

Hertfordshire County Council

**Land at Former Hatfield
Aerodrome, Hatfield**

**Proof of Evidence of Christopher
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APP/M1900/W/21/3278097

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

Contents

	Page
1 Biography	1
2 Scope of Evidence	1
3 Factual Background	3
3.1 The Application Proposals	3
3.2 Planning Decision	3
3.3 Site Context	5
3.4 History of the Current Proposals	5
3.5 The New September 2021 Application	7
3.6 Earlier Planning History	7
4 Planning Policy	9
4.1 The Development Plan	9
4.2 National Planning Policy	16
5 Analysis of Main Planning Issues	20
5.1 Minerals Supply	20
5.2 Green Belt Issues	20
5.3 Groundwater Contamination	36
6 The Planning Balance	40
Appendix A	43
Appendix B	54

1 Biography

1. I am Christopher Tunnell, a Fellow of the Royal Town Planning Institute (FRTPI). I hold a Bachelor of Science degree in economics from the University of Reading (1988) and a Master of Philosophy degree in planning from University College London (1990). I am a Fellow of the Academy of Social Sciences (FACSS) and a Fellow of the Royal Society of Arts (FRSA).
2. I am Director of Planning and Planning Group Leader at Arup, a role I have held since 2004. Arup is one of the UK's largest planning consultancies. I have over 30 years of experience in a broad range of planning matters, having originally joined Arup in 1990.
3. Throughout my career I have continued to undertake minerals planning assignments and am generally familiar with the operation of minerals sites. Most recently, in early 2020 I led work on minerals planning policy for the Government of Jersey, identifying future supply scenarios. I have also worked on minerals projects for the Crown Estate. I was a consultant to the former Quarry Products Association, and the Welsh Government in the formation of minerals policy in *Planning Policy Wales*. In the 1990s and early 2000s I worked extensively as a consultant to the former Department of the Environment (now the *Department for Levelling Up, Housing and Communities*) on the review of old mineral permissions, the national survey of land for mineral working, the effect of dust from mineral working, the review of MPG6, the restoration of mineral workings and the need for bonds, the role of coastal superquarries to supply South East England's aggregate requirements. I have also prepared planning and supply evidence for minerals planning appeals including in relation to sand and gravel proposals in Northumberland.
4. I have also worked extensively on Green Belt issues. Within Hertfordshire I have led a Green Belt reviews for Dacorum and Hertsmere and am currently leading a new Stage 2 Green Belt Review for St Albans. Previously in the wider south east, I have led Green Belt reviews for Runnymede, South Buckinghamshire, Elmbridge Aylesbury Vale and High Wycombe Councils. For Elmbridge, I was also the Planning and Green Belt witness for the Council in relation to proposals for 1000 homes in the Green Belt at Drake Park. Outside the South East I am also involved in the promotion of Green Belt sites through local plans for the private sector.
5. Since May 2016, as a Consultant, I have also provided planning advice services to Mid Sussex District Council and been the Council witness at various Inquiries and the Plan Examination.

2 Scope of Evidence

6. I have been asked to appear as witness at this Inquiry on behalf of Hertfordshire County Council (HCC) in relation to the decision to refuse consent taken on 24 September 2020.

7. I am familiar with the appeal site, the wider area, and the relevant national and local planning policy.
8. A Statement of Common Ground (SoCG) (Core Document (CD 8.1) has been prepared between HCC and the Appellant.
9. My evidence is focussed on Planning issues and especially Green Belt issues and the planning balance.
10. The Council reserves the right to consider and respond to issues raised by the Appellant in the submission of their evidence, through rebuttal proofs.
11. The evidence prepared and provided for this appeal in this proof of evidence is independent and has been prepared by me, and is given in accordance with, the guidance of my professional institution, the Royal Town Planning Institute. The opinions expressed are my true and professional opinions.

3 Factual Background

3.1 The Application Proposals

12. The appeal site ("the site") comprises 87.1 hectares area of land to the west of the urban area of Hatfield located between Ellenbrook and Smallford, as shown on the site location plan (reproduced at Appendix A). The site is within the Metropolitan Green Belt.
13. The site crosses the administrative boundaries of St Albans District Council ("SADC") and Welwyn Hatfield Borough Council ("WHBC"). Most of the site falls within St Albans District.
14. The application proposes the extraction of 8 million tonnes of sand and gravels. The mineral working would be reclaimed to pre-extraction ground levels by backfilling the void using indigenous clays and mineral waste plus imported inert wastes.
15. The application proposes the extraction of 8 million tonnes of sand and gravels. The mineral working would be reclaimed to pre-extraction ground levels by backfilling the void using indigenous clays and mineral waste plus imported inert wastes.
16. The proposed mineral working as set out in the ES consists of 7 sequential phases (A to G) each lasting approximately four years. The development including restoration would last for 32 years.
17. The development includes a new access onto the A1057, aggregate processing plant, concrete batching plant, construction of a haul road, upper and lower mineral lagoons, new electricity sub-station, office accommodation, small stores and maintenance building.
18. Unlike other quarries in the immediate area, such as the existing Hatfield Quarry, each phase of the mineral working would be worked on a 'campaign basis'. I give fuller consideration to the form of development and its implications for policy in Section 5 of my proof below.
19. Post reclamation the site would be restored to a mix of habitat areas, conservation grazing, and public access shown on the illustrative restoration plan (HQ 3/11A). The upper and lower mineral lagoons would be retained in a smaller form. The processing plant would be restored for nature conservation. The access would be retained for a new car park for future users of Ellenbrook Park. The landowner has agreed a network of new definitive routes as part of the s106.

3.2 Planning Decision

20. The application was reported to the Development Control Committee of Hertfordshire County Council on 24 September 2020 with officer recommendation for approval. The committee refused planning permission for the proposed development for the following reasons:

21. **Reason 1:** *The proposed mineral working would be inappropriate development within the Green Belt, specifically related to the erection and use of the processing plant, the concrete batching plant, the use of haul roads to transport mineral within the site and the erection and retention of perimeter bunds for the duration of development. The proposal would result in harm to the Green Belt, in particular openness, for the extended duration of the proposed development. Very special circumstances do not exist for the development to outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm. The proposal does not provide for adequate protection of the Green Belt and would be contrary to the provisions of the National Planning Policy Framework (Paragraphs 133, 134, 143, 144, 146).*
22. **Reason 2:** *The proposed rate and timing of the mineral working and restoration, lasting up to 32 years, would not provide for reclamation of the mineral working within a reasonable timescale. The proposed mineral working would thereby be contrary to Minerals Policy 13 (Reclamation Scheme) and Minerals Policy 2 (Need for Mineral Working) and Minerals Policy 18 (Operation Criteria for the Control of Mineral Development) of the Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2017.*
23. **Reason 3:** *The proposed mineral working would have unacceptable impacts on the local environment related to the additional HGV traffic using the A1057, generating emissions to air (noise and dust), including the transport of minerals within the site and the use of local roads for the transport of minerals and inert fill. The proposal would result in unacceptable impacts on the local environment contrary to the provisions of Minerals Policy 16 (Transport) and Minerals Policy 18 (Operation Criteria for the Control of Mineral Development) of the Hertfordshire Minerals Local Plan Review 2002-2016 (Adopted March 2017) and Policies R18 (Air Quality) and R19 (Noise and Vibration Pollution) of the Welwyn Hatfield District Plan (Adopted 2005). The impacts of concurrent mineral workings would adversely affect the local environment, contrary to Minerals Policy 11 (Cumulative Impact) of the Hertfordshire Minerals Local Plan Review 2002-2016, Adopted March 2017*
24. **Reason 4:** *The lower aquifer to the north of the application site is contaminated by Bromate. The application proposes the extraction of sand and gravels from within the lower aquifer in close proximity to groundwater contaminated by Bromate. There is a high level of local concern that extracting mineral from within the lower aquifer could; extend the bromate contamination within the mineral workings; reduce the effectiveness of the measures in place to remediate the Bromate contamination; and potentially lead to contamination of boreholes used for the public drinking water supply at Essendon. It has not been demonstrated to the satisfaction of the Mineral Planning Authority that the risks to the water environment from the mineral working are acceptable; and, that all routes to possible contamination have been appropriately investigated; and, that all necessary mitigation against all risks has been included in the proposal; and, that the proposed mitigation will be effective. The proposal would thereby be contrary to the provisions of the Hertfordshire Minerals Local Plan (Policy 17(iv)) which does not permit mineral development resulting in negative*

quantitative and/or qualitative impact on the water environment, and to the provisions of the NPPF (Paragraph 170) for conserving and enhancing the natural environment, and to Policy R7 (Protection of Ground and Surface Water) of the Welwyn Hatfield District Plan (adopted 2005).

25. Reasons 2 and 3 are not pursued by Hertfordshire County Council at this Inquiry.

3.3 Site Context

26. The site sits in metropolitan Green Belt separating the built-up area of St Albans City from the built-up area of Hatfield Town.
27. The site also falls within the De Havilland Plane Landscape Character Area characterised by an extensive level plane with extensive areas of agriculture in the north and mineral workings (existing and restored) to the south. A study of historic maps shows the field boundaries which existed prior to 1930 were removed by the construction of the airfield at Hatfield Aerodrome in the 1930s and more widely because of agricultural intensification from the 1950s.
28. Views within the site are generally open. There is some limited woodland cover in the north (Home Covert). The active mineral workings at Hatfield Quarry are evident to the north of the site. The dominant view within the site is of the large warehouses at Hatfield Business Park to the east. Other significant visual features locally are the processing plant site at Hatfield Quarry on Oaklands Lane and large expanse of glasshouses at Smallford
29. The site is bounded to the south by the A1057. The adjoining land uses comprise of: silt lagoons associated with Hatfield Quarry to the north, woodland (Home Covert) and grazing enclosures to the north/east, open fields and playing fields to the east/south east, Popefield Farm and Barns (Grade II listed) adjoining the A1057, and Notcutts plant nursery and recent residential development of some former plant nurseries and existing residential properties on Oaklands Lane.

3.4 History of the Current Proposals

30. The planning application is dated 22 January 2016.
31. The application was first reported to the Development Control Committee of Hertfordshire County Council on 25th January 2017, and the resolution was to grant planning permission subject to:
- a) completion of a Section 106 agreement to provide for: (i) a road condition survey of the A1057 in the vicinity of the site access (ii) financial contributions for improvements to key junctions on the A1057 between the site access and the A1000 at Hatfield; and
 - b) completion of a deed of variation to the original Section 106 for the redevelopment of Hatfield Aerodrome (S6/1999/1046/OP) to insert new triggers for the establishment of Ellenbrook Park (in accordance with the provisions of the original s106);

- c) submission of landscape management document covering the Ellenbrook Park area; and
 - d) a requirement for the application to be reported back to committee for a decision how to proceed in the event the deed of variation is not completed within 12 months.
32. The committee (in January 2017) resolved to grant planning permission on the above terms.
33. Subsequently, considerable progress was made on points (a) (b) (c) above, however, it had not been possible to conclude the deed of variation on matters relating to the establishment of Ellenbrook Park due to the complexity of the issue and the number of parties involved in agreeing the terms.
34. The application was due to be reported to committee on 24th July 2019 with officer recommendation for approval without any requirement for a deed of variation to provide for new timescales for the establishment of Ellenbrook Park. At this stage, the head of terms of the deed of variation had been circulated between the parties and officers considered (a) an agreement was possible in the near future; or that (b) it would be possible to deliver the terms of the original agreement via coordinated action by the enforcing authorities in the event of unacceptable delay. On this basis officers regarded delaying the grant of minerals planning permission would serve no planning purpose.
35. In June 2019 further environmental information was submitted, consisting of additional borehole monitoring data to cover the period 2013 to 2019, and a draft Groundwater Management Plan, which led to the application being deferred in order to undertake further consultation. These related to the issues of bromate contamination in the area¹. The Environment Agency (EA) also issued a second remediation notice in July 2019 on the parties responsible for the bromate and bromide pollution on 17 July 2019, bringing the issue to the fore.
36. The application was reported to committee on 18 December 2019 with officer recommendation for approval. The main issues summarised in the officer report related to: (1) non-completion of the deed of variation; (2) potential risks of mineral working impacting the Bromate plume and possible impacts upon the public water resource; and (3) cumulative effects of mineral working upon the local area.
37. The committee resolved to defer consideration of the application to a future meeting in order to be advised by the Environment Agency and Affinity Water as to the risks of mineral working effecting contamination to the water supply from the bromate plume.
38. The application was reported to the Development Control Committee of Hertfordshire County Council on 24 September 2020 and as noted above the committee refused planning permission for the proposed development.

¹ See section 5.3 below

3.5 The New September 2021 Application

39. On 3 September 2021, the applicant submitting a further planning application for the establishment of the new quarry (Application ref: PL/0232/21). As in the January 2016 applications, the proposals involved the winning and working, together with processing for sale, of some 8Mt of sand and gravel over a period of around 32 years (based on an annual output of around 250,000tpa). In submitting the application in view of the refusal to grant planning permission on the January 2016 application, the applicant amended the scheme as follows:
- the erection and operation of a concrete batching plant has been removed from the proposals;
 - the standoff for mineral extraction operations in the Lower Mineral Horizon (LMH) to the bromate plume (also in the LMH) has been increased from 50m to 100m;
 - there will be no dewatering (pumping) of the LMH; and
 - the access road from the quarry entrance has been moved by 5m to the east to allow additional acoustic screening.
40. The appellant has made a request to deal with the appeal based on an amended scheme. In response PINS have suggested that amendments to a scheme at the appeal stage can be accepted provided no-one would be prejudiced by doing so and the principles set out in the Wheatcroft and Holborn Studios judgments are satisfied. It is for the appellant to demonstrate that this was the case in the circumstances that apply to this appeal.
41. The Inspector has indicated that he will not be in a position to rule on this until anyone who wishes to do so has had an opportunity to comment, at the Inquiry when it opens on 16 November, on the request to consider an amended scheme and whether any prejudice would be likely to result.
42. PINS have confirmed that this appeal will continue to proceed on the basis that it is the scheme that was refused by HCC that is the subject of the appeal.

3.6 Earlier Planning History

43. The site was last used as an airfield for Hatfield Aerodrome. The site occupies the western end of the former runway and infield. Hatfield Aerodrome was used for the manufacture, maintenance and testing of aircraft associated with British Aerospace (BAe Systems) until the mid-1990s. The runway and associated buildings and structures have all been removed.
44. In December 2000 planning permission was granted for demolition of the former aerodrome buildings and runway and the development of a business park comprising storage and distribution uses, offices, residential and playing fields for Hatfield University. The associated section 106 agreement

provides for the establishment of a country park (Ellenbrook Park) on 418 hectares of land to the west of The Ellenbrook, which includes the site.

45. No alternative use(s) has been established at the site since it was last used as an airfield although temporary uses have included a film set for short periods prior to 2010.
46. In 2010 WHBC agreed interim landscaping proposals with the landowner in consultation with WHBC, SADC, and HCC. Since 2010 open public access has been permitted on the site.

4 Planning Policy

4.1 The Development Plan

47. Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

48. Specifically, Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

a) The provisions of the development plan, so far as material to application,

b) And local finance considerations, so far as material to the application, and

c) Any other material considerations.'

49. Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

50. The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

51. The statutory Development Plan currently comprises the following documents:

- Hertfordshire Minerals Local Plan Review (adopted March 2007) (CD 3.1);
- Waste Core Strategy and Development Management Policies Document (adopted November 2012) (CD 3.5);
- City and District of St Albans District Local Plan (adopted 1994, Reviewed 2020) (CD 3.7);
- Welwyn Hatfield District Plan (adopted 2005) (CD 3.5).

52. Hertfordshire County Council is in the process of replacing the Adopted Minerals Local Plan. The Council published the Hertfordshire Minerals Local Plan: Proposed Submission (dated January 2019) (CD 3.2). Consultation on the draft ran to March 2019. Whilst the plan has undergone consultation, it has not been considered by an Inspector appointed by the Secretary of State. As such the weight to be attached to the draft plan needs

to be moderated. However, it does suggest the direction of travel for new policies.

53. The main relevant contribution of the District Local Plans to issues relating to minerals extraction is through the designation of the boundaries and extent of the Metropolitan Green Belt. The appeal site is clearly located within Green Belt because of Saved Policy 1 of the St Albans Local Plan 1994 and saved policy GBSP1 of the Welwyn Hatfield District Plan 2005.
54. The following summarises the main additional policy considerations.

4.1.1 Hertfordshire Minerals Local Plan

55. The MLP was adopted in 2007 and covered the period between 2002 and 2016. The policies remain in force until replaced by the emerging MLP; significant weight can be afforded to its policies. Although the MLP pre-dates the NPPF there are no policy conflicts with national policy, so it is considered to carry full weight.
56. **Policy 1** provides that the county will ensure that adequate supplies of aggregates are available and will seek to maintain an appropriate landbank throughout the Plan period.
57. **Policy 2** then provides the framework for considering the need for releasing new mineral reserves.
58. **Policy 3** identifies three sites, including the Appeal Site. The three allocated sites in the MLP are (with the amount of reserves is shown in brackets):
 - Preferred Area 1: Land at former British Aerospace, Hatfield (8Mt)
 - Preferred Area 2: Land adjoining Rickneys Quarry, near Hertford (5Mt – 6Mt)
 - Preferred Area 3: Land at Coursers Road, near London Colney (4.5Mt)
59. The southern part of Preferred Area 1 is the Appeal Site. A part of the Appeal Site lies outside of the Preferred Area.
60. **Preferred Area 1: Land at former British Aerospace, Hatfield** is identified on Inset Map 6) Site specific considerations identified for this site are:
 - The reclamation of any extraction area should clearly demonstrate that it is consistent with the principles set out in the Supplementary Planning Guidance and planning permission ref S6/1999/1064/OP for the BAe site as a whole to deliver the proposed Country Park.
 - Any proposals to exclude extraction from parts of the preferred area should be fully justified to avoid unnecessary sterilisation.
 - Appropriate buffer zones will be required to protect the amenity of residents at Ellenbrook, Smallford and Popefield Farm.
 - A landscaped buffer zone incorporating Ellenbrook Linear Park shall be provided to the eastern part of the site

- The site lies within the Watling Chase Community Forest, and so there is potential for restoration to include extensive new woodland combined with suitable amenity use.
 - Appropriate measures shall be incorporated to ensure that Home Covert is not adversely affected.
 - The site is a possible area of archaeological interest and any proposals should include provision for archaeological investigations.
 - The Environment Agency wish to ensure the provision of a buffer strip adjacent to the Ellen Brook (minimum 30m between any excavation and top of riverbank of which 20m should be vegetated and free of development) in order to protect both the integrity of the watercourse and the ecology associated with the watercourse, and the river corridor; and
 - The final restoration shall provide for the reinstatement of the River Nast to its original course in open channel through the site with appropriate buffer strips defined on each side of the watercourse.
 - The site lies over an area contaminated with a plume of Bromate. A more robust risk assessment may be required at this site in order to determine the risk of impact on the Three Valleys Water source at the public water source at Bishops Rise.
 - The area lies over both groundwater protection zones II and III. The Environment Agency will object to the use of landfill for restoration in zone II unless it can be demonstrated that the waste used will be non-polluting matter such as inert, naturally excavated material. The Agency will not usually object to landfilling in zone III, provided it can be proved that the risk of pollution of groundwater can be mitigated. Proposals for individual landfills will be determined in detail at the application stage
61. **Minerals Policy 4** (Sites outside Preferred Areas) says applications for aggregate extraction outside of Preferred Areas will be refused planning permission unless; there is a need for the proposal to maintain appropriate supplies and the landbank is below the required level; and it can be demonstrated the proposal would not prejudice the timely working of Preferred Areas; or mineral sterilisation would occur
62. **Minerals Policy 9** (Contribution to biodiversity) requires proposals for mineral working to provide opportunities to contribute to the delivery of national, regional and local biodiversity action plan targets where appropriate.
63. **Minerals Policy 11** (Cumulative Impact) does not permit development which would result in an unacceptable cumulative impact on the environment of an area, either in relation to an individual proposal having regard to the collective effect of different impacts, or in relation to the effects of a number of minerals developments occurring either concurrently or successively.

64. **Minerals Policy 12** (Landscape) requires development proposals to:
- respect landscape character during the operations and reclamation;
 - ensure distinctive landscape features are protected from impacts of development;
 - be accompanied by landscape conservation, design and management measures that both strengthen the character and enhance the condition of the landscape.
65. Policy 12 also states that the County Council will have regard to the visual impact of proposals (including any proposed mitigation measures to minimise visual or other intrusion) on sensitive land uses, including areas of public access.
66. **Minerals Policy 13** (Reclamation scheme) states the County Council will not allow land worked for minerals to become derelict or remain out of beneficial use. All applications for mineral workings must be accompanied by a detailed, comprehensive proposal for progressive reclamation wherever practical. The proposed restoration and afteruse should be integral with the design of the proposed workings as a whole, irrespective of the proposed afteruse.
67. **Minerals Policy 14** (Afteruse) requires operators to facilitate proposals for sustainable afteruse as part of the reclamation scheme and afteruse. Proposals should:
- respect and/enhance the local character of the area;
 - benefit the local community; support and diversify the local economy;
 - provide improved or increased public access to the countryside and recreation and create public open space; create or enhance existing water bodies for wildlife;
 - create new water bodies for sport and recreation; and
 - support biodiversity action plan objectives and promote sustainable forms of transport such as cycling.
68. All after-use proposals must be acceptable in terms of traffic impact both on the highway and on local communities.
69. **Minerals Policy 15** (Landfill) requires reclamation of mineral workings using waste to demonstrate that disposal of waste is necessary to achieve the restoration proposals; and therefore, the County Council requires infilling of mineral voids to be achieved within an appropriate timescale and which minimises settlement. For restoration involving inert fill applicants must be able to demonstrate that sufficient fill is likely to be available to achieve the proposed restoration at the required rate, and sufficient resources will be made available for site preparation, reinstatement and restoration.
70. **Minerals Policy 16** (Transport) supports proposal which provide for the transport of minerals by non-road transport such as water or rail. Permission for mineral working will only be permitted when provisions for vehicle

movement within the site, access to the site, and the conditions of the local highways network are such that traffic generated by the proposed development, including afteruse, would not have an unacceptable impact on highway safety, effective operation of the road network, residential amenity or the local environment.

71. In assessing the likely impact of traffic associated with the development consideration will be given to any highway improvements, traffic management or other mitigating measures that may be provided in association with the development. Applicants must demonstrate, by a detailed transport appraisal, that the safest and least environmentally damaging methods of transporting minerals from extraction/production to markets, that are practically achievable, are used.
72. Planning permission will normally only be granted for the extraction of minerals which are transported via Primary and Distributor Roads (as defined in the County Council's Local Transport Plan).
73. **Minerals Policy 17** (Criteria for control of mineral development) requires all proposals for mineral extraction and related development to: avoid permanent loss, damage or significant irreversible change affecting critical capital/environmental assets;
 - include proposals for mitigation and provide for maintenance and enhancement of critical capital/environmental assets, where appropriate
 - not result in permanent loss in the quantity/quality of best and versatile agricultural land;
 - not permit negative quantitative and /or qualitative impact on the water environment, including main rivers, watercourses and groundwater (related to the proposed development and/or afteruse) unless appropriate measures can be imposed to mitigate any harmful effects;
 - not increase the risks of flooding;
 - not result in the net reduction in either the quantity or quality of woodland, trees or hedges
74. **Minerals Policy 18** (Operational criteria for development control) requires all proposals for mineral extraction and related development to:
 - include a comprehensive scheme of working and restoration;
 - demonstrate a satisfactory restoration landform, including full details of landscaping and long-term land management appropriate to the area, secured within a reasonable timescale ;
 - include measures to minimise visual intrusion and any adverse impact on the local landscape;
 - incorporate appropriately defined buffer zones to safeguard sensitive land-uses, taking account of: topography/hydrology of the site and surrounding areas; natural and manmade features, landscape features, roads, etc. which may reduce the impact of development; direction of

the prevailing wind; proximity of sensitive land-uses including dwellings; the duration and direction of the proposed working; and location of plant and other ancillary development;

- demonstrate significant noise intrusion will not arise from the development;
- demonstrate no significant degradation of the air (particularly from dust and emissions) or water quality or quantity –with respect to both groundwater and surface water;
- ensure public rights of way are not adversely affected or alternative good quality, safe and convenient temporary routes are provided, and rights of way are reinstated or suitable replaced in the long term
- provide enhancement of the public rights of way network through the creation of new rights of way and/or open space, or the improvement of public access;
- include appropriate buffer zones adjacent to open channel watercourses to ensure the ecology and integrity of the watercourse and river corridor is protected.

4.1.2 Waste Core Strategy and Development Management Policies

75. The Waste Core Strategy and Development Management Policies DPD (WCS) was adopted in November 2012 and covers the period between 2011 and 2026. Although there this contains policies related to infill, these are also covered by the restoration policies of the Minerals Local Plan. There are no policies of direct relevance to the HCC case in this appeal.

4.1.3 Emerging Minerals Local Plan

76. **Draft Policy 4** is the key policy to note in that it relates to the future provision of sand and gravel. Hatfield Aerodrome is once again listed as “Specific Site 1”. Table 3 indicates that the reserves are estimated as being 8Mt.
77. The extent of the allocation for Specific Site 1 is shown in appendix 3 to the eMLP with the area mirroring the Appeal Site boundary. The ‘Site Profile’ in Appendix 3 in the emerging plan indicates:
- Reserve: 8Mt;
 - Annual output: 250,000tpa;
 - Duration: 30 years;
 - Starting: years 1 – 5 of the Plan Period.
78. The Appeal Scheme accords with these parameters.
79. The Site Profile also comments on environmental considerations noting:

- Restoration and aftercare of the site should be consistent with any existing legal agreement and the Hatfield Aerodrome Supplementary Planning Guidance;
 - Proposals will require an extensive plan of groundwater level and quality monitoring before, during and after the working to protect the water supply. The Bromate plume will need to be assessed and shown that it will not be spread either vertically or laterally as a result of proposed works. This is of particular importance for proposals which extend below the water table or into the lower mineral horizon; Developments associated with the mineral extraction should be designed and positioned appropriately to prevent conflict with the purposes of the Green Belt.
80. **Chapter 12** of the eMLP addresses the Green Belt. The opening paragraph states the intentions of the NPPF in relation to Green Belts, but notes "... With over half of Hertfordshire designated as Metropolitan Green Belt, the need to protect the Green Belt is an important local consideration." Paragraph 12.2 adds:
- "Taking into account the temporary nature of mineral extraction and associated development, the NPPF deems mineral extraction 'not inappropriate' within the Green Belt, provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt. Minerals working can therefore be accommodated within the Green Belt provided that the associated developments, including buildings and processing machinery, are designed and positioned appropriately to prevent conflict with the purposes of the Green Belt".*
81. Draft Policy 12 provides a positive approach to development in the Green Belt, indicating that:
- "Proposals for mineral extraction and associated development in the Green Belt will be permitted subject to the development complying with national Green Belt policy and other policies set out in this Plan."*
82. It goes on to add:
- "Proposals must site machinery to preserve the openness of the Green Belt and prevent conflict with the purposes of including land in the Green Belt throughout the duration of mineral operations".*
83. In the context of inappropriate development the policy indicates that very special circumstances (VSC) must be demonstrated and that the VSC must outweigh the harm to the Green Belt (by reason of inappropriateness) and any other harm identified. The final part of the policy relates to restoration where proposals:
- "should preserve the openness of the Green Belt and where possible enhance the beneficial use of the Green Belt and improve the character and appearance of the countryside".*

4.2 National Planning Policy

4.2.1 The NPPF

84. The NPPF (updated in 2021) does not change the fundamental premise of Section 38(6) of the Planning and Compulsory Purchase Act 2004 (Paragraph 2). The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
85. At the heart of the NPPF is a presumption in favour of sustainable development, for which three ‘dimensions’ are identified, namely an economic role, a social role, and an environmental role. The implication is that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Green Belt Policy

86. National planning policy on the approach to the Green Belt within both plan-making and decision-taking is set out in Section 13. The protection of the Green Belt is a component of the purpose of the planning system to contribute to the achievement of sustainable development.
87. Paragraph 137 indicates that the Government attaches ***great importance to Green Belts***. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. **Paragraph 138** indicates that Green Belt serves five purposes:
1. to check the unrestricted sprawl of large built-up areas;
 2. to prevent neighbouring towns merging into one another;
 3. to assist in safeguarding the countryside from encroachment;
 4. to preserve the setting and special character of historic towns; and
 5. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
88. Paragraph 147 says that “*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*”.
89. Paragraph 148 says that:
- “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

90. Paragraph 149 says that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and identifies certain operations that are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it. These include mineral extraction and engineering operations (such as formation of screen bunds). This does not mean that a minerals development is automatically allowable in greenbelt as consideration needs to be given to how it affects openness. However, the temporary nature of minerals developments must also be taken into account.

Minerals Policy

91. Paragraph 209 of the NPPF re-states the long-established truism that *“Minerals can only be worked where they naturally occur”*.
92. All mineral proposals also need to be considered in the light of paragraph 210 of the NPPF, and in particular, those aspects which are relevant to this case are:
- give great weight to the benefits of mineral extraction, including to the economy;
 - ensure that in granting planning permission for mineral development that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and to take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in the locality;
 - ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties; and
 - provide for restoration and aftercare at the earliest opportunity to be carried out to the highest environmental standards, through the application of appropriate conditions, where necessary.

Landbank Requirements

93. Paragraph 213 of the NPPF states that one of the means by which Minerals planning authorities should plan for a steady and adequate supply of aggregates by maintaining landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromise.

Pollution and Amenity of Local Communities

94. Pollution issues are set out in paragraphs 174 and 183 to 188 of the NPPF. Paragraph 174 refers to preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Other relevant policy by NPPF paragraph is given below.
95. Paragraph 183:

“Planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments”.

96. Paragraph 184:

“Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner”.

97. Paragraph 185:

“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

98. Paragraph 186:

“Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications.”

99. Para188:

“The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities”

5 Analysis of Main Planning Issues

5.1 Minerals Supply

100. Minerals Policy 1 (Aggregates Supply) supports the grant of planning permission for the extraction of proven economic minerals reserves where it is necessary to ensure that adequate supplies are available and to meet the County's agreed apportionment of regional supply.
101. Reliable assessment of the landbank can only be undertaken annually. The latest published Local Aggregate Assessment (LAA) 2020 (CD 3.4) (Covering the calendar year of 2019) suggested that the permitted sand and gravel reserves can supply aggregate for a period of 6.4 years based on Hertfordshire's agreed sub-regional apportionment figure of 1.39 million tonnes per annum and can supply aggregate for a period of 7.5 years based on the 10-year average sales data. The extraction of 8MT of sand and gravel from the application site at a rate of 250,000 tonnes per annum for 32 years would make a significant contribution to the landbank, equivalent to an additional 5.75 years to the landbank (based on the annual apportionment).
102. It is noted the publication of LAA 2021 is anticipated around the Inquiry, subject to progress.
103. Since LAA 2020, Hertfordshire Council Development Control Committee resolved to grant consent subject to s.106 for proposals on Land Adjoining Coopers Green Lane at its meeting on Thursday 22 October 2020. This is for the extraction of approximately 3.5MT of sand and gravel and involving the use and retention of the existing quarry access and site infrastructure at Oaklands Lane. It is an extension to Hatfield Quarry. The proposed mineral extraction would take place over 10 sequential phases lasting approximately a total of 10 years and extracted at a rate of 450,000tpa over a period of approximately eight years, followed by progressive restoration. The application site comprises three parcels of land referred to as Stanboroughbury Farm; Stanborough Triangle; and Astwick Manor. (See Committee Report at CD 11.1). My understanding is that the S106 negotiations are at an advanced stage and further progress can be advised at the Inquiry.
104. The Coopers Green Lane proposal would add approximately 3.2 years to the landbank based on Hertfordshire's existing sub-regional apportionment figure of 1.39 million tonnes per annum and would ensure the overall landbank is over 7 years. This allows for sales and the resulting depletion of the landbank in 2020.

5.2 Green Belt Issues

Policy and its interpretation for this case

105. Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

106. Paragraph 150 of the NPPF indicates that certain forms of development are ‘not inappropriate’ in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. In other words, mineral extraction remains inappropriate development in the Green Belt unless it can be demonstrated that the proposal both preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt.
107. The requirement to preserve openness means that proposals must not reduce openness or harm Green Belt and if they do must demonstrate very special circumstances (VSC) as set out in the NPPF. A part of these VSCs will obviously be a clear demonstration of why any chosen method is not able to avoid or minimise a reduction of openness.
108. The objective of Green Belt policy in line with NPPF paragraph 137 is the prevention of urban sprawl, which means that openness is defined for its intrinsic quality, and the avoidance of increased sprawl and not necessarily about sensitive receptors to such sprawl or potential landscape and visual impacts. In addition, the existing visual quality of the landscape is not in itself an essential part of the “openness” for which the Green Belt is protected, but can be relevant. One important distinction between visual impact and openness is that effects on openness from above ground development are much harder (or impossible) to mitigate, because of the spatial nature of openness.
109. In relation to minerals-related development the Europa Oil and Gas case² clarifies in relation to paragraph 150 of the NPPF that ‘*considerations of appropriateness, preservation of openness and conflict with Green Belt purposes are not exclusively dependent on the size of building or structures but include their purpose*’. The Judge concluded that these concepts, ‘*are to be applied, in the light of the nature of a particular type of development*’. In the final analysis the matters relevant to inappropriate development and openness were considered are, as clarified by the Samuel Smith case in the Supreme Court³, a matter of planning judgement, and all the factors discussed by me above are relevant.
110. In summary to be appropriate development in the Green Belt, it is not a prerequisite that openness is maintained. Mineral extraction may not be inappropriate as long as it preserves openness as per NPPF paragraph 150. Based on the Europa case the mere presence of significant (temporary) development in the GB 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

² 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)

³ R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant) [2020] UKSC 3. (CD 9.4)

tipping point lies is a matter of judgement informed by the detail, the alternatives, and the necessity for the development form.

111. For planning judgements openness is often equated with “absence of built development”. Sprawl is a multi-faceted concept and thus has a variety of different definitions which may apply according to context and there is a well-versed debate as to whether well-designed development can ever be sprawl. Sprawl is the converse of open and undeveloped land and may include an uncontrolled or cluttered urban fringe or development which adds to a loss of attractiveness or sense of untidiness. A related term used in NPPF ‘Purpose 3’ is ‘encroachment’ which is generally defined as a gradual advancement of urbanising influences through physical development or land use change.
112. Applying these principles, the meaning of paragraph 150 of the NPPF is that a level of operational development for mineral extraction in the Green Belt could preserve its openness and would not conflict with its purposes, and that beyond that level or ‘tipping point’ the development would become inappropriate. Determining the tipping point would depend upon the particular circumstances of the proposal. It is expected that the approach to minerals development in Green Belt would be optimised in design and operation to balance operational needs with considerations of Green Belt openness and the effect on Green Belt purposes, so as to not be inappropriate.
113. As identified below it is not apparent that considerations of openness have influenced the Appellant’s development or operational approach. The Appellant’s case appears to rest on the assumption that openness will be restored, after restoration, in over 32 years’ time. My concern with this approach is that the operational phase lasts for many years (even if ultimately removed). The operational phase has an impact on the landscape and causes harm to the openness of the Green Belt.
114. As a result, and against the background I have set out above, the main issues are:
- the effect of the proposal on the character and appearance of the area and thus on the openness of the Green Belt and the purposes of including land within it and if it is inappropriate development;
 - whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Existing character of the Site

115. The site currently is open and relatively flat but falls very gently from northwest to southeast. The Ellen Brook runs in a north to south direction approximately 300m east of the proposed mineral extraction area.

116. The site comprises the southern part of the former aerodrome. It appears as open unoccupied land of a countryside character that is partly used as an informal public open space and partly for grazing. There are some remnant hedgerows and naturally regenerating scrub over much of the site, with a number of small ponds. A number of earth bunds and banks are present on site, most likely from the aerodrome. There is also a concrete roadway (apparently largely unused by vehicles) that extends from east to west into the centre of the application site from Albatross Way and a number of other tracks also cross the application site. The site is currently all open and undeveloped.
117. The application site is bounded to the south by the A1057 (Hatfield Road) to the south, the boundary of which is characterised is an established hedgerow. To the north is CEMEX's Hatfield Quarry, and a set of silt lagoons. To the west there is a garden centre and nursery and new housing is under development, with the northern section being more open in aspect. At the north eastern corner is Home Covert, a small area of broadleaf woodland. The eastern boundary cuts across the former aerodrome to join up with sports pitches located at the south eastern corner of the application site. There are relatively new housing developments on the edge of Smallford and Ellenbrook. To the south west corner, south of the A1057 is a farm shop, an extensive range of glass houses and some commercial buildings. To the south of the A1057 the gap between the built-up areas of Hatfield and the St Albans built up area (at Smallbrook) is just 700m.

Analysis of the development and its effects on openness

118. Each phase of the mineral working would be worked on a 'campaign basis'. The working method involves excavating the raw material (ballast) using a 360 backactor which is loaded into articulated haulers which transport the ballast to the processing plant via temporary haul roads. At the plant site the ballast is unloaded into a large surge stockpile via a conveyor. A loading shovel continually loads ballast from the stockpile to the screen plant which grades ballast into sands and gravels. The graded material is either exported from site or used on site to serve the concrete batching plant (which would also import materials such as the cement). The annual output of sands and gravels is an estimated 250,000 tonnes.
119. A clarification email from Chris Lowden of SLR Consulting 8th October 2021 to the HCC Planning Officer (CD 11.2) in relation to the new application suggests that although the Environmental Statement (ES) refers to up to six Articulated Dump Trucks ("ADTs"); in reality Brett anticipates using three for moving the gravel from the face to the plant area. The payload of the haulers is 25 tonnes, suggesting at least 10,000 each way on-site lorry movements a year assuming haulers carry a full payload. The typical return journey time between the quarry and the processing plant is approximately eight minutes based on an average 550m distance between the quarry and the processing plant and the number of campaign digs is anticipated to be two per annum, dependent on water monitoring. The same email suggests extraction will take place over circa 100 days in total per annum, thus there will be at least 100 onsite return trips from the quarry face to the stockpile and back per day. Sufficient stockpiles are required to

enable the quarry to supply the remaining two thirds of the year outside the campaign period.

120. 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.
121. The layout of the processing plant has the screening and batching plants in the centre with the silt lagoon on the east side and large surge stockpile (up to 80,000m³) to the west adjacent to Home Covert.
122. The development includes a new access onto the A1057, aggregate processing plant, concrete batching plant, construction of a haul road, upper and lower mineral lagoons, new electricity sub-station, office accommodation, small stores and a maintenance building.
123. The processing plant is located on the northern boundary of the site connecting with the new access on the A1057 via a new haul road along the western boundary. The length of the haul road is approximately 800m. The haul road includes weighbridges (1 in/1 out) and office building located close to the A1057 access.
124. The proposed development of the site is illustrated in Drawing Nos. HQ3/1 to HQ3/12 as follows:
 - **HQ 3/1 shows the overall phasing / general layout of the quarry;**
 - **HQ 3/2 shows the entrance design;**
 - **HQ 3/3 shows the plant site (masterplan);**
 - **HQ 3/4 shows the plant site layout (detail);**
 - **HQ 3/5 shows the elevations of the processing plant;**
 - **HQ 3/6 shows the initial site preparation works;**
 - **HQ 3/7 shows development within Phase A;**
 - HQ 3/8 shows development within Phase B;
 - HQ 3/9 shows development within Phase C;
 - HQ 3/10 shows development within Phase E;
 - **HQ 3/11 illustrates the final restoration masterplan;**
 - HQ 3/12 provides illustrative cross sections: and
 - **Plan derived from Appendix 3/1 of the Appellant's planning statement showing indicative elevations of the concrete batching plant.**

125. For ease of reference those plans shown in bold and included at Appendix A of this proof, along with the **site plan (HQ 2/1)**.
126. The Appellant's proposals for the new quarry would comprise the following key elements:
- new access onto the public highway;
 - internal access road;
 - plant site including processing plant, stockpiles, weighbridge, office, concrete batching plant and other ancillary facilities;
 - peripheral screening mounds;
 - infiltration lagoons; and
 - mineral extraction area divided into 7 phases.
127. Initial developments associated with the establishment of the quarry would involve the following operations:
- establishment of a new site access onto A1057 and construction of internal roadways linking the access to the plant site;
 - creation of mitigation ponds/habitat for translocation of great crested newts;
 - stripping of soil resources from operational areas, including plant site, fresh water/silt lagoons, haul roads and initial phase of mineral extraction;
 - placement of soils into screen mounds located on the periphery of the site;
 - undertaking initial landscaping works;
 - creation of temporary permissive paths within the site to retain areas for public access;
 - erection of processing plant, concrete batching plant and ancillary facilities;
 - excavation of freshwater and silt lagoons; and
 - excavation of the two recharge lagoons.
128. The site access is designed with a carriageway width of 8m which forms a simple priority junction with the A1057. The junction would have 15m entry and exit kerb radii. In order to accommodate the entrance and associated visibility splay a section of the hedgerow that bounds the site/A1057 would need to be cleared.
129. Soils would be stripped from the footprint of the site entrance and internal access road. These soils would be placed into storage mounds located on the periphery of the site, in the vicinity of the site entrance.

130. On the western edge of the access road a new drainage ditch would be cut to intercept surface water. Allied to this, a 3m high acoustic fence would be constructed to the west of the access road.
131. A new fence would be erected behind the line of the visibility splay, behind which would be planted a double row of hedgerow plants. In view of the need to deter unauthorised access into the site, the fence would be post and rail, with barbed wire on top. It is assumed that there would need to be a gate and signage and/or security facilities at the access point, although this does not appear to be shown on the submitted plans.
132. From the site entrance, the internal road to the plant site would be constructed to a similar specification for around 30m. Beyond this the access road would be constructed from as-dug sand and gravel from the UMH and compacted. At the start of the hard surfaced section of access road would be a wheel wash.
133. The plant site would be located to the north of the mineral extraction area and west of Home Covert (woodland), covering an area of around 11ha. The main items within the plant site would be the aggregate processing plant; a large stockpile of as-dug material (surge pile); aggregate stockpiles; a concrete batching plant; weighbridge and attendant office; administration building; freshwater lagoon and a silt lagoon.
134. Prior to commencement of the construction of the processing plant, the River Nast would be diverted to a new line around northern and eastern edge of the application site.
135. Soils would be stripped to a depth of around 1m from the footprint of the plant site and placed into storage mounds located to the north, east and west of the plant site. As dug sand and gravel excavated from the infiltration lagoons (see below) would be used to raise levels within the plant site by around 0.5m above original ground levels.
136. The processing plant would be a conventional static design (as opposed to an arrangement of mobile plant) and comprise the following elements:
 - feed hopper;
 - primary screen;
 - washing plant and main screens;
 - cone crusher;
 - linatex sand tower.
137. The primary screen, washing plant/main screens and cone crusher would be housed within individual buildings (referred to as 'houses'), clad with plastic coated profiled sheeting; this cladding would be olive green in colour (or similar). Between the plant buildings would be a series of inclined conveyors, housed within a steel gantry. The primary screen house would be 8m in height, occupying a footprint of 5.4m by 8.4m. The washing/main screen house would again be 8m in height (at its highest point), and 16.6m by 5.4m in plan. The crusher house would be 8m in height and 7.4m by 7.4m. The linatex sand tower (sand plant) is shown on HQ3-5 and appears

higher than other plant, although I have not found any dimensions, it appears to be about 16m high.

138. Drawing HQ3/3 shows the layout of the plant site, whilst Drawing HQ3/4 illustrates the layout of the processing plant in more detail. Drawing HQ 3/5 shows the elevations of the processing plant. The processing plant is bounded on three sides, but open to the south.
139. The concrete batching plant would be located at the south western corner of the plant site. The precise detail of this plant is not currently known as it is dependent upon the final choice of manufacturer. Notwithstanding this, a typical plant is shown in Appendix 3/1 and reproduced in Appendix A of this proof. This plant would comprise a feed hopper; aggregate storage bins; mixer and loading head; cement silos and water tanks. Ancillary to the plant would be several storage bays for the aggregates and a control cabin.
140. Ancillary to the processing would be an electrical transformer, electrical switch-room, and small stores and maintenance building. These would all be constructed from block work.
141. The office and welfare accommodation would be four 'portacabin' style temporary buildings with overall dimensions of approximately 12m long, by 3.4m wide, by 2.6m high. These would be used as sanitary and drying facilities, mess room, site offices and meeting room/s.
142. The plant site would also have two surface mounted weighbridges with attendant weighbridge office.
143. Two water recharge lagoons would be excavated on the eastern boundary of the application site.
144. The mineral would be extracted using either a 30t or 40t hydraulic excavator which would load the as-dug mineral onto an articulated dump truck for transport to the plant site. As noted above, the mineral would be extracted on a campaign basis (akin to a soil and overburden strip) and so a fleet of dump trucks would be extensively employed to transport materials from the face to the processing plant.
145. The soil and overburden would be stripped using a hydraulic excavator and transported across the site to the storage locations in articulated dump trucks. The storage mounds have a height of 4m-5m.
146. Stripped soils would be placed into storage mounds located around the periphery of the application site. These would have a maximum height of 3m. The outer slopes of the storage mounds would have a gradient of 1:3 along the frontage to Hatfield Road, the playing fields, and adjacent to the public footpath, with gradient of 1:2 elsewhere.
147. Drawing HQ 3/6 shows the areas from where soils would initially be stripped, the volumes arising and where this material would be stored.
148. It is proposed to develop the mineral deposit on a phased 'cellular' basis, whereby the workings advance in a general westerly direction with progressive restoration following behind. As noted above, the phasing of the workings is illustrated on Drawing HQ 3/1. Each phase is anticipated to sustain production for around four years and sand and gravel would be

extracted from both mineral horizons. In each phase material is transported from the quarry face to the processing plant via articulated dump truck on haul roads.

149. Each phase would be worked in a similar fashion to Phase A, which is located in the south eastern corner of the application site, and this is indicative of the approach that would be taken for all later phases. Establishment of each Phase would follow a sequence broadly working from east to west and where possible with soil and overburden direct placed onto worked out and backfilled void, to final restoration levels. Particularly during Phase A, soils and overburden may be placed into temporary storage.
150. Each phase would be divided into sub-phases based on providing a working area capable of sustaining production for between 18 and 24 months to allow for fluctuations in market demand. Vegetation would be cleared from the initial sub-phase followed by the stripping of soils (again incorporating a narrow strip from the adjoining phase to the north to allow the construction of a cell wall). Stripped soils would be placed into storage mounds (3m in height) located on the periphery of the working area, extending the bunds created as part of the site preparation works adjacent to Hatfield.
151. All mineral excavated at the site would be processed on site. As set out above, as-dug material would be transported from the working area by articulated dump truck and placed within a stockpile located on the eastern side of the plant site. Although details are not given (or shown in section) it is assumed that the material would be added to the stockpile using a conveyor, which would need to be a few metres higher than the 10m high stockpile.
152. From the large stockpile, as-dug material would be screened, graded and washed as necessary. The material would then be conveyed to stockpiles. Periodically, material from the stockpiles would be transferred to larger stockpiles by a rubber tyred loading shovel.
153. Processed aggregates would be exported from the site by HGVs; typically these would be articulated lorries or rigid bodied tippers.
154. Some of the processed aggregates would be transferred to the on-site concrete batching plant where they would be used to manufacture concrete.
155. In order to be able to provide a suitable final restored landform (as illustrated on Drawing HQ 3/11) suitable inert fill materials would be imported. It is suggested that this material would be sourced from the construction and demolition waste sector within the region, and typically imported in 20t loads by rigid bodied tippers. Although inert fill is often loose tipped and selected to meet the need, the method is not currently clear, i.e. whether this material would be stored, crushed or graded on the appeal site.
156. External lighting would be around the plant site during the winter months. Lighting would be on mounted poles.
157. The proposed mineral working as set out in the ES consists of 7 sequential phases (A to G) each lasting approximately four years. The development including restoration would last for 32 years.

158. The initial site establishment works involve the construction of the new access, haul road, screening plant, concrete batching plant, upper and lower mineral lagoons, and perimeter screen bunds. Soils would be stripped for the processing plant and lagoons and placed into perimeter bunds around the processing plant, Popefield Farm and University sports fields and retained in situ for the duration of the development.
159. The mineral and infilling operations combined would generate a total of 174 HGV movements per day (87 in/87 out) via the new access onto the A1057. The proposed section 106 agreement would provide for necessary improvements to key junctions between the site access and the A1000.
160. Post reclamation the site would be restored to a mix of habitat areas, conservation grazing, and public access shown on the illustrative restoration plan (HQ 3/11A). The upper and lower mineral lagoons would be retained in a smaller form. The processing plant would be restored for nature conservation. The access would be retained for a new car park for future users of Ellenbrook Park. The landowner has agreed a network of new definitive routes as part of the s106.
161. Notwithstanding final restoration, as the above analysis suggests there is 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.
162. 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 campaign method of working.
163. The large bunds and other processing plant (such as the sand plant) as proposed also reduce openness, but I accept that practically they may be a necessary part of minerals extraction or considered ‘engineering operations’ in terms of paragraph 150b of the NPPF. Nevertheless, the cumulative effect of these features with the large stockpiles and concrete batching plant does increase the overall effect on openness.

Effect on Visual Openness

164. Despite the Green Belt context, the existing openness of the site and the extent of development now proposed, the Appellant has not provided an assessment of the effects of the proposals on openness. There are 6 short paragraphs in the ES Chapter 8 LVIA (CD 1.2) relating to the functionality of Green Belt in section 8. Nevertheless, the appellant’s LVIA in section 8 of the ES describes (in paragraph 8.64) the main visual elements as set out

below. Those shown in bold are considered most relevant to visual openness in this context.

- 1) Progressive clearance of vegetation and soils in advance of operations, starting with initial site clearance around perimeters, northern and eastern areas, then gradually working westwards.
 - 2) Diversion of 0.6km of public right of way and other permissive footpaths and access within the application site around the perimeters;
 - 3) Advance planting of approximately 2km of native trees and shrubs around the perimeter and a small c1ha block adjacent to the plant site at the outset and then retained on a permanent basis;
 - 4) Retention of two great crested newt ponds around the boundary / corridor, with new ponds created;
 - 5) **New internal access roads, including over 0.8km from A1057 site entrance to the plant site area, installed at outset and retained on a permanent basis and further busy haul roads to get to quarry faces to the processing plant.**
 - 6) **Formation of soil/overburden storage mounds, typically 3 to 5m above existing ground levels, mainly around the site perimeters with additional fencing and steep gradients as dictated by operational and geotechnical constraints and other shorter-term locations as necessary;**
 - 7) **Formation of the around 11ha plant site area at the outset, including new structures (processing plant with up to 10m highest point and batching plant with up to 13.3m highest point) and temporary formation of mineral stockpiles up to 10m above existing ground levels and steep sides.**
 - 8) Formation of voids on a progressive basis, typically by between 12 and 17m below existing ground levels, to the base of the lower mineral horizon (leaving 1m standoff to the chalk), across the c53ha mineral extraction area and all with steep gradients as dictated by operational and geotechnical constraints.
 - 9) Subsequent engineering, backfilling and restoration of majority of voids on a progressive basis, using imported inert materials and site derived materials; and the operational phases at the site as a whole are long term overall.
165. Of greatest detrimental impact on visual openness is (7) in terms of the 11ha of plant development and particularly in terms of the height of the batching plant (up to 13.3m), processing plant (up to 10m – although this would be needed for any extraction here) and stockpiles (also up to 10m – a result of

the campaign method). The effect on openness of (5) new access roads reflects both their built form and the ways in which they are used.

166. The processing plant is enclosed by perimeter bunds on three sides; however, direct views are available into the plant site from the south, from which the entire plant site and associated operations would be clearly visible from any location within the application site.
167. The mineral processing plant would also impact on visual openness particularly from views through gaps in hedgerows to the north and west of the application, and especially in the winter months after leaf fall. It would also be backgrounded with built development such as Ellenbrook, Hatfield or Smallford adding to the sense of urban fringe and a sense of sprawl. The formation of the site entrance and movement of vehicles within and to and from the site would also be visible from the existing busy Hatfield Road (A1057). Receptors in the immediate area (mainly residential and recreational uses or road users), would experience a change to the sense of openness and greater urbanisation.
168. 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.
169. 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.
170. Taken in context the overall effect of the development is of significant harm to the Green Belt by loss of openness.

Relationship to Green Belt Purposes

171. The site falls within area GB36 of the SKM 2013/14 St Albans and Welwyn Hatfield Strategic Green Belt Review Purposes Assessment (CD 4.1 and CD 4.2). The principal function of this parcel of land is its significant contribution towards prevent merging (of St. Albans and Hatfield), safeguarding the countryside and maintaining the existing settlement pattern (providing the gap between St Albans and Sandridge). Overall, the parcel contributes significantly towards 3 of the 5 Green Belt purposes' and these characteristics bear a strong relationship to the appeal site.
172. Indeed, although the relevant parcel used in the Green Belt Review (CDs 4.1 and 4.2) is very large, and not all locations within it may perform the same roles, it is very clear 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 of the appeal site including:

- 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
- to assist in safeguarding the countryside from encroachment. The appeal development, as proposed would add to the sense of coalescence of Smallford and Hatfield,

173. Realisation of the proposal would be the existence of continuous development including the new entrance, fencing and lighting columns along one side or other of the A1057 between the built-up areas of St Albans and Hatfield. While this might be mitigated by the use of the large bunds and associated landscaping, this would still reduce the countryside feel and would be encroachment into it. The proposal is in conflict with all three purposes.

Whether very special circumstances exist

174. Substantial weight is attached to any harm to the Green Belt by reason of inappropriateness. Very special circumstances will not exist unless the potential harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Case law suggested that the special circumstances must be special in the sense of out of the ordinary meaning that they cannot be just a consequence of the preferred working approach of mineral operators, although they do not in themselves have to be rare.⁴ or uncommon.

175. 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.

⁴ Wychavon DC v Secretary of State for Communities and Local Government and Butler [2008] EWCA Civ 692

176. I agree that great weight should be given to mineral extraction in line with paragraph 211 of the NPPF, but I balance this with the importance given to Green Belt. My point in this case is not that minerals development does not carry great weight or that mineral development is wrong in principle on the site, but that it is incumbent on the developer to offer a scheme of working the mineral that reduces the harm to Green Belt by preserving, so far as practicable its openness. In this case it seems to be very clear that the preservation of openness has not been a significant consideration. Different methods of working 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.
177. Similarly, 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.
178. 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.
179. 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.
180. I accept there may be ‘other benefits’ but once again I do not consider these amount to very special circumstances that are specific to the proposal. For example, there will be local sourcing and supply chain economic benefits. In terms of employment the quarry would have a core staff of 6 employees. This would comprise a manager, a foreman, 2 loading shovel operatives, 1 dozer operative, 1 concrete batcher and 1 weighbridge operative. The number of staff would increase to 10 during earthmoving works which will be undertaken on a campaign basis. This would be over a temporary period.

181. At the core of the VSC case is the question of alternative approaches to working the site which minimise harm.
182. In relation to the proposals without the batching plant it appears that the totality of the plant area is significantly excessive, as a function of the proposed working method, and results in significant impacts on openness over and above those intrinsic in mineral extraction. Consequently, whilst it is accepted that mineral processing features can be appropriate development in the Green Belt, the excessive area of the processing plant and operation of the concrete batching plant are inappropriate development. The proposals also conflict with the purposes of Green Belt.
183. The application does not provide an assessment of potential alternative sites to locate the concrete batching plant outwith the Green Belt. There are also no specific operational requirements to locate the concrete batching plant within the Green Belt. The application does not demonstrate there are no alternative sites which would result in less harm to the Green Belt. Therefore, very special circumstances have not been demonstrated.
184. Although I am not a specialist in quarrying techniques, I have also noted that Council Officers plausibly suggest that an alternative method of working involving the use of a field conveyor for the transport of mineral from the quarry face to the processing plant would be far less visually intrusive for three main reasons: (1) a field conveyor is a low structure with a lower visual signature compared to large quarry vehicles; (2) there would be no requirement for large stockpile areas at the plant site; and (3) a field conveyor would replace the need for a fleet of large articulated haulers and avoid the continuous trafficking of these large quarry vehicles over long distances through the Green Belt over the extended duration of the proposed mineral extraction. I agree this would significantly reduce harm to the Green Belt.
185. The use of a field conveyor to transport mineral from the quarry face to the processing plant would enable ballast material to be transported directly to the plant site for processing and avoid the requirement for a large stockpile area. The use of field conveyor would completely avoid the need for haul roads for transporting minerals within the site and do away with the continuous movement of a fleet of articulated haulers. The use of a field conveyor, would therefore, significantly reduce harm to the Green Belt related to the extraction of minerals from the site.
186. I have investigated the applicability of the Council's suggested better method. At Hatfield Quarry and its various extensions, I have observed that the harm to the Green Belt at the extraction site has been limited in large part by the low intensity method of working using a limited number of machines and the use of a conveyor line to reduce HGV movements. Although in this case the conveyor line which extends for 2km, the line is

fairly low-lying structure and is not generally visible from public views, except from a Bridleway (Bridleway 14) which crosses the haul road. The use of a conveyor also has significantly less impact than the fleet of dumper trucks moving across the Appeal site, as currently proposed

187. Hatfield Quarry and its later extensions feeds its material to a processing plant which is separately located at Oaklands Lane - including a wash plant, sand bagging plant and ready-mix concrete plant (see aerial view at Appendix B). This separate location is a legacy of past working - it was originally adjacent to a working area (now restored). This plant currently handles a similar volume of material to the proposed site (250,000 tonnes), but will accommodate up to 400,000 tonnes in the future when additional consented working areas come on stream. While the Oaklands Lane plant is would probably now be inappropriate development in the Green Belt and would need to be justified by VSC, the effect on openness and the purposes of Green Belt and the level of harm appears to me to be again significantly less than the Appeal proposals. Specifically, the processing site at 3ha (compared to 11ha at the Appeal Site) is smaller, the plant is lower in height, and is more effectively mitigated by the established bunds and landscape screening already in place, albeit it has an ancillary bagging plant which is visible from Coopers Green Lane. In addition, the plant area on the Hatfield Aerodrome Appeal site is not proposed to be screened by bunds or otherwise to the south and will be visible from this direction and have a greater impact on openness as a result.

188. The 2021 update of the ES (CD 2.2) at paragraph 5.13 reports on the issue of field conveyors:

“The MPA has asked whether it would be possible to use field conveyors for transferring extracted sand and gravel to the processing plant. Such an option is best employed where the extraction area is some distance from the processing plant, as is the case with the adjacent Hatfield Quarry, where the extraction area is around 3.5km from the processing plant. Conveyors also work best when extraction is constant throughout the year, with the extracted mineral transferred to a ‘surge pile’ which in turn is fed (by gravity) into the processing plant. This would not be as effective where extraction takes place over part of the year; it would not be possible to employ a surge pile and so the mineral would need to be handled by loading shovels in the plant site to create the stockpile of as-dug material.”

189. The problem with this ES paragraph presents the issue as more a matter of convenience for the operator, rather than suggesting substantive reasons why the field conveyor would not work or why the extraction needs to take place over just part of the year (campaign method) rather than on a continuous basis. In addition, once again, there is no attempt to give any serious consideration to any alternatives to the proposed high impact on openness and harm approach.

190. Overall, I conclude that very special circumstances have not been identified. In the context of inappropriate development and harm to Green Belt through a loss of openness and conflict with purposes of Green Belt, the proposal does not provide for adequate protection of the Green Belt and would be contrary to the provisions of the National Planning Policy Framework (Paragraphs 137, 138, 147, 148, 150).

5.3 Groundwater Contamination

191. Bromate and bromide contamination in the Chalk aquifer in the vicinity of Hatfield, Hertfordshire, originates from the site of a former chemical works in Sandridge. The chemical works manufactured bromine-based chemicals, including sodium and potassium bromate, from approximately 1955 until about 1980, and chemical wastes including aqueous bromide, caustic aqueous bromide, solid bromide, bromochloropropane, which are likely to have contaminated soils at site prior to chemical manufacture ending in around 1982. The site was redeveloped for housing in 1987 (called St Leonards Court). The Bromate Plume in groundwater extends for a considerable distance east of St Leonards Court. Bromate contamination is present in groundwater in the LMH/Chalk to the north and east of the site. The extent and concentrations of the Bromate plume is illustrated on plume maps
192. The identification of Bromate contamination in groundwater was first identified at Bishops Rise pumping station in May 2000, and as a result the Bishops Rise groundwater abstraction borehole has not been used for public supply since May 2000 and restrictions have been in place for three local private supplies. Furthermore, Bromate concentrations at a second groundwater abstraction borehole at Essendon are such that water has to be treated and blended with other uncontaminated water supply from North Mymms Water Treatment Works.
193. On 8th November 2005 the Environment Agency issued a Remediation Notice on the appropriate persons under the Environmental Protection Act 1990. The notice included 12 steps to reduce Bromate concentrations in groundwater, including a requirement for scavenge pumping at Hatfield Rise abstraction site up to 22nd July 2019. The Environment Agency consulted on continued remediation in December 2018. 'The Agency is keen to ensure that remediation continues to keep bromate and bromide concentrations down at Essendon and the Northern New River wells'. The report concluded despite the remediation action that has been taking place over the preceding 10 years 'contamination is still entering the groundwater at St Leonards Court and the pollution of controlled waters remains significant. The Agency wants scavenge pumping at Bishop's Rise to continue in the manner set out in the First Notice until the Best Practicable Technique is determined'. The Agency issued a second remediation notice in July 2019. The notice has been appealed. The Planning Inspectorate agreed to delay the appeal to allow the parties to discuss a voluntary scheme of remediation. The Environment Agency has agreed the voluntary scheme

and the 2nd Remediation notice has been withdrawn.

194. The application proposals provide for mineral extraction within the LMH to a depth of 1m above the chalk.

195. The Environmental Statement acknowledges there is a risk of intercepting Bromate contaminated groundwater and pumping groundwater from within the LMH has potential to spread the plume. The ES regards the potential effects would still have 'minor' significance with mitigation based on the design and operational measures proposed as part of the application:

- groundwater pumping would be kept to a minimum and only when required to reduce water levels to the base of the interburden;
- the LMH would be worked wet with no requirement for groundwater pumping;
- infilling the mineral void within the LMH in Phase A and B using low permeability material would provide a barrier to further reduce drawing the bromate plume toward the mineral working;
- groundwater pumped from the LMH (and potentially from the UMH) would be recharged into the LMH/Chalk via a recharge lagoon thus creating a hydraulic barrier to flow from the plume entering the site;
- a water management plan would be agreed with the Environment Agency prior to works commencing to include a monitoring programme to confirm the effectiveness of the proposed mitigation measures and agree contingency actions as necessary; and
- to reduce the risks of imported inert material creating a barrier to groundwater flow and potentially causing groundwater levels to rise, a back-drain is included in the design to ensure groundwater levels do not increase above historically high elevations.

196. The Environment Agency initially objected to the application and requested further information as part of the Flood Risk Assessment. The FRA was amended and the Agency removed the objection subject to conditions requiring (1) submission of a water management plan prior to commencement of development providing; (i) construction details for the two infiltration lagoons; (ii) clarification of discharge point for the back-drain for the restored site; and (iii) a long-term groundwater monitoring plan; and (2) submission of landscape management plan providing for; long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas.

197. In August 2019 further information was submitted comprising (1) borehole monitoring data; and (2) ground water management plan. The Agency response confirmed their advice that:

- No mineral is extracted from within the existing plume of bromate and bromide groundwater pollution.

- Any activities close to the plume must not change the existing hydrogeological flow regime.
 - Any activities close to the plume must not interfere with the remediation of the bromate and bromide pollution.
198. The Agency response further advised that the ‘submitted information demonstrates that it will be possible to fulfil these points and manage the risks posed to controlled waters by this development’. The response confirmed ‘the proposed development will be acceptable if a planning condition is included requiring the submission of a water monitoring & management plan’, to meet the criteria set out in the Agency’s response, plus a mechanism for periodic review. The proposed condition was included as part of the recommendation to grant planning permission.
199. Affinity Water objected to the application ‘pending resolution of the detailed controls necessary to ensure that the proposed quarrying activities pursuant to the proposed permission do not affect the mobilisation of the existing plume of bromate contamination, and thereby render the water currently abstracted by Affinity Water at our Tyttenhanger and Roestock Chalk groundwater sources unfit for public water supply purposes’.
200. Affinity Water withdrew their objection based on having received an undertaking from the applicant that it would not commence extraction of mineral from the lower mineral horizon until it has entered into an operating agreement with Affinity. The mineral operator had also agreed heads of terms relating to this operating agreement. Affinity Water was therefore satisfied that these arrangements would provide them, as the appointed water undertaker, with a direct ability to ensure that sources of water that it uses for public water supply are protected during quarry activity. Further, Affinity Water had given consideration to planning conditions and concluded the Groundwater Management Plan condition as agreed with the Environment Agency was appropriate and adequate in accordance with relevant Government guidance.
201. There have been detailed technical objections on the bromate plume submitted by Colney Heath Parish Council (“CHPC”), from Ellenbrook Area Residents Association (“EARA”), and from Hatfield Town Council (“HTC”). The planning committee was presented with a detailed evaluation of the effectiveness of the measures proposed within the Groundwater Management Plan and the potential risks of mobilising the bromate plume by expert hydrology consultant, who has suggested that the three conditions list above are not achievable.
202. Bromate contamination is a significant issue with a complex technical background. The committee was presented with conflicting expert opinion on the issue.
203. The planning committee concluded the application had not demonstrated that the potential risks from mineral working together with the proposed

mitigation would provide adequate protection of the groundwater environment.

204. The reasons for refusal recognise the high level of local concern in relation to the integrity of the public water resource in the longer term, and the risks from mineral working potentially reducing the effectiveness of the ongoing remediation measures at the Bishops Rise pumping station under the requirements of the remediation notice.
205. In the light of this uncertainty the County Council commissioned an independent review from my Arup colleague Jenny Lightfoot, an experienced hydrogeologist. Her findings are summarised in her Proof for this Inquiry. I have taken into account her findings in forming the planning case.
206. From a planning perspective, relevant considerations are of public health effects, compliance with relevant limit values, and of site suitability 174 and 183 to 188 of the NPPF. The overarching legal framework is one of the precautionary principle.
207. Having watched a recording of the Committee, I especially noted the response of the Environment Agency officer, Keith Spence, who when asked⁵ about the overall risks to drinking water could only conclude it was low risk. The discussion also noted the absence of data on which to assess risks. I suggest the precautionary principle must apply in these circumstances. In cases of public health risk worst-case scenarios are commonplace considerations and it is not clear that they have been assessed in this case.
208. Having considered the overall context and circumstances of the case, it seems to me that the potential implications for public safety are potentially an important consideration in this case. In the absence of clear evidence that the EAs three conditions can be met, the plume will not be extended or that effective contingency/remedial measures have been identified to address any incidents permitting the proposed development would involve an unacceptable risk to public safety, contrary to the aims of NPPF paragraphs 183 and 210(b).
209. In particular, the application has not satisfactorily demonstrated the risks to the water environment from the mineral working are acceptable, in particular, that the risks of intercepting Bromate within the LMH will be appropriately managed, the risks of mineral working could affect the direction and rate of flow of the Bromate plume, the risks of causing contamination to surface water sources as a result of de-watering groundwater from within the LMH, the risk of having adverse quantitative/qualitative impacts upon the public water resource; or that the proposed mitigation measures will be effective.

⁵ Just after 4 hours into the recorded meeting

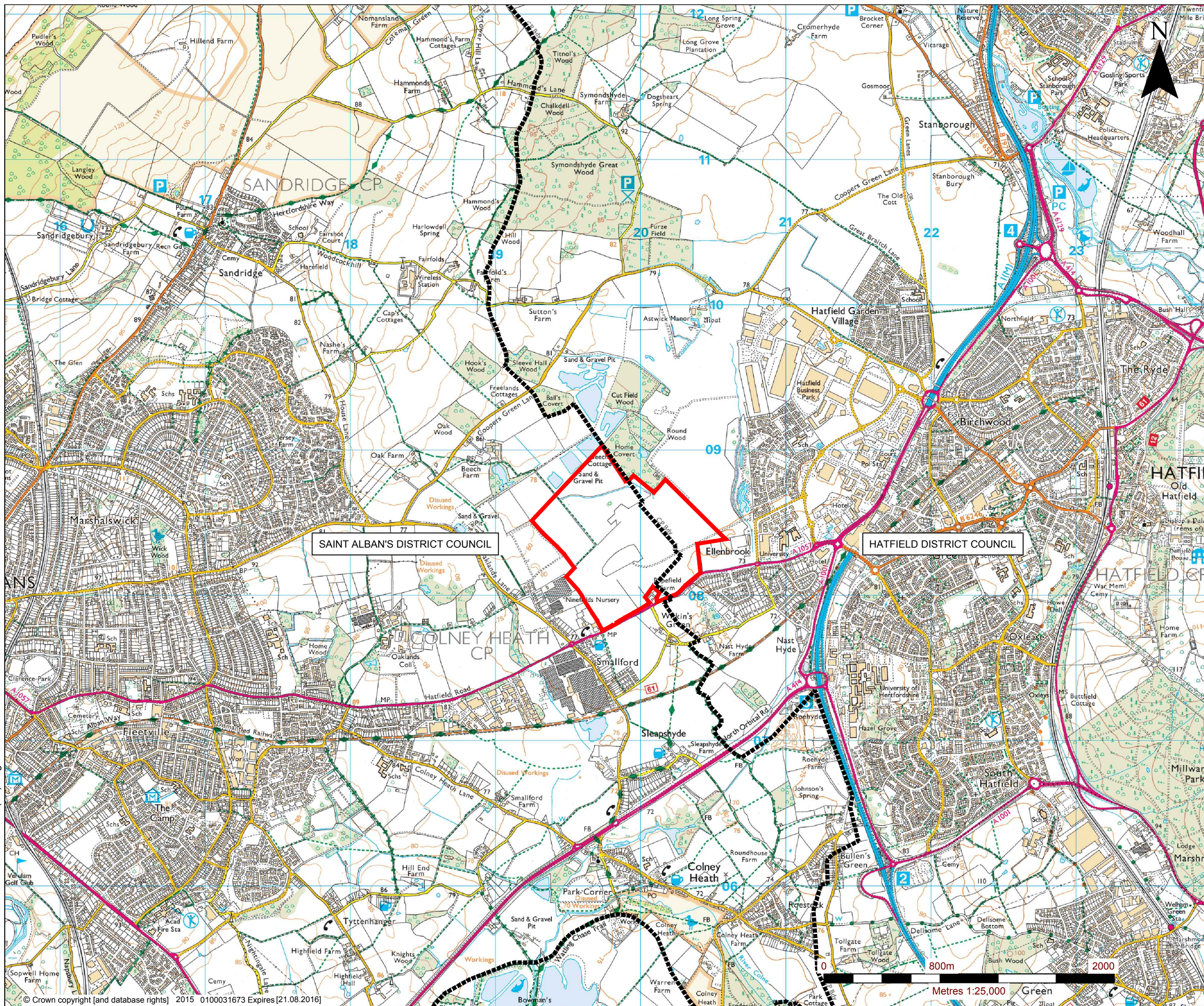
6 The Planning Balance

210. For the purpose of this section, I adopt the following scale in respect of the degree of harm/benefit: Very substantial, substantial, moderate, limited, none. Section 38(6) requires that a decision should be made in accordance with the development plan unless outweighed by other material considerations.
211. Overall, the proposed development is on a site allocated as Green Belt in development plans and allocated for mineral working in the adopted Hertfordshire Minerals Local Plan 2007. Additional reserves are likely to be needed in the County to maintain the required sand and gravel landbank. The proposal also includes restoration and aftercare proposals in line with policy.
212. However, the proposals would be inappropriate development in the Green Belt, and I have found that the very special circumstances required to justify inappropriate development do not exist. 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. Undoubtedly both in whole and in parts it is inappropriate development in the Green Belt.
213. In the absence of the concrete batching plant, as proposed in the September 2021 application, the proposals are still inappropriate because of the unnecessary effect on openness of the remaining development.
214. 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.
215. 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).
216. 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.
217. The wider benefits of the proposal including employment and other economic benefits carry moderate weight in the context of a strongly performing local economy.

218. 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.
219. The appeal should be dismissed.

Appendix A


01009.00132.06.HQ2-1.0 Site Location Plan(PS).dwg




LEGEND

APPLICATION SITE BOUNDARY

DISTRICT BOUNDARY



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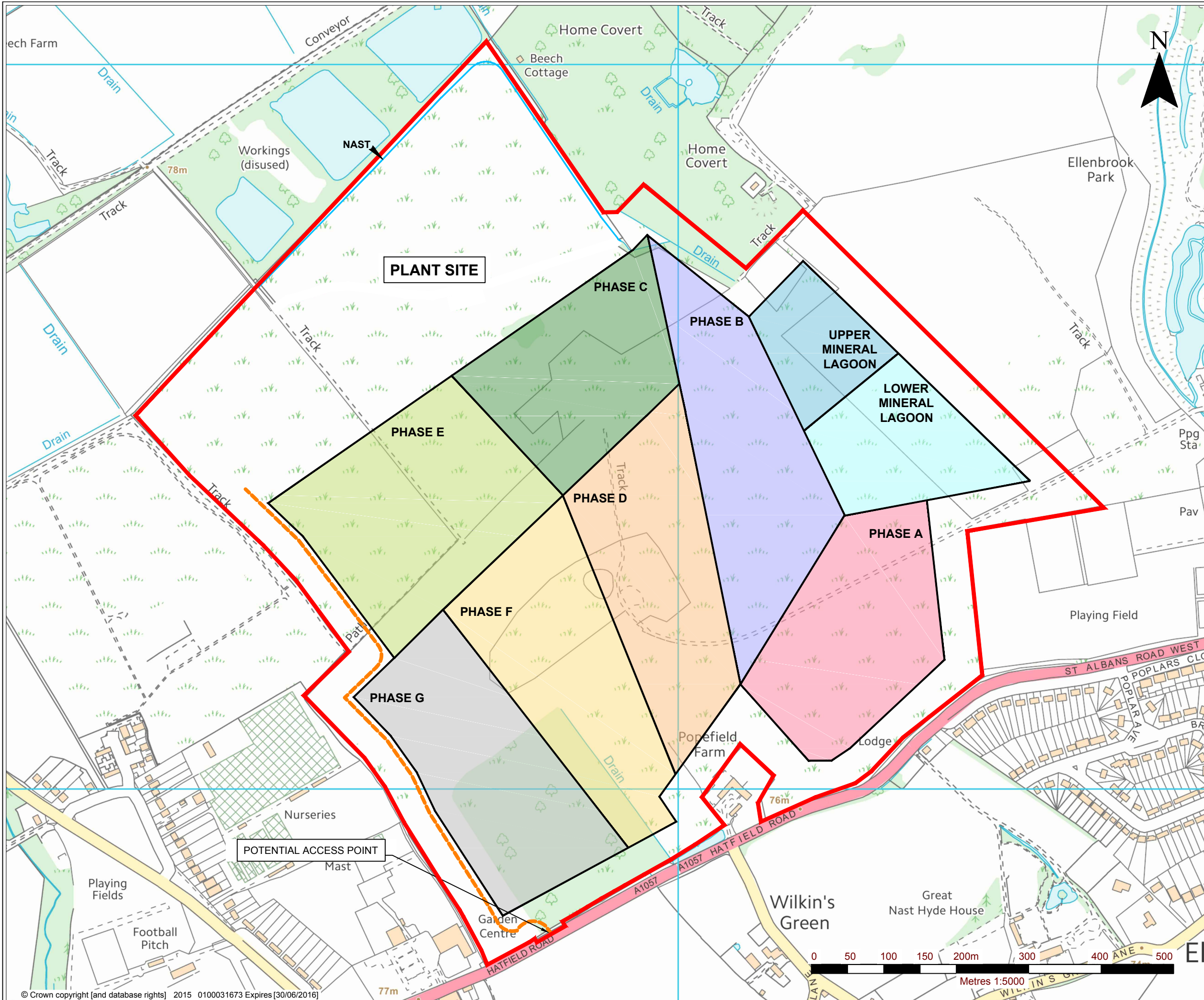
HATFIELD AERODROME
PLANNING APPLICATION
SITE LOCATION PLAN

HQ 2/1

Scale
1:25 000 @ A3

Date
NOVEMBER 2015

01009.00132.16.HQ3-1.0 Overall Phasing - General Layout Plan.dwg



LEGEND

	APPLICATION SITE BOUNDARY
	PHASE BOUNDARY
	ACCESS ROAD

PHASES

	PHASE A
	PHASE B
	PHASE C
	PHASE D
	PHASE E
	PHASE F
	PHASE G
	PHASE UPPER MINERAL LAGOON
	PHASE LOWER MINERAL LAGOON

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HATFIELD AERODROME
PLANNING APPLICATION

**OVERALL PHASING /
GENERAL LAYOUT**

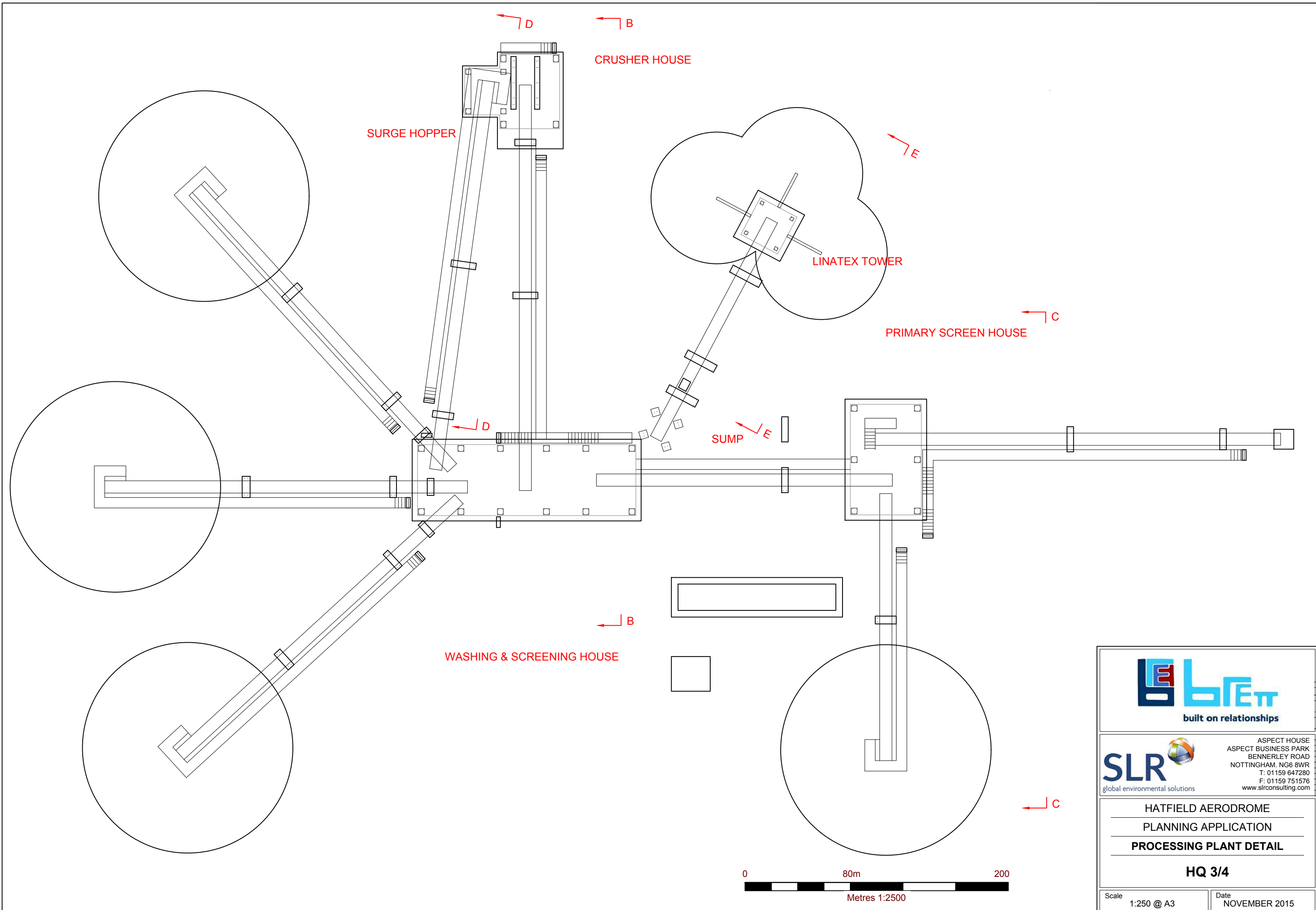
HQ 3/1

Scale 1:5000 @ A3	Date NOVEMBER 2015
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01009.00132.16.HQ3-3.0 Plant Site (Masterplan).dwg



01009.00132.16.HQ3-4.0 Plant Site (Detailed).dwg



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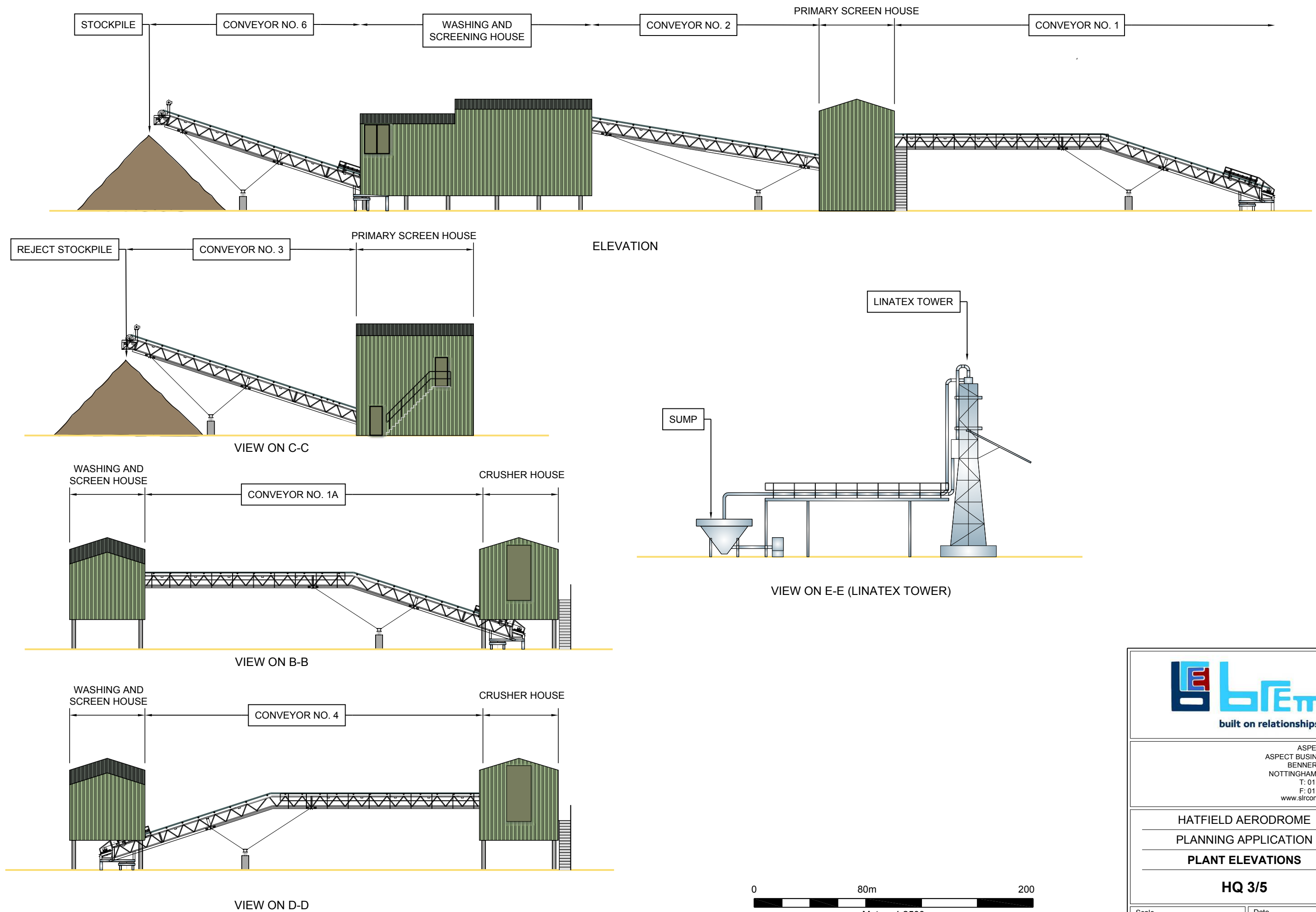
HATFIELD AERODROME
PLANNING APPLICATION
PROCESSING PLANT DETAIL

HQ 3/4

Scale
1:250 @ A3

Date
NOVEMBER 2015

01009.00132.16.HQ3-5.0 Plant Elevations.dwg



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HATFIELD AERODROME
PLANNING APPLICATION
PLANT ELEVATIONS

HQ 3/5

Scale
1:250 @ A3

Date
NOVEMBER 2015



LEGEND

	SITE BOUNDARY
	PROPOSED CONTOURS (2m INTERVALS)
	GAS PIPELINE ROUTE TAKEN FROM NATIONAL GRID DRAWING EA_TE_Z6_2S_16351
	MINERAL EXTRACTION AREA
	PUBLIC RIGHT OF WAY (INC DIVERTED SECTION)
	PERMISSIVE RIGHT OF WAY (INC DIVERTED SECTION)
	NAST CULVERT AND SURFACE WATER MONITORING POINT
	PROPOSED AREA OF DISTURBANCE FROM SITE PREPARATION WORKS
	PROPOSED PERIMETER STORAGE BUNDS
	PROPOSED PERIMETER SEALS
	LANDSCAPE AND ECOLOGICAL CORRIDOR
	UNDISTURBED LAND WITHIN APPLICATION SITE
	ADVANCE HEDGEROW AND STANDARD TREE PLANTING
	EXISTING VEGETATION

HATFIELD AERODROME

PLANNING APPLICATION

INITIAL SITE PREPARATION

HQ 3/6

Scale: 1:5,000 @ A3 Date: DEC 2015

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160107_01009.00132.29.000_HQ3-7_PHASEA_SM.dwg



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HATFIELD AERODROME

PLANNING APPLICATION

PHASE A - ILLUSTRATION

HQ 3/7

160107_01009.00132.29.000_HQ3-11_RESTORATION_SM.dwg



LEGEND

- GAS PIPELINE ROUTE TAKEN FROM NATIONAL GRID DRAWING EA_TE_Z6_2S_16351
- PUBLIC RIGHT OF WAY
- PERMISSIVE RIGHT OF WAY
- MINERAL EXTRACTION AREA
- NAST CULVERT AND SURFACE WATER MONITORING POINT
- RETAINED ACCESS ROAD
- POTENTIAL INDICATIVE LOCATION OF BACK DRAIN

LEGEND

- SITE BOUNDARY
- PROPOSED CONTOURS (2m INTERVALS)
- PROPOSED OPEN DITCH/SWALE
- ADVANCE HEDGEROW AND TREE PLANTING
- EXISTING TREES AND SHRUBS
- PROPOSED HEDGROW
- PROPOSED SCRUB
- PROPOSED SEMI-NATURAL SPECIES RICH GRASSLAND
- PROPOSED MARGINAL VEGETATION/REEDBED
- WATER BODY / PONDS
- UNIMPROVED NEUTRAL-ACIDIC GRASSLAND
- NEUTRAL-ACIDIC GRASSLAND
- CALCAREOUS GRASSLAND
- PROPOSED RIDGE AND FURROW
- CULVERTED REACH OF NAST

REFER TO DRAWING HQ 3/12 FOR SECTION ILLUSTRATIONS



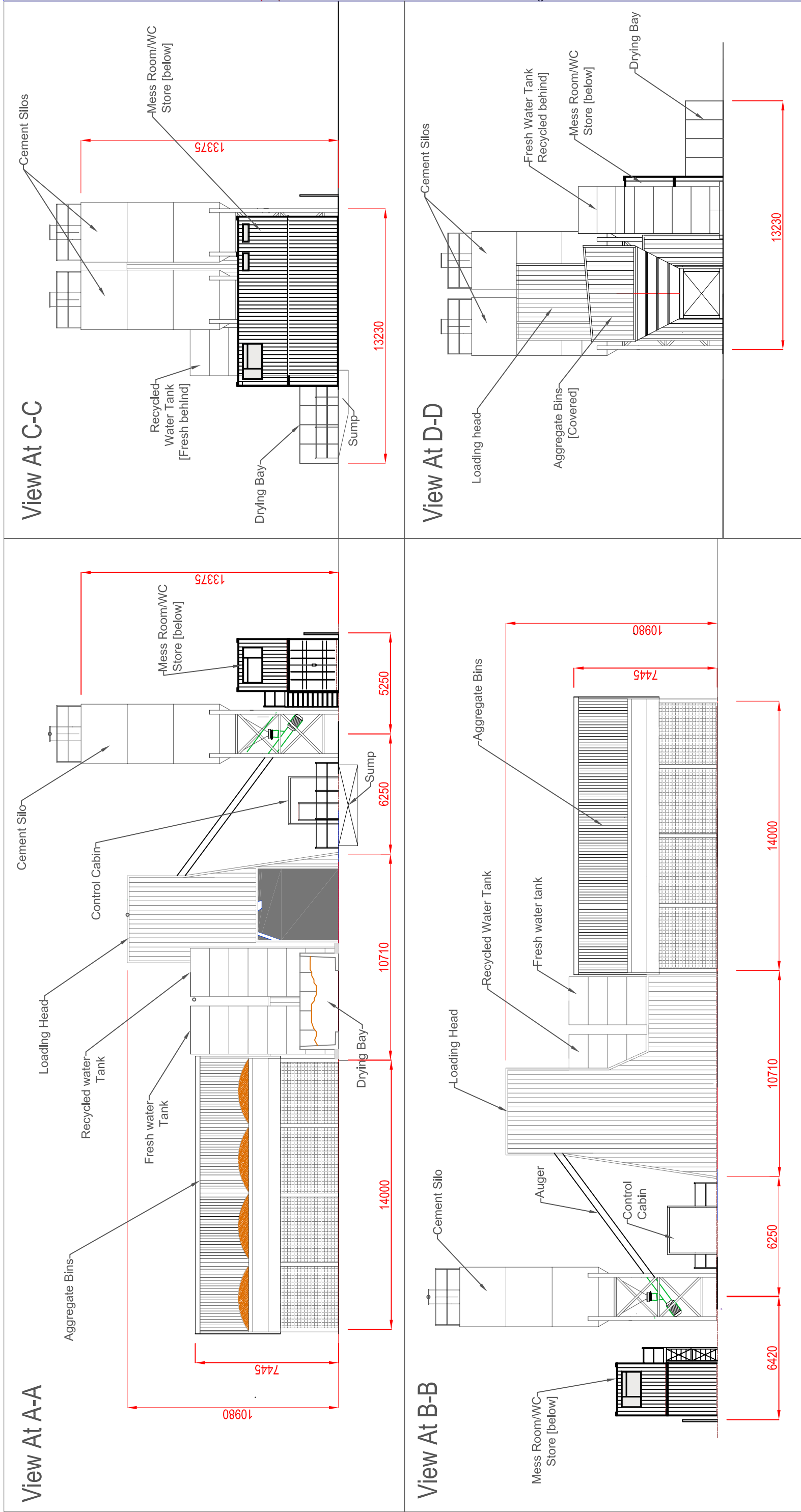
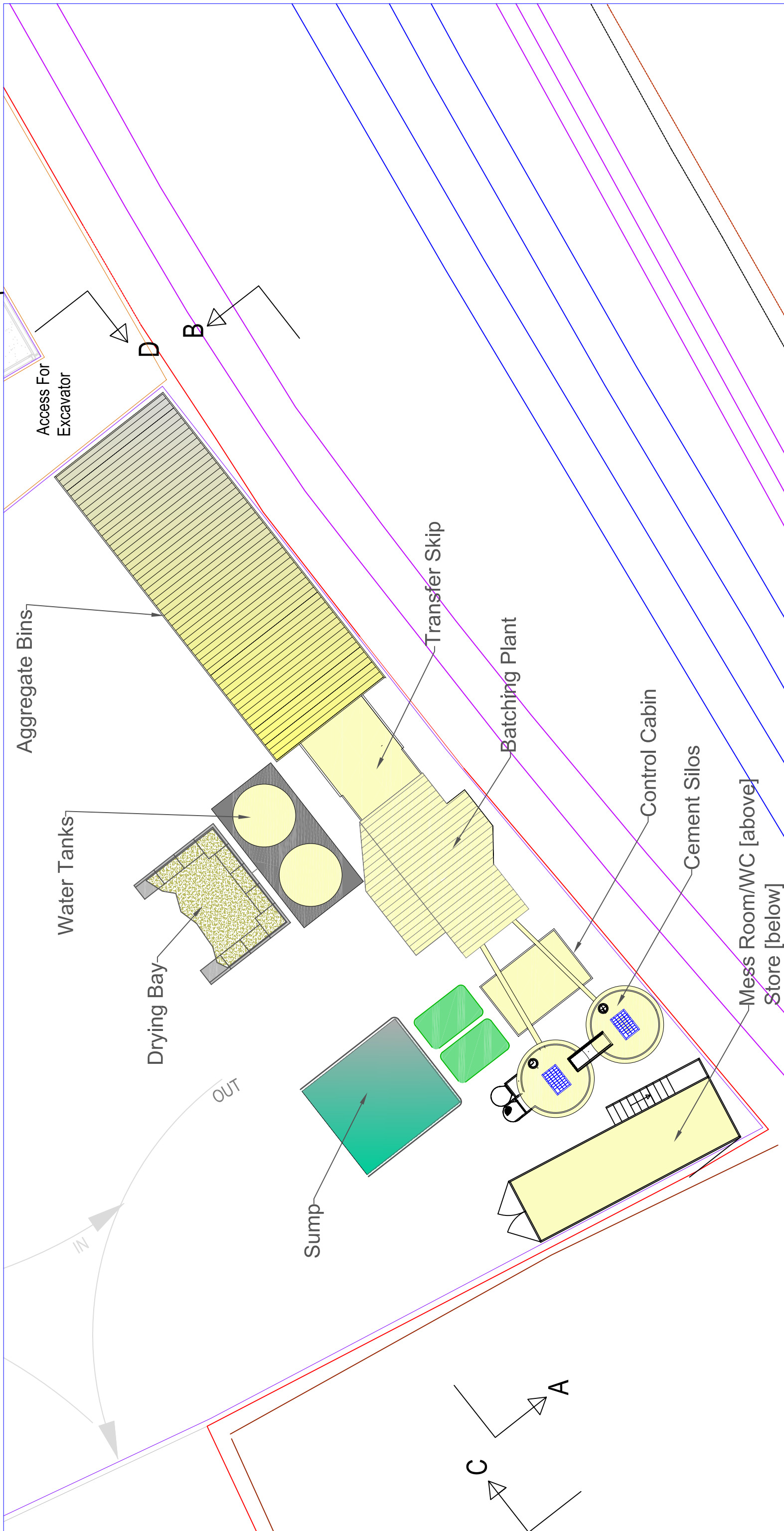
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HATFIELD AERODROME
PLANNING APPLICATION
ILLUSTRATIVE RESTORATION
CONCEPT

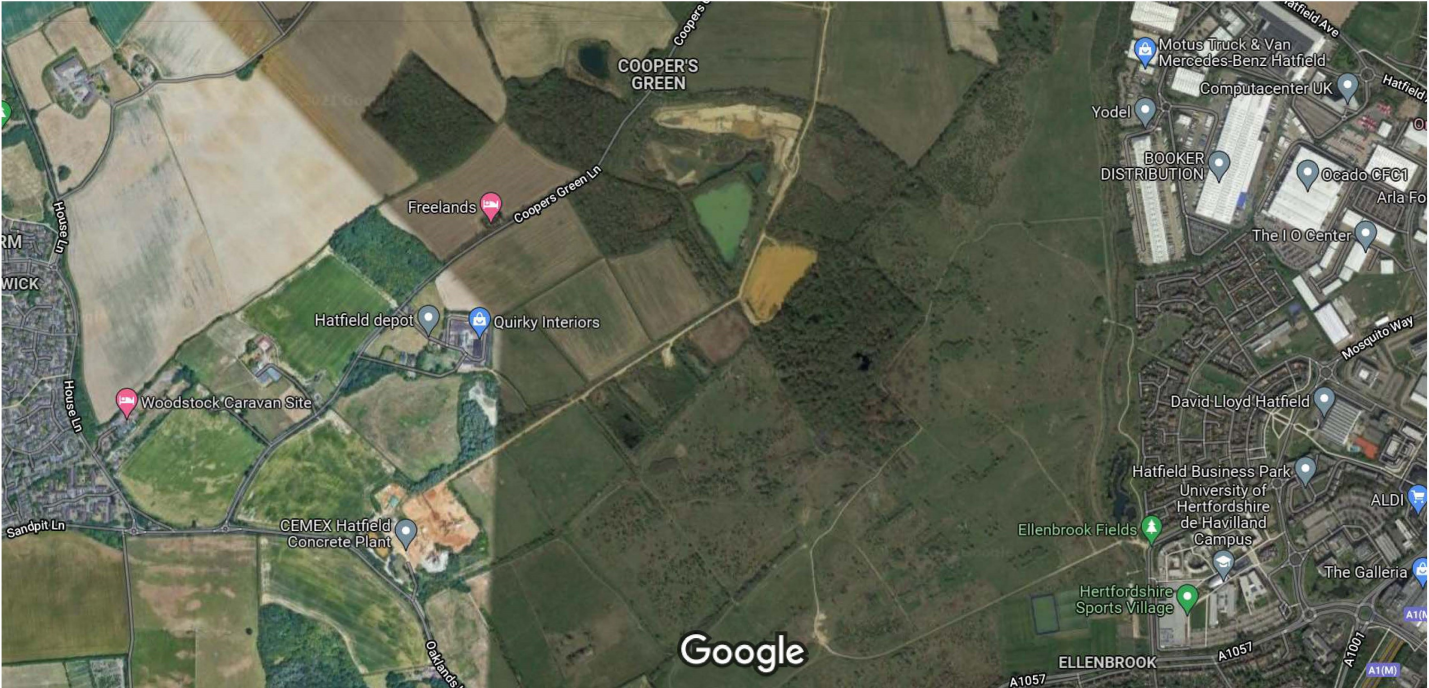
HQ 3/11

Scale AS SHOWN

Date DEC 2015



Appendix B



Coopers Green Ln

Oaklands Ln

Oaklands Ln

CEMEX Hatfield
Concrete Plant

Grs Bagging - Hatfield

Google