

Hertfordshire County Council

**Land at Former Hatfield
Aerodrome, Hatfield**

Summary Proof of Evidence of
Christopher James Tunnell BSc
(Hons) M.Phil FRTPI, FAcSS,
FRSA

APP/M1900/W/21/3278097

Issue | 19 October 2021

This report takes into account the particular
instructions and requirements of our client.

Ove Arup & Partners Ltd

13 Fitzroy Street

London

W1T 4BQ

United Kingdom

www.arup.com

ARUP

Contents

	Page
1.1 Introduction	1
1.2 Effects on Green Belt	1
1.3 Absence of Very Special Circumstances	3
1.4 Groundwater Issues	4
1.5 Conclusion and Planning Balance	4

1.1 Introduction

1. My proof of evidence focuses on Planning and Green Belt issues. While additional consented reserves are likely to be needed in the County to maintain the required sand and gravel landbank, I am particularly concerned about the effects of the proposal on Green Belt and the risks of groundwater pollution.
2. My evidence is that the appeal proposal: reduces openness; is in conflict with Green Belt purposes; is inappropriate development; and is not supported by very special circumstances. My case is that the proposal 'tips the balance' in terms of paragraphs 150 and 147 of the NPPF.
3. As a consequence of risks to groundwater pollution, I consider that the proposals also raise significant issues which need to be resolved as to whether they pose an unacceptable risk to public safety, contrary to Mineral Policy 18 of the adopted Mineral Local Plan, and the aims of NPPF paragraphs 183 and 210(b).

1.2 Effects on Green Belt

4. To be appropriate development in the Green Belt, it is not a pre-requisite that openness is maintained. Mineral extraction may not be inappropriate if it preserves openness as per NPPF paragraph 150. Based on the Europa High Court case¹ the mere presence of significant (temporary) development in the Green Belt does not necessarily breach that proviso. It therefore comes down to detail and ancillary/additional associated development. Mineral development with significant temporary impacts on openness may infringe proviso but there is a tipping point. Where that tipping point lies is a matter of judgement informed by the detail, the alternatives, and the necessity for the development form.
5. The site is currently all open and undeveloped Green Belt. Although it comprises the site of the former Hatfield Aerodrome, it now appears as open unoccupied land of a countryside character
6. This part of the Green Belt contributes very significantly towards 3 of the 5 Green Belt purposes, particularly as it 'bridges' the narrowest gap between St Albans and Hatfield. The particular purposes relevant to the appeal site include:
 - to check the unrestricted sprawl of large built-up areas, notably St Albans, Smallbrook and Hatfield;
 - to prevent neighbouring towns merging into one another, namely, St Albans, Smallbrook, Ellenbrook and Hatfield; and

¹ Europa Oil and Gas Ltd v Secretary of State for Communities and Local Government and Others: Admn 25 Jul 2013 Ouseley J [2013] EWHC 2643 (Admin) (CD 9.1)

- to assist in safeguarding the countryside from encroachment. The appeal development, as proposed would add to the sense of coalescence of Smallford and Hatfield,
7. The Appeal proposals represent major development of the site over 32 years. The bunds, the roads, the plant areas and associated activity are significant developments that affect openness. There would also be very significant lorry activity in a countryside setting, a new junction and all the associated transport activity. The development exceeds the 'tipping point' and is inappropriate development.
 8. There would be a plant site of some 11ha from the outset, including new significant structures (processing plant with up to 10m highest point and batching plant with up to 13.3m highest point) and temporary formation of large mineral stockpiles up to 10m above existing ground levels and steep sides. The need for these stockpiles and the size of the plant area is a consequence of the periodic 'campaign method' as this requires significant stockpiles to be held between campaigns with all the associated machinery and handling areas.
 9. While the mineral extraction itself is not inappropriate under NPPF paragraph 150, the elements of development that are inappropriate are:
 - The construction and operation of the concrete batching plant. This is not a necessary part of a mineral extraction in NPPF paragraph 150 terms. It is an added value operation that could be located elsewhere.
 - The extensive and busy on-site haul roads and large stockpiling areas. These are disproportionately large as a consequence specifically of the proposed campaign method of working.
 10. The size of the processing area is considerably larger than other mineral operations with similar outputs, for example, the processing plant at Hatfield Quarry is about 3 hectares in area, to include the wash plant, concrete batching plant, sand bagging plant and freshwater lagoon. The significantly greater scale of the processing area is a consequence of the large stockpiles needed for the campaign method.
 11. The effect on visual openness and resulting harm to Green Belt needs to be assessed in the context of the sheer scale of quarry (including 11 ha of plant), a 32-year working duration. Indeed, the 32 years is probably more than the typical life of many industrial operations and the prospects (and openness benefits) of a restored site for future generations must be heavily discounted over such a period.
 12. Taken in context the overall effect of the development is of significant harm to the Green Belt by loss of openness and conflict with the purposes of Green Belt.
 13. In this case it seems to be very clear that the preservation of openness has not been a significant consideration in the formation of the proposal. Different methods of working to those proposed would reduce the impact on openness and would avoid "tipping the balance" to make the development inappropriate. This is true of both the appeal scheme and the recent revised application.

1.3 Absence of Very Special Circumstances

14. From their statement of case it is the Appellant's opinion that VSC exist from:
 - The need for the release of new mineral reserves to ensure a "steady and adequate supply of aggregates" and the great weight that is attached to mineral extraction;
 - The benefits of co-locating ancillary development with mineral extraction;
 - The landscape and biodiversity benefits derived the restoration scheme to provide a country park;
 - Other benefits weighing in favour of the scheme.
15. Although realisation of minerals supply from a needed development plan allocation for mineral working in development plan must carry very substantial weight, the conflict with Green Belt must also carry very substantial weight. In my view on that issue alone the benefits of extraction are significantly outweighed by the harm to the Green Belt and its openness and lack of Very Special Circumstances.
16. While there will be benefits of co-locating ancillary development as an added value operation that will improve viability, I do not consider that that contributes to VSC because there are alternative sites nearby for concrete batching. I have considered the possibility of there being transport benefits from co-location, but I consider these of limited benefit even if they are shown to exist. In any event, I assume that the batching plant will require inward movements to feed it, including cement.
17. I assume that the developer has included the Cement Batching Plant (CBP) and the campaign method of working because it is financially beneficial for it to do so. However, I have seen no viability evidence and therefore it appears that the extraction of this mineral is not dependent on the campaign method or the CBP. I therefore do not think that there are any VSC justifying those elements. I note that other local sites operate viably without a campaign method of working and that the developers have submitted a revised application that excludes the CBP. Given that there are alternative methods of working and alternative sites for the CBP and that extraction could viably occur without both the CBP and campaign method I do not think that there can be VSC permitting those elements.
18. I have also considered the benefits of restoration in 32 years' time and concluded that these should be discounted given the long period of operation. I would also contend that these benefits are 'ordinary' rather than 'very special circumstances' and in any event the "benefits" are already secured. Whether in Green Belt or not, it is unlikely that any scheme would be consented without providing such restoration benefits in line with development plan policies and paragraph 211 of the NPPF. The requirement is for high environmental standards in all cases.

19. I accept there may be ‘other benefits’ but once again I do not consider these amount to very special circumstances.

1.4 Groundwater Issues

20. As a consequence of risks to groundwater pollution, the proposals raise significant issues which need to be resolved as to whether they pose an unacceptable risk to public safety, contrary to Mineral Policy 18 of the adopted Mineral Local Plan and the aims of NPPF paragraphs 183 and 210(b).
21. If following consideration of the evidence the inspector considers that risks to public safety exist, those must also carry very substantial weight. Although these risks are stated to be low, the precautionary principle must apply. In cases where public health is concerned it is also standard practice to consider fully the worst-case scenarios, which has not occurred in this case.

1.5 Conclusion and Planning Balance

22. My overall assessment is that the considerations weighing in support of the appeal would not clearly outweigh the harm to the Green Belt. If there was found to be a risk to public safety this would reinforce this conclusion but is not necessary for it.
23. Accordingly, the appeal should be dismissed.