



The Planning Inspectorate

Environmental Services
Central Operations
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
e-mail: environmentalservices@planninginspectorate.gov.uk

Mr Christopher Lowden
S L R Consulting Ltd
15 Middle Pavement
NOTTINGHAM
NG1 7DX
Sent by email:
clowden@slrconsulting.com

Your Ref: 5/0394-16
Our Ref: APP/M1900/W/21/3278097
Date: 22 September 2021

Dear Mr Lowden

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 ('THE 2017 EIA REGULATIONS')

Appeal by: Brett Aggregates Limited

Site Address: Land at Former Hatfield Aerodrome, Hatfield

We refer to the above appeal which commenced on 22 July 2021.

Pursuant to Regulation 76(2)(a) of the 2017 EIA Regulations, the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) ('the 2011 EIA Regulations') continue to apply in the context of this appeal.

The development proposed consists of the establishment of a new quarry on land at the former Hatfield Aerodrome, including a new access onto the A1057, aggregate processing plant, concrete batching plant and other ancillary facilities, together with the importation of inert fill materials for the restoration of the minerals working. By virtue of Regulation 4 of the 2011 EIA Regulations the development proposed is EIA development.

The content of the Environmental Statement (ES) accompanying the planning application that is the subject of the above appeal has been considered, having regard to Regulation 2(1) and Schedule 4 of the 2011 EIA Regulations.

Following examination of the ES, the Secretary of State notifies you by this letter, pursuant to Regulation 22 of the 2011 EIA Regulations, that, to comply with Schedule 4 of those regulations (Information for inclusion in environmental statements) the appellant is required to supply the following further information:

- The baseline data has not been updated since the original application. In some cases the data is now up to 6 years out of date and may no longer be valid. The appellant is asked to provide updated baseline data or to provide robust justification as to why the baseline data in the ES remains valid. Assessments in the ES should be reviewed and updated as necessary in response to any updates in the baseline data.
- The ES does not include an assessment of lighting effects as advised in the scoping opinion adopted by the minerals planning authority. The appellant is requested to provide a lighting assessment based on recognised guidance such as the Institute of Lighting Professionals (2013) PLG04 – Guidance on Undertaking Environmental Lighting Impact Assessments or for justification as to why significant effects would not arise as a result of lighting from the Proposed Development.
- The Flood Risk Assessment (FRA) which is an appendix to the ES uses the climate change allowances from a now superseded document. An updated FRA and accompanying Water Environment Chapter should be provided which takes account of current climate change allowances advised by the Environment Agency <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances> or provide a justification as to why this is not required.
- The drawings referenced within the ES (HQ 3/2 – HQ 3/12) do not appear to have been submitted with the appeal. These should be provided.
- A non-technical summary (NTS) incorporating all of the elements referred to above.

We would draw your attention to court cases which have stressed the need for all the relevant environmental information in an ES to be comprehensive and easily accessible.

You can access Regulation 22 of the 2011 EIA Regulations at the following direct link: <http://www.legislation.gov.uk/ukxi/2011/1824/regulation/22/made>

Although it is not a statutory requirement, in the interests of transparency and openness the appellant may wish to publicise the availability of the further information in accordance with Regulations 22(3), 22(4) and 22(8) of the 2011 EIA Regulations. Please can you advise the local planning authority if the further information is publicised.

We would be grateful if you could inform us, **within 2 weeks** of the date of this letter, how long you anticipate it will take to prepare this further information, so that an expected submission date can be identified. Please send your response for the attention of the Environmental Services Team using the contact details at the head of this letter (either by email or post).

Please note that in response to the UK Government advice on the COVID-19 outbreak, the Inspectorate's staff are working from home until further notice. In order to support the smooth facilitation of our service we strongly advise that you correspond via the email address at the head of this letter rather than by post. Unfortunately, the Inspectorate cannot guarantee that postal responses will be received promptly by the relevant staff member(s) at this time.

Yours sincerely

Richard Hunt

Richard Hunt
Operations Lead – Environmental Services
(Signed with the authority of the Secretary of State)

Cc: Hertfordshire County Council

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is:
<https://acp.planninginspectorate.gov.uk/>