Colney Heath Group (CH Group)

Appeal by Brett Aggregates Limited

Land at former Hatfield Aerodrome Hatfield Hertfordshire AL4 0JB

Ref. App/M1900/W/24/3346607

Colney Heath Group statement of case

1.0 Introduction

1.01 The application is for the formation of a new quarry within the existing Ellenbrook Park. The Secretary of State (SoS) has reopened the inquiry to only consider and obtain additional evidence on public access, this will be the focus of this statement of case.

1.02 The formation of a quarry in a country park is very rare in the UK, possibly unique, this was Brett's view when this was discussed with them. However, several country parks have been formed post quarrying.

1.03 The CH group believe that Brett should have undertaken user studies prior to the design of the quarry, and the MPA should have also requested such data. To date the only detailed studies have been undertaken by CH group mostly on a reactive basis. The public access strategy presented at the first inquiry was fundamentally flawed and it was not evidence (survey) based and has not changed significantly since. Without a detailed understanding of the resident's use of park Brett are trying to retro-correct the previous design and sequencing errors.

1.04 As the CH group are the only organisation or group giving evidence on Public Access based on detailed large scale user studies, the CH group believe their evidence must give substantial weight in the planning balance on this topic.

1.05 Basis for CH groups Statement of case

SoS letter 11/11/2025 – (CD17.09)

2. At the inquiry, the impact of the proposal on public access to Ellenbrook Park (EP) was discussed. The Inspector notes that the Hatfield Aerodrome Supplementary Planning Guidance states that a balance should be struck between maximising the use of the mineral resource and protecting the amenity of residents and users of the park. However, he considers that the proposal has not effectively struck a fair balance. This relates specifically to:

> *a) a failure of the Public Access Strategy to achieve the convenient cross-park access during the life of the quarry that is envisaged by the 2000 Agreement and MLP Policy 18(x), in part due to the proposed rerouting of the two paths which currently cross the site linking Sleepshyde with Salisbury Village in Hatfield;*
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> *b) a failure to integrate the restored phases into the unaffected part of EP in a timely manner, in part due to the positioning of the lagoons, which means that when the worked-out areas to the west are restored, it will not be possible to integrate them into the unaffected part of the park to the east through extensions to it, until the quarry is in its final stages of restoration.*

6. The Secretary State invites further evidence on the following matters:

a) the potential for changes to phasing or redesign, or any other provisions, to lead to improved public access to Ellenbrook Park, including to the unaffected eastern part of the Park;

b) implications arising from any changes or provisions identified above, including any implications for the submitted Environmental Statement and signed Deed of Variation;

c) the proposed amended and additional conditions set out above.

1.06 Core issues – SoS letter

East-west travel

Bringing the inactive areas into use within the application site, both pre and post quarrying by providing better access and routes.

Improving the use of the eastern area

1.07 On the basis of the SoS letter the CH group will focus on the impacts resulting from the proposed infrastructure including the lagoons, bunds, phases and roadways, while noting no changes are proposed. Then CH group will focus on any proposed new and amended paths and routes within the western end of the park. The CH group provide some evidence of eastern end of the park as required in SoS letter but notes this is beyond the application site.

Working with the appellant

1.08 The CH group have met with the MPA on three occasions and the appellant on two occasions as requested by the inspector.

1.09 Following discussions with Brett at the first meeting, Brett then subsequently presented two proposals A and B, with proposal B supposedly based on CHG suggestions. Due to time constraints the CH group have focused on proposal A. To be very clear proposal B does not represent the CH Groups suggestions in any way. The CH groups proposal was to divide the site broadly into three areas. The CH group are very concerned that the appellant is trying to credit proposal B to the group and believe it is nothing more than crude attempt to divert focus away from the failure of their proposals. Both proposals contain the same barriers to east-west travel and restrictions on the integration of the park.

Proposed Condition 4a

1.10 The CH group does not consider that the proposed condition 4a provided in SoS letter is a suitable or satisfactory way forward. The CH group believes that all parties including the MPA require clear plan-based guidance on what form the public access should take. If the appeal is upheld, at any later detailed discharge of conditions stage, the proposals can be then assessed as to how they align to those submitted at the appeal and judgement can be formed on that basis.

1.11 Colney Heath Parish Council (CHPC) are members of the CH group and are also members of the Tyttenhanger Quarry Liaison Group, until last autumn no officer from the MPA had attended any Tyttenhanger liaison group meeting for approximately the previous 10 years. At the Tyttenhanger Quarry Liaison Group meeting in October 2025 several major breaches of the planning conditions were identified which included -

Traffic routing – HGVs not using the designated route.
Opening the landfill site before the permitted time.
Out of hours working hours diggers working on site after 19.00.
Mud on road (the wording of the condition prevents soil & debris from being deposited on the highway).
Failure to comply with site safety conditions by failure to close gates including at weekends and bank holidays and to the main processing area, lack of fencing near footpaths, lack of warning signs where earthmoving equipment was crossing a PRoW.
Soil stacked above the permitted height of 5m.

1.12 It must be noted that these issues had been noted by CHPC at a previous meeting with the site operator and the MPA had been requested to investigate the issues raised. Many of the issues raised adjoin PRoW and therefore have very significant safety related issues.

1.13 Therefore, as a result of this experience and the lack of trust in the MPA to protect public safety and interests, the CH group does not believe it would be appropriate for the MPA to determine any access proposal without detailed guidelines to assess any public access discharge of conditions against. The CH group could provide evidence on this topic unless a SoCG is agreed.

1.14 In conclusion the CH group does not consider the proposed use of condition 4a is satisfactory basis for determining the public access section of this appeal.

Public Access

1.15 The 2000 Agreement (CD13.2)
The Agreement imposes binding obligations to:

- Provide free, attractive, and usable public access at all times (Clauses 4.83–4.87).
- Lay out and maintain a network of footpaths, cycleways and bridleways to a standard equivalent to public rights of way Clause 4.90).
- Ensure the park is accessible and freely available to the public throughout the year, save for limited safety-related exclusions.

These obligations apply before, during, and after mineral extraction.

1.16 The revised Public Access Strategy does not satisfy these obligations because:

- Access is repeatedly interrupted by haul roads, gates, fencing, clay seals, and operational areas.

2.2 Minerals Local Plan Policy 18(x)

Policy 18(x) requires:

- Good quality, safe, convenient temporary alternative routes where rights of way are affected.
- Enhancement of the rights of way network, not degradation.
- Protection of public access during extraction.

The revised Strategy fails these tests because:

- Routes are neither safe (due to haul roads, quarry vehicles, fencing, lacking natural surveillance) nor convenient (due to long diversions and narrow grass paths).
- The network is not enhanced; it is materially worsened for decades.
- The lagoons and phasing create long-term severance, contrary to the policy requirement for continuity.

Transfer of land

1.17 The transfer of land and public access is confusing, draft planning condition 60 deals with this matter in limited detail. The public access strategy informs us that the appellant will require access across much of the restored areas to complete the drainage and the full restoration of the site. The appellant is also claiming to make some areas not being actively quarried or restored available for public access, however the basis of this is not clear.

1.18 Condition 60 Restoration Monitoring

(v) Arrangements for management of the restored land and/or handing over land to the Ellenbrook Park Trust;

One of the key issues when considering mineral extraction planning applications for this site is the requirement to fulfil the obligations made under the Section 106 Agreement (the 'Principal Agreement' - CD13.1) which sought to establish the country park on Ellenbrook Fields. The failure to establish both the Country Park Trust and the Country Park itself has led to several complications which will need to be addressed and resolved, potentially through conditions, before planning approval could be given.

1.19 Whilst the appellant has previously viewed the establishment of the Country Park as being a separate issue from mineral extraction, public access across the proposed Country Park, both in the mineral extraction area and the non-mineral extraction area, has rightly been determined to be a material concern which must be satisfactorily addressed (as reflected in the January 2022 planning

appeal decision[i] (CD1.5)and the current planning inspector's report to the Secretary of State).

1.20 Having reviewed the new Public Access Strategy – February 2026 (CD17.02), proposed conditions (CD14.03) and Draft Deed of Variations (CD13.2) there seems to be three issues that must be resolved. At present the application, as it is, fails to overcome the problems identified.

1. Number of Further Ellenbrook Park Leases required

1.21 Under the proposed Draft Deed of Variations (CD13.2), the Country Park Trust will have an option to enter into an initial lease agreement (First Ellenbrook Park Lease) with the landowner for the *"Northern Fields and Home Covert/Cutfield Wood in the form attached at Part 1 of Schedule Ten to this Deed"*. The Country Park Trust then has a further option to make a request to the landowner to enter into further lease agreements (Further Ellenbrook Park Lease) for land that has formed part of the 'Minerals Land'.

1.22 From the documents presented, it is unclear how many "Further Ellenbrook Park Leases" are envisaged. This ambiguity poses a real risk for the Country Park Trust who may be put under extreme financial strain if it is required to enter into multiple Further Ellenbrook Park Leases, with legal and other professional fees due on each occasion. This is in addition to the time and focus that would be lost to the Trust Board and its staff. Whilst this would be a consideration if Further Ellenbrook Park Leases related to whole phased areas (A to G), meant a maximum of seven further leases (although this could be reduced if two or more phased areas are available to be transferred at the same time), this could lead to an intolerable situation if the expectation or requirement was for each incremental sliver of land that the appellant makes available for public access is adopted by the Country Park Trust as it becomes available.

1.23 Although one would presume that the Country Park Trust would not be required to enter into a Further Ellenbrook Park Lease, it's unclear whether it would lose its right to do so at a later date (as part of a larger leased area) should it not do so within a set period.

1.24 Should the Planning Inspector be minded to recommend, and the Secretary of State be minded to grant planning permission to the appellant, they must ensure that there are sufficient safeguards in the proposed conditions and/or deed of variations to ensure that the Country Park Trust is not financially penalised for the new incremental approach potentially being put forward by the appellant, either through a significant financial burden or loss of rights.

1.25 Whilst the incremental adoption of slivers of land would speed up the process of integrating parts of the Minerals Plan into the Country Park, as written, the application and Public Access Strategy would place an unreasonable

administrative and financial burden on the Country Park Trust and would seem to be unworkable.

1.26 2 Rights and responsibilities of paths not within the control of the Country Park Trust

1.27 Whilst improvements have been made to the proposed draft conditions shared with the Colney Heath Group by Hertfordshire County Council, there remains areas of concerns. The new draft condition 27 and 28 being prepared by Hertfordshire County Council sets out the Phased Delivery of Rights of Way and Public Access Scheme and Protection of Public Rights of Way. It includes reference to the Hertfordshire Design Guidance (September 2020) which helpfully sets out the standards that can be expected on the paths, bridleways and cycleways. However, nothing within these draft conditions requires the appellant to deliver the required standards for each of the paths, bridleways and cycleways to be established in a timely fashion. In fact, the appellant is able to use draft condition 28 to restrict access to the public rights of way whilst it upgrades the routes to the standards set out in the Hertfordshire Design Guidance (September 2020), without providing a timescale under which those upgrades will be delivered. It is also unclear whether these rights of way and public access would continue should the appellant transfer the land on which the routes exist back to the landowner.

1.28 The lack of timeframes and timescales within the draft conditions mean that the application, as is, fails to ensure that convenient cross-park access during the life of the quarry that is envisaged by the 2000 Agreement and MLP Policy 18(x) would be achieved.

2. Application of standards and requirements to land which forms part of a phase that has yet to be transferred by the appellant.

1.29 The proposed draft conditions 57 (Operational Landscaping Scheme) and 58 (Restoration Landscaping Scheme) set out the process for the MPA to approve landscaping schemes for both during the operational phase and for the restoration phase. However, this would seem to apply for the entire phase areas and not constituent parts. It's unclear what standards would be applicable to the incremental slivers of land that the appellant is proposing to make available to the public as part of their updated Public Access Strategy. It is therefore impossible to assess the amenity that would be provided to the local community, and whether the appellant is successful in its requirement to overcome its failure to integrate the restored phases into the unaffected part of the Ellenbrook Park in a timely manner with its original plan.

1.30 Alternatively if it is unreasonable to expect the appellant to deliver a landscaping plan and standard for each of the incremental slivers of land that will be brought back for public access, and we are expected to treat the whole phased areas as one entity, then it's difficult to see how the new Public Access Strategy produced

by the appellant in February 2026 is any different to that which was presented to the Public Inquiry in 2025 and was adjudged to have failed.

1.31 For this reason, we do not believe the updated Public Access Strategy overcomes the failure of the application to ensure the Minerals Land, once restored is integrated into the unaffected part of the Country Park in a timely manner.

1.32 All the documents are silent as to how the access and the legal responsibilities would be managed if some phases had been returned/transferred to the trust in advance of the final restoration and site drainage, as the operator will require access across much of the site to complete these tasks.

Proposed changes

1.33 Fundamentally the changes proposed in the new Public Access Strategy are minimal, so the key issues remain in place

Lagoons blocking east-west access particularly the southern end

Layout and orientation of the phases resulting in blocking routes and access

The roads restricting access across and within the park.

Buttresses restricting access across and within the park.

Midterm construction and later removal of bunds (south of processing area and at the Smallford end.

Encirclement of the entire site (western end of the park) by works during establishment lasting up to two years

Encirclement of the entire site (western end of the park) by works during restoration including significant damage to the formerly restored areas by drainage. Leaving little of the park usable lasting up to two years.

Time scale

Establishment stage

1.34 The public access strategy (CD17.02) is silent on the establishment stage which will last about two years and will encircle the entire site, the western end of the park. The CH group has provided detailed analysis on the impacts of this stage. The key issues remain as -

Construction of the lagoons and eastern bund – there is a narrow gap between the University sports field and the lagoon, and no method statement has been provided resulting in the possible closure of the route during this stage.

Construction of the southern bunds and the access routes

Construction of service road

Construction of the processing site

Damage to any park areas and paths which will take time to recover.

Lagoons

1.35 No change in the location or shape of the lagoons is proposed, but a new path between the lagoons is proposed which will only be available intermittently due to the blocking actions of other activities on site.

1.36 In the current proposed location, the lagoons will during, and following quarrying, divide the park into two parts preventing integration of the eastern and western sections. There will also be a significant bottleneck to east-west movement particularly at the southern end of the lagoon which is the most important route.

1.37 This also reflected in SoS letter Paragraph 2b addresses integration;

'*a failure to integrate the restored phases into the unaffected part of EP in a timely manner,* ***in part due to the positioning of the lagoons****, which means that when the worked-out areas to the west are restored,* ***it will not be possible to integrate*** *them into the unaffected part of the park to the east through extensions to it, until the quarry is in its final stages of restoration*.'

Bunds

1.38 The installation of the eastern bund, east of the lagoons will have a major and lasting impact on the integration of the park, it being a significant physical and visual barrier lasting some 30 years. The impact being similar to that of the lagoons which it is beside.

1.39 The southern bunds will cause considerable landscape harm during their construction and loss of wildlife habitat, one of the reasons people come to the park for. Then some 30 years later, their removal will destroy the restored areas and paths.

1.40 The western bund (Smallford end) by the service road, being installed in about year 5 and removed during about year 26, will cause untold harm to east-west travel and to access from the Smallford end.

1.41 All construction and removal of bunds will cause considerable harm to the paths and parks area adjoining them and on routes required to access them or transport materials. These will take time to recover so making them unavailable to users, so contrary to 2000 agreement.

Roads both service and haul.

1.42 There is no proposed change in the location main service road and in broad terms the location of the haul roads remains the same, however a little more detail is provided. All the roads remain as a blockage to east-west travel, users having to pass through multi gates at each crossing which will be

challenging for some users, including those with mobility issues, those with children, dog walkers, horse riders and cyclists.

Phase layout and design.

1.43 Due to the north-south orientation of most of the key phases, phases A, B, D, and G and length of phases on the North-South access, the blocking action will be significant both for east-west travel and for any integration into the park. These phases are also within the most heavily used area of the park, therefore any restriction on blocking access is more significant.

1.44 The public access strategy also shows the construction of the buttresses is significantly in advance of the work of the related phase therefore increasing the adverse impacts of the related phase.

Processing Site Area

1.45 The CH group view is this area has limited impact in the issues outlined in SoS letter due to its location and orientation.

Restoration

1.46 The public access strategy (CD17.02) is silent on the restoration stage which will last about two years and will encircle the entire site, the western end of the park. The public access strategy informs us that the site drainage scheme will be installed during this stage which covers most of the application site covering the western end of the park. Therefore, the greater part of the western end of the park will be unavailable or difficult for users to access, contrary to 2000 agreement. The impact of this is that the park will become less accessible to users as time progresses.

Bridleways and paths

1.47 Other than the bridleways all paths are grass of unknown width. Paths will take time to establish or recover following work. Paths, following work, within wooded or shrubby areas, (which can only be removed September-February (condition 55)), will take 1-2 years to become useable depending on the width and levels of use. This also applies to the path between the lagoons, over buttresses and over bunds.

1.48 Bridleways are not finally completed until about year 26-7. Therefore, not contributing to east-west travel or the integration of the park. The bridleways are likely to be damaged or closed during final restoration.

1.49 The east- west access remains problematic by the lagoons, crossing all types of roads, getting around/over bunds, crossing or getting round buttresses and finally bypassing the active quarry areas.

The Colney Heath survey and the findings

1.50 The survey undertaken by the Colney Heath Group found that most users of the park want to walk in the areas covering Phase A, B, D, F and G. This is because those areas are closest to the residential areas and the taxiway in particular offers an excellent surface and environment for all users.

- **Route 1**: Used by up to 50% of all park users; the most critical east west corridor. **Most used route and severely impacted.**
- **Route 2**: Used by 16–29% of users; intersects quarry phases.
- **Route 3**: Used by 9.67% of users; affected by cattle field and northern boundary works. **Least used route and least impacted.**

Impacts by Phase

- **Worst impacts**: Phases A and B are located in the most heavily used areas, 82% of users pass near these phases. The lagoon path often closed or unusable
- **Next most impacting:** Phase G has no method statement for works, bunds appear/disappear in drawings without explanation
- **Significant impacts:** Phases D and F: Long north–south phases in the central, most used area which affect 79% of users
- **Lesser impacts:** Phases C and E are located further north but Phase E still harms the central bridleway

Summary / conclusion

1.51 The proposed changes to the site layout and sequencing are minimal, so the fundamental issues all remain in place. The design of the lagoons and phases remain a significant barrier to east-west travel and the integration of the two areas of the park.

1.52 The sequencing of tasks including site establishment, phase workings and the final restoration will mean that large areas of the park will be available or attractive to users for over 30 years therefore contrary to 2000 agreement.