknowledged in the GWMMP that the conceptual design will need further detailed design and drawings in due course.⁵⁴ While the concept drawings have been engineering-led and appear to have given a somewhat industrial impression, as Mr Walton explained, the final shape will be less geometric and more natural; a step towards the illustration of the lake in the final restoration scheme. Mr Walton explained that the sloping banks would be vegetated, that the lagoons by necessity would have

⁵⁰ CD2/11 Appendix 6-12 Technical Notes at p.4.

⁵¹ Note – as explained before the 2024 and 2026 inquiries, the version of Flood Risk Assessment (2021 version 1 draft) at CD/2.11, APP.6.9 is the wrong version, the correct version (2021 version 2) is to be found at CD/19.10 (as explained in the title to that document). See section 9.3 (§9.3.1 et seq.) and Appendix 4.

⁵² The calculations are at CD/19.10 (the correct FRA). See section 9.3 (§9.3.1 et seq.) and Appendix 4.

⁵³ CD/17.31-1.

⁵⁴ At §4.7.2.

rounded edges, and there is ample scope for landscaping in accordance with the conditioned scheme.

61. The full design and details of the lagoons' appearance would be provided to discharge conditions 29 and 29a. Proposed condition 29a requires, prior to commencement of initial establishment works, a scheme to be submitted including details of:
- a. The detailed design and appearance of each lagoon;
 - b. The extent and type of new planting;
 - c. Any new habitat created;
 - d. Treatment of buffers around the water bodies;
 - e. How the subsequent integration of Phase A and B once they are restored into the parkland to the east shall be facilitated; and
 - f. A timetable and programme for implementation.
62. As well as appearance and landscaping, that includes tolerance for some degree of variation in terms of the precise configuration and size if it can be justified in engineering terms following further groundwater investigations. The limits on this variation are of course (a) the final scheme will need to be in substantial accordance with the GWMMP to ensure the lagoons fulfil their important and necessary function, and (b) the need for the lagoons to adhere to other necessary and fixed aspects of the wider scheme.
63. As Mr Jones explained, Condition 29a dovetails with the operational landscaping scheme condition 57, which requires the same details for landscaping in other areas of the Site. The result would be a coherent and integrated landscaping scheme, incorporating the lagoons into the wider Site proposals. As Cllr Eames-Petersen told the inquiry, *"[i]n the end the lagoons could be a very nice feature"*.
64. One matter raised by CHG was the possibility that the path between the lagoons could become muddy. As Mr Mutch explained, this is unlikely as the land either side of the path falls into the lagoons, nevertheless, if necessary, this could be avoided by putting gravel down. Those details would be revisited in the phase-by-phase public access strategy conditions. It is also worth keeping in mind that the path between the lagoons is a benefit of the Revised Scheme. However, it is also proposed that there would be

two multi-user routes designed to HCC design specification (a minimum of 6m wide) connecting from the quarry site to the east of the park to the north and the south of the lagoons, at the location of the existing crossing points and open at all times throughout operations. In other words, there are now three different options for connecting east-west from the Appeal Site to the park to the east, only one is between the lagoons.

65. On restoration, the lagoons would become a single lake, an attractive landscape feature of the proposed park. Contrary to what Cllr Hale suggested, the SPG always envisaged a large water feature to be sited in this very location (as can be seen below). Notably, the Appeal Scheme includes less waterbodies than envisaged in the SPG, enabling public access over a wider area of the park in the long term than originally anticipated.



Extract from Figure 7 of the SPG



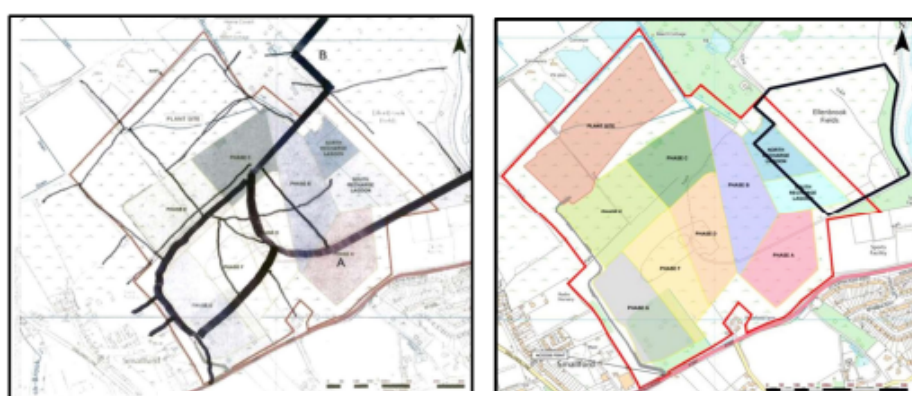
Proposed Restoration Site Plan

66. In considering the impact of the lagoons on public access, the following points are relevant (and agreed with the MPA⁵⁵):

- a. Access from the Appeal Site into the wider park to the east exists principally in two locations – via the taxiway and close to Home Covert. The access points to the east do not intersect with the lagoons and would be retained throughout. There would be no loss of access between the Appeal Site and the wider park.
- b. None of the key routes identified by CHG in their Public Access Survey⁵⁶ would be stopped by the lagoons.
- c. There is a fenced field for livestock grazing immediately to the west of the lagoons outside the red line of the Site (and until recently that fence was located through the centre of the lagoon location). That fenced area prevents access east-west at the location of the proposed lagoons.⁵⁷ The lagoons do not restrict east-west access, as there is not east-west access in that location. The livestock enclosure and fencing were introduced pursuant to the initial establishment works under the 2000 Agreement and are required to be maintained by the landowner in accordance with the approved LMDs.⁵⁸
- d. Significant portions of the land to the west of the livestock enclosure are currently inaccessible due to dense vegetation.

Lagoons relative to
existing access tracks
(CHG plan)

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



Extract from SOCG Public Access with MPA

⁵⁵ CD/17.15 at section 4.2.

⁵⁶ CD/17.18.

⁵⁷ This is described in paragraph 4.2.3 of the Public Access SOCG (CD/17.15). This is identified in the various landscape documents and plans agreed as Schedules to the Deed of Variation to the 2000 Agreement (“the Amended 2000 Agreement”). See. E.g. Schedule 21 and 22 of CD/17.11.10.

⁵⁸ CD/17.15 at section 4.2. Clause 4.87 of the Amended 2000 Agreement requires the landowner to maintain the Existing Establishment Works, which are at Schedule 22 and include the grazed fenced area.

67. The third design principle is that Phases A and B are worked first. The SPG states at §9.28 that it is likely that reserves at the eastern part of the preferred area should be worked first. Working Phases A and B first has the important benefit of providing an enhanced and reinstated eastern part of the Site, reintegrated to the rest of the park to the east, earlier on (and earlier reinstatement of the taxiway route).



Image from 2026 PAS

68. Working Phases A and B first is also beneficial for groundwater management and mitigation.⁵⁹ Infilling Phase A and B with low permeability material would, from the outset, form a barrier to flow from the eastern side of the Site, further blocking the pathway for bromate.⁶⁰ It is agreed with the EA and Affinity Water in the SOCG⁶¹ that:

- a. The parties have considered the Appellant's Technical Note on Phasing at CD/17.21-3 and agree with its contents.
- b. Working Phases A and B before any further phases to the west is the optimum and precautionary approach to groundwater management, as this creates a hydraulic barrier for the lower mineral aquifer from the outset.

⁵⁹ As explained in the Note at Appendix 2 to the Appellant's Supplemental Statement (CD/17-21/3).

⁶⁰ CD/17.15 at §8.3.2 and explained in the Environmental Statement Water Environment Chapter (CD/2.11 Chp06) at §6.170.

⁶¹ CD/19.09.

- c. Following working of Phases A and B, the other Phases could be worked either in the order C-D-E-F-G or C-E-D-F-G (as is proposed in the Revised Scheme).

69. In all, the design proposed is one that has been rigorously tested by all relevant technical consultees and experts and is one that works to achieve the environmental protections required to extract mineral safely. There is no evidence that any other design would adequately protect the environment (and, indeed, no party proposes any alternative).

(v) Updated Conditions

70. A revised set of conditions has been submitted to secure the improvements proposed by the Revised Scheme. The 2026 PAS would be supplemented by Public Access Schemes for each phase, which will add further layers of detail and adjustment in consultation with the Ellenbrook Park Trust and other community groups.

71. The proposed conditions also require submission of a detailed surface water drainage scheme for each phase of the mineral extraction. It is a misconception to suggest no drainage is proposed during the operational lifetime of the Scheme.⁶² Swales and other drainage features would be put in place as the Site is progressively restored, and not all at once at final restoration.

72. As Mr Walton explained, the swales would not be an impediment to access. If a proposed swale location intersected with a multi-user route, water would be piped under the route. Mr Walton told the inquiry that in other areas, the swales would be dry for the vast majority of the time, and as shallow depressions in the ground could easily be crossed on foot.

73. Mr Walton further noted that the provision of swales as each phase is restored as required by condition would be a benefit for public access. That is because a number of interested people have referred to the Site being muddy and inaccessible in the winter – a positive drainage strategy would assist with that.

⁶² As explained in Mr Walton's Technical Note, CD/17.21-3.

(vi) Conclusion

74. The revised PAS provides meaningful east-west access across the Appeal Site and into the Ellenbrook Fields to the east. It retains the two principal points of access from the land to the east. A range of routes are proposed that connect to these two points. These proposals, combined with the progressive hand-back of restored land, would ensure the restored areas will be quickly integrated into the unaffected park.

75. The Appeal Scheme would also bring about a range of benefits in terms of public access. There is the provision of the multi-user routes, enhancing accessibility for a wider range of persons. As the Appellant explained at the last inquiry, the restoration scheme would also provide a far enhanced landscape both in character and biodiversity terms.⁶³ The Site is currently comprised of young scrub and grassland which the MPA described in the 2024 inquiry as having a “derelict” appearance.⁶⁴ At this 2026 inquiry, Cllr Hale referred to the Site in the following terms:

“Until the establishment works are completed the trust should not be accepting a building site. It might be a building site that is rewilded, but that is what it is.”

76. So, future generations would inherit a vastly improved landscape and more accessible country park. This beneficial legacy includes:⁶⁵

- a. Three multi-user routes crossing the Site for a wide range of users, including people with mobility issues, and on restoration 7 new dedicated bridleways;
- b. Improved commuting across the park avoiding the A1057 (as well as improvements for pedestrians on the A1057, by way of an improved crossing with a pedestrian refuge and widening of the footpath);
- c. Active on-site drainage reducing flooding (making it less wet and muddy);
- d. On restoration, a car park on the western side of the park for visitors to park;
- e. Improved biodiversity and a more attractive landscape in the long term by the creation of a wider mosaic of grasslands, hedgerows, woodland and habitats.

⁶³ As explained by the Mr Holliday and Mr Edmonds at the 2024 Inquiry.

⁶⁴ Mr Holliday’s Proof, BAL-05.1 at §3.19; The Council’s Opening Statement for the 2024 Inquiry at §16 INQ/05, referring to the Committee Report CD/2.09 at §3.14.

⁶⁵ See Appellant SOC to Re-Convened Inquiry CD/17.21-1 at §3.43.

77. While these are all benefits of both the Original Scheme and the Revised Scheme, the Revised Scheme goes further than the Original Scheme by way of the access route improvements described above.
78. The distinct absence of an alternative public access strategy from CHG says much; for everything that CHG have written and said over the course of the two inquiries, it has not put forward a genuine or materially different proposition that would suggest any better cross park access is achievable.
79. Rather, the Appellant is criticised for not bringing forward a substantially different scheme. That is not a failing of the revisions but a recognition that the fundamental principles of the Original Scheme were designed appropriately in the first instance: the location of the plant area, the access on the A1057, and the bunds are all in accordance with the SPG and achieve the functions ascribed to them in terms of protecting amenity; the location and size of the lagoons reflect important ground and surface water considerations; and the residual extraction area is appropriate. The exercise the Appellant has been concerned with is a separate one: improving east west access and demonstrating how integration of the restored landscape and the existing park can be achieved.

ALTERNATIVES

80. The question for the Inspector and the Secretary of State is whether the Revised Scheme that I have just described complies with the relevant policies. To those I will turn shortly.
81. Some third parties have suggested the Scheme should be refused not because of conflict with the relevant policies, but because another hypothetical scheme could come forward as an alternative. That is simply not the test. The theoretical possibility of designing a different quarry scheme here is not a lawful reason to refuse consent. That principle is well-established in law.⁶⁶ As summarised recently by Lang J in *R (East Hertfordshire District Council) v Places for People*⁶⁷ [2025] EWHC 2474:

⁶⁶ See the Stonehenge and Substation Action cases at CD/12.17 and CD/12.18.

⁶⁷ CD/17.30.

“52. The availability of alternatives is not a mandatory material consideration wherever there is potential planning harm. The law remains that consideration of alternatives is only material in “wholly exceptional circumstances” (see the Stonehenge case per Holgate J at [406-408]. This was confirmed in R (Substation Action Save East Suffolk) v Secretary of State for Business, Energy and Industrial Strategy [2202] EWHC 317 at [209-214].”

82. The ground of challenge in that case was that a housing development should have been designed with the sports facilities in a different location to avoid impacts on a Grade I building. The Court found it was “*unarguable*” that there were wholly exceptional circumstances requiring an alternative design to be taken into account.
83. One example where the Court did find “wholly exceptional” circumstances was the *Stonehenge* case⁶⁸, where there would have been “*irreversible*”, “*permanent*” and “*significantly adverse*” harm to a world heritage site, Stonehenge, with “*outstanding universal value*”.
84. There are no “exceptional circumstances” of that kind here. The Site is allocated in the development plan. It is agreed with the MPA that the Scheme complies with the policies and that no material considerations indicate permission should be refused. Extensive and detailed public access provision is proposed.
85. Critically, the Courts have also made clear that even in those “*exceptional circumstances*” where alternative proposals might be relevant, “*inchoate or vague schemes and/or those that are unlikely or have no real possibility of coming about would not be relevant or, if they were, should be given little or no weight*”.⁶⁹
86. So, even were there to be “exceptional circumstances” that would legally allow for consideration of an alternative scheme, there is no specific or choate alternative scheme that could even potentially be considered here. No other operator has put forward an alternative proposal. No other design has been assessed. There is no other scheme to consider, and no evidence that another scheme could work with the site constraints.

⁶⁸ CD/12.17 see §277 et seq.

⁶⁹ CD/12.17 §§268-272 (CD/12.17).

THE POLICY FRAMEWORK

87. The Appeal Scheme would undoubtedly result in some impacts to public access. While in the longer term the change would be positive, and in the short term there would be some benefits such as the new multi-user paths, there would of course be a level of adverse effect during the quarry's operational lifetime.
88. However, impacts of that nature are an inevitable consequence of winning and working minerals in accordance with the Appeal Site's status in the development plan and as anticipated by the SPG.
89. Some residents do not want this development here. That is the case for very many developments up and down the country, not least quarries. As the MPA officers explained at the 2024 Inquiry policy roundtable, there were over 5,000 responses to the proposed inclusion of the other major sand and gravel allocation in the emerging MLP (Briggens Estate).
90. There is very strong and long-standing in principle policy support for the Appeal Scheme, deriving from two key considerations: the development plan and the agreed position on need described above. As I've said, sand and gravel supplies are essential to driving economic growth through planning and development but are not keeping pace with demand.
91. The Hertfordshire Minerals Local Plan 1991-2006, adopted in July 1998, gave preferred area status to the Appeal Site and a far wider area to the east and north of the Appeal Site for mineral extraction. The planning authorities who were parties to the 2000 Agreement and who adopted the 1999 SPG did so in the knowledge of that allocation. The fact that mineral working on the Appeal Site would inevitably impact public access was considered in the 1999 SPG, as well as in the original 2000 Agreement which provided for public access to be excluded when minerals were being extracted.

(i) The SPG

92. The SPG at §9.32 provides for selective opening up of areas to public access as mineral restoration is completed and aftercare undertaken and for completion of pedestrian and cycle links and opening up of remaining areas after mineral extraction.

93. The SPG refers to the need to strike a balance between maximising the use of the mineral resources and protecting the amenity of existing residents at Ellenbrook and Smallford and other existing occupiers/users (see §9.27). “Unreasonable effect” is the measure which the SPG refers to in judging the balance between minerals and amenity. The SPG does not specify how exactly public access, restoration, and wider park connectivity are to be achieved.

94. The SPG considered an appropriate balance could still be achieved back when mineral extraction could have taken place over a far larger area than is now proposed today. As agreed with the MPA, all of the principles of the SPG are complied with here, and an appropriate balance has been struck.⁷⁰

(ii) The 2000 Agreement

95. As confirmed by the MPA, “*the principle of excluding the public from the Site during its development was established in the 2000 planning permission*”.⁷¹

96. The original 2000 Agreement required Ellenbrook Park to be accessible and freely available to the public, “*save during periods when public access needs to be excluded from parts thereof ... when minerals are being extracted pursuant to a planning permission*” (§4.83).

97. The 2000 Agreement has now been varied – as Ms Bruce explained, the December 2024 Deed of Variation took immediate effect.⁷² So, while some third parties referred to the

⁷⁰ CD/17.13 SOCG at §§44-45; See INQ/15 Main SOCG with MPA at §4.19, §9.11, §9.14, §9.15; See Mr Owen’s Proof of Evidence at §4 for the Re-Convened inquiry (CD/17.20).

⁷¹ INQ/15 Main SOCG with MPA at §9.14.

⁷² CD17.11 is the Conjoined 2000 Agreement as varied by the Deed of Variation.

original 2000 Agreement and to the original Landscape Framework Document, those are no longer the extant legal obligation. As part of the negotiations for the 2024 Deed of Variation, new LMDs were agreed between all the parties. There are two versions, one of which anticipates grant of consent for working minerals as part of it.⁷³ The amended 2000 Agreement clearly provides for public access to the Appeal Site to be controlled by the minerals planning permission.⁷⁴

98. It is agreed with all the Councils concerned that neither the Original nor Revised Scheme would give rise to any conflict with the 2000 Agreement as varied by the 2024 Deed of Variation.⁷⁵ CHG does not suggest otherwise. Likewise, no change is need to the section 106 agreement.

(iii) The MLP

99. The acceptability of extraction at Ellenbrook was subject to detailed examination at the MLP public inquiry. The allocation in 2007 took place in the knowledge of the need to manage the bromate.⁷⁶ It was made following an “*extensive site selection process*” to identify the most sustainable locations.⁷⁷

100. The stated intention of the allocations in the MLP⁷⁸ is “*to give clear guidance to users of the Plan, both as to where permission is likely to be forthcoming, and where permission is unlikely to be granted*”.

⁷³ CD/17-35.1 and CD/17.35-2.

⁷⁴ How the varied 2000 Agreement operates as regards public access and mineral workings has been set out in some detail in the following documents:

CD17.11 and CD17.11-1 Conjoined 2000 Agreement as varied by the Deed of Variation (and Erratum Note)

CD17.14 Agreed signed SOCG 2000 Agreement (as varied) and Minerals s106 Agreement dated 20 March 2026 – Appellant and HCC

CD17.21-1 Appellant’s Statement of Case

CD17.21-2 Appendices to Appellant’s Statement of Case – Appendix 5 : Response to representations outside of the scope of the Inquiry, Part 2 - handover of land to the Ellenbrook Trust and management pending such handover

⁷⁵ As agreed by the MPA CD/17.14 at §§27-32. Welwyn Hatfield have confirmed the same CD/18.44. As have St Albans City and District Council CD/18.61 and CD/18.61-1.

⁷⁶ The MLP CD/3.01 Site Brief expressly acknowledged that “[t]he proposed site lies over an area contaminated with a plume of Bromate.”

⁷⁷ see §3.4.2 of the MLP CD/3.01.

⁷⁸ See §3.4.1.

101. MLP Policy 18(x) states that proposals for mineral extraction shall, “where appropriate”, address a series of criteria, including that schemes should:

“ensure that public rights of way are not adversely affected, or where this is not possible, ensuring that good quality, safe, convenient temporary alternative provision is made with long term reinstatement or suitable replacement rights of way is secured. Proposals should enhance the public rights of way network through the creation of new rights of way and/or open space, or the improvement of public access;”

102. As the MPA has explained:⁷⁹

“.... the requirement for convenient temporary alternative provision contained within Policy 18(x) relates to public rights of way rather than to informal permissive routes and does not specify that cross park routes between Smallford and Salisbury Village must be maintained.”

103. Both in writing and orally CHG asserted that the Appellant must protect (i.e. not harm) public access. That is a mischaracterisation of Policy MLP18(x), which must be seen in the context of §4.1.9 which frames this policy’s objectives within the context of minimising environmental effects. CHG’s premise appears to operate on the basis that quarrying and public access at the Appeal Site are incompatible. That is not the tenor of Policy MLP18(x), nor the SPG. Notwithstanding what is said in various third-party representations, there is also no policy requirement for “*unfettered access*” to the Site during mineral operations. Nor could there be – that would be inconsistent with the principle of the area being worked.

104. It is agreed with the MPA that:

- a. The appeal scheme ensures that retained public rights of way are not adversely affected whilst ensuring good quality, safe, convenient temporary alternative provision is made in two necessary instances with long term reinstatement.⁸⁰
- b. The section 106 agreement requires dedication of 7 new bridleways on restoration and upgrading of the existing public right of way to a bridleway on establishment. This is a “*substantial addition and upgrade*” to the network.⁸¹

⁷⁹ at §8 of Mr Owen’s Proof CD/17.20.

⁸⁰ CD/17.13 at §22.

⁸¹ Mr Owen explains at §8 of his Proof of Evidence for the Re-Convened Inquiry CD/17.20.

105. Beyond the formal public rights of way network, including the east-west bridleway in the northern part of the Site, the Appellant as we have described above also proposes enhanced access via the three other proposed multi-user routes, going both east-west and north-south. This part of the policy is undoubtedly complied with.

(iv) NPPF

106. The primary policies governing the details of public access on this specific Site are those in the MLP (the Appeal Site having been examined as part of that plan), together with the guidance in the SPG. A number of third parties referred to more general paragraphs of the NPPF dealing with matters such as community cohesion, designing out crime, health, and social interaction.

107. All these policies – many of which are addressed more naturally at creation of new living communities – must be read in context and together with the specific minerals policies in the NPPF. The NPPF Minerals Section is expressed in terms of unacceptable effects or minimising adverse effects. Those policies must also be read together with the fact of the allocation of the Site in the local plan. For all the reasons outlined above in the section on scheme design and public access, there can be no real contention of any conflict with the NPPF.

108. It is worth re-calling that the public access schemes are required by condition 27 to “*demonstrate a safe, accessible and inclusive walking and cycling environment*”, and to accord with the standards set out within HCC’s design guidance.⁸² That Guidance explains that complying with its specification can provide a number of benefits, including increased opportunity to build walking or cycling into daily routines as an enjoyable, and a safe, accessible and inclusive environment.

⁸² (September 2020) (CD/10.2).

(v) Policy conclusion

109. It is common ground with the MPA that the Original and Revised Schemes comply with the relevant policies in full.⁸³

110. Highly relevant is the proposed revision to condition 12 which now ensures public access to at least five phases but adds a restriction to preclude the total exclusion of the public from more than one whole phase. As Mr Hodbod indicated at the Roundtable, this was a material change in the extent of public access that is to be retained, what flows from this is greater connectivity and movement across the park.

111. Alongside this is the importance to be afforded to the winning and working the mineral, especially in the prevailing circumstances of a landbank of less than the minimum 7 years, and declining absent the grant of mineral permission.

CONCLUSIONS

112. There is a statutory presumption in favour of the development plan which points in favour of approval. As agreed with the MPA, there are no material considerations that indicate an alternative conclusion.⁸⁴

113. Substantial material considerations weigh in favour of the Proposal. There is an “*urgent need to improve supply*”⁸⁵ of sand and gravel to produce the materials required for the building the Government wants to kickstart economic growth and to tackle the housing crisis. The benefit is substantial: a supply of some 8 million tonnes of sand and gravel. As discussed at the last inquiry, the extraction would itself generate significant economic benefits, to which the NPPF says great weight should attach. In addition to the extraction of the minerals, as explained at the previous Inquiry, the provision of void space represents a substantial benefit given impending shortages in the area.

⁸³ See Main SOCG for Original Inquiry INQ/15 at section 4, See SOCG for Re-Convened Inquiry CD/17.13.

⁸⁴ CD/17.13 at §§78-80.

⁸⁵ Main SOCG with MPA INQ/15 at §5.10.

114. As always, there would be some adverse effects from winning and working minerals, but they would be acceptable and appropriately mitigated. The MPA's Team Leader for Development Manager has explained that, in the Council's opinion⁸⁶: "*the original public access proposals struck an acceptable balance, the revised scheme constitutes an improvement.*" The Appellant agrees.

115. So, we invite the Inspector to recommend approval, and the Secretary of State to allow the appeal.

**ODETTE CHALABY
LANDMARK CHAMBERS**

23 APRIL 2026

⁸⁶ In his Proof of Evidence at §4 for the Re-Convened inquiry (CD/17.20).