

Environment Agency statement of case

Appeal Reference:

APP/M1900/W/21/3278097

Application for the establishment of a new quarry on land at the former Hatfield Aerodrome, including a new access onto the A1057, aggregate processing plant, concrete batching plant and other ancillary facilities, together with the importation of inert fill materials for the restoration of the minerals working

At: Land at Hatfield Aerodrome, Off Hatfield Road

September 2021

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1. INTRODUCTION

1.1 The Environment Agency (Agency) has provided advice to Hertfordshire County Council on the application for the proposed Hatfield Aerodrome Quarry (Development) under its duty as Statutory Consultee for developments involving mining operations and as non-statutory consultee for developments potentially affected by contamination, as required under the Town and Country Planning Development Management Procedural Order (DMPO). The Agency's advice is provided in line with its Groundwater protection position statements. These statements define how the Agency carries out government policy for groundwater and adopts a risk-based approach where legislation allows.

1.2 This Statement of Case only relates to the fourth reason for refusal of planning permission for the Development.

2. THE SITE

2.1 The Development site (the Site) comprises 87.1 hectares of open land located to the west of Hatfield, located between the areas of Ellenbrook and Smallford.

2.2 Historically, the Site and wider area was used as an aerodrome for the manufacture and testing of aircraft by British Aerospace until the mid-1990s with planning permission granted in December 2000 (under ref S6/1999/1064/OP) for the demolition of the former aerodrome buildings and runway and the development of a business park, offices, residential and playing fields.

2.3 Currently, the Site (known as Ellenbrook Fields), comprises an area of open land, with an active mineral extraction and former mineral workings (now restored via landfilling) located to the northwest.

3. THE ST LEONARDS COURT PLUME

3.1 Prior to the 2016 application for planning permission for the Development, the Agency (in 2005) engaged with an agent acting on behalf of the land owner (Arlington) regarding the bromate plume and potential constraints on land uses. Figure 1 shows the regional extent of the bromate plume, primarily impacting the Chalk aquifer.

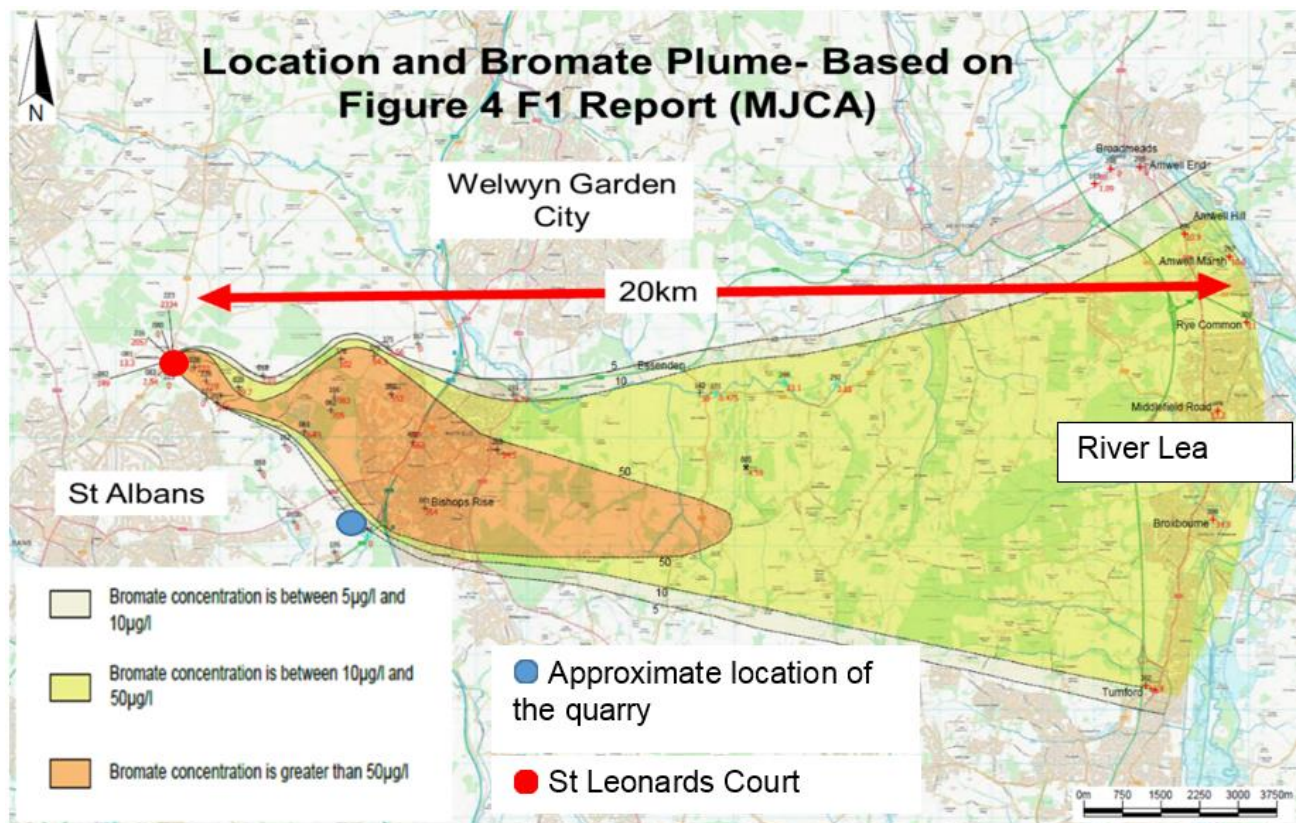


Figure 1 : Regional extent of the bromate plume.

3.2 The plume originates from a pollution source at St Leonard's Court, near to Sandridge, currently being managed as a Special Site under Part 2A of the Environmental Protection Act 1990, and associated contaminated land regulations.

Current remediation involves interim scavenge pumping from Bishops Rise (HATF) to protect a number of abstractions, operated by Affinity Water and Thames Water.

3.3 St Leonard's Court was determined as a contaminated land site by St Albans District Council on 20 June 2002. On 8th August 2002 St Leonard's Court was designated a special site and responsibility for enforcement was transferred to the Agency.

3.4 The parties responsible for the pollution, called the Appropriate Persons (APs) under Part 2A, are two companies: Crest Nicholson Residential PLC (Crest) and Redland Minerals Limited (Redland).

3.5 The Part 2A legislation requires a remediation notice to be served, unless the Agency is satisfied that appropriate things are being or would be done voluntarily, without the service of a notice. In 2005, the Agency served a remediation notice on the APs. Following an appeal, the Secretary of State for the Environment issued a decision on 22 July 2009. This upheld the actions of the notice that the Agency recommended to the Inspector at the appeal hearing, but slightly varied the division of responsibility between the two APs (the First Notice).

3.6 In his report to the secretary of state on the 2007 appeal the inspector:

- Stated that, while there is some uncertainty over the precise extent of the plume, measurements suggest that concentration contours of 0.5 ug/l bromate and 125 ug/l bromide are broadly coincident.
- Established a target concentration for bromide of 500 µg/l was established to be applied to public water supply groundwater abstractions within the plume to protect them from bromate formation during water treatment (paragraph 302 Inspector's report)

3.7 All actions in the First Notice have been completed and/or expired, with the last action expiring 21 July 2019.

3.8 The Agency served a second remediation notice with accompanying Decision Document on Crest and Redland on 17th July 2019. Both Crest and Redland appealed against the second remediation notice on 7th August 2019.

3.9 The Decision Document submitted in support of the second remediation notices provides further detail with respect to the technical aspects of the bromate/bromide plume and remains our current view.

3.10 A Voluntary Remediation Statement (VRS) was signed on 24th September 2020 and the second remediation notice withdrawn. Currently, work is underway to address the actions as set out within the VRS.

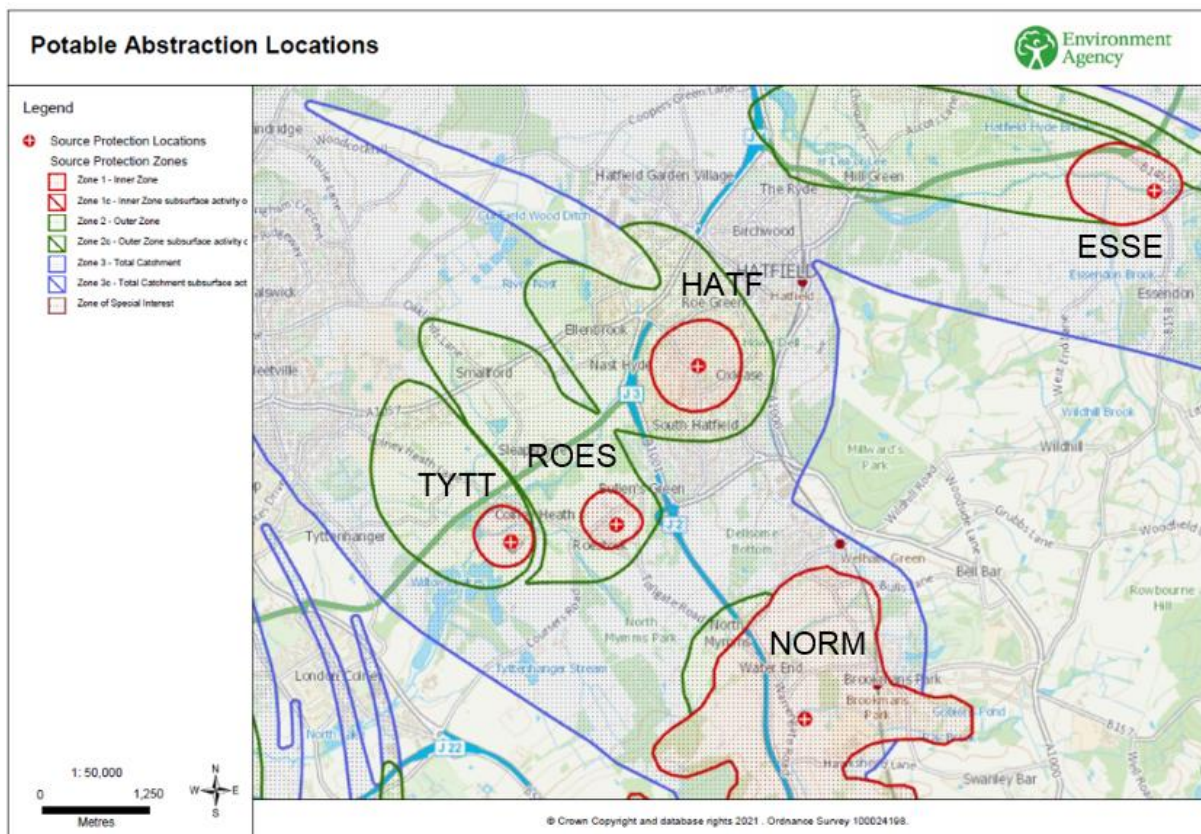


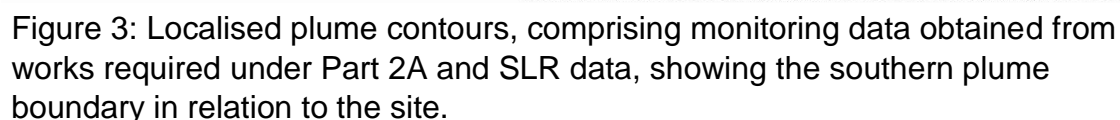
Figure 2: Potable abstraction locations. NORM= North Mymms: TYTT= Tyttenhanger: ROES=Roestock and HATF= Hatfield

4. PRE-APPLICATION DISCUSSIONS WITH BRETT AGGREGATES

4.1 In 2012, the Agency entered into pre application discussions with SLR Consulting Ltd (SLR) acting on behalf of the applicant Brett Aggregates Limited (Brett) regarding the proposed quarrying activities. At the time there was uncertainty regarding the location of the southern boundary of the bromate plume and concerns that the quarrying activities could interact and potentially exacerbate the effect of the bromate plume on groundwater quality.

4.2 In order to address these concerns, Brett undertook several phases of site investigation, including groundwater quality monitoring to allow for a better, understanding of the bromate plume local to the Site. These works were completed

4.3 Quarterly monitoring data, commenced in 2013 and now covers over 7 years and importantly includes representative groundwater level changes and different pumping regimes at HATF. Figure 3 shows the revised contours provided by SLR.



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the quarrying activity, including dewatering, could be managed without risking exacerbating the bromate contamination.

5. CONSENTS ISSUED BY THE AGENCY

5.1 The Environmental Permitting Regulations 2016 require operators of certain activities that could potentially harm the environment or human health, to obtain a permit from the Agency. Here, the operator has applied for and obtained permits for activities associated with the proposed site activities including waste management, groundwater abstraction and to discharge water to the environment:

5.2 The Agency granted Brett an Environmental Permit on 15 January 2018 for Inert landfill (including waste treatment & mining waste operations) for restoration of the land to a country park including lakes. (EA Environmental Permit Regulations licence application number: EA/EPR/EB3808HD/v002. EA Waste Management Licence number: 403832). This permit was modified on 2 January 2020 to amend the waste types that the site can accept within the Inert Category.

5.3 The Agency granted Brett groundwater abstraction licences for dewatering and minerals processing on 2 November 2018. (Agency Abstraction Licence numbers: TH/039/0028/054 for mineral washing, and TH/039/0028/051 for dewatering).

5.4 The requirements of each of these permits/licences were developed in consultation with Agency hydrogeologists familiar with the issues associated with the bromate contamination in groundwater.

6. THE APPEAL APPLICATION

6.1 The planning application the subject of this appeal was submitted by Brett on [date] (the Appeal Application). Upon being consulted on the Appeal Application the Agency lodged several objections on matters relating to the river Nast on the Site which Brett overcame. Based on the information provided by Brett, and the Agency's own understanding of the hydrogeological conditions in the vicinity of the Site, it recommended that planning permission should be granted subject to the inclusion of conditions attached to any permission granted, which required the provision of a Water Monitoring and Management Plan for each phase of the quarry.

6.2 The three conditions are provided below and, should the appeal be granted the Agency would recommend that this are included as part of the decision document:

Condition 1

Each phase of the development hereby permitted shall not commence until a Water Monitoring & Management Plan relating to that phase has been submitted to, and approved in writing by, the Mineral Planning Authority. Reports as specified in the approved Water Monitoring & Management Plan, including details of any necessary contingency action arising from the monitoring, shall be submitted at the times identified to, and approved in writing by, the Mineral Planning Authority.

Each Water Monitoring and Management Plan shall refine the Groundwater and Water Management Plan Final (Version 5) prepared for: Brett Aggregates Limited by SLR Consulting and shall include:

1. Details of construction and water management during construction of the two infiltration lagoons;
2. Clarification of the restored site discharge point for the UML back-drain;
3. A long-term groundwater monitoring plan to continue during and post the operational phase to include;
 - A. Monitoring and reporting programs;
 - B. Location of monitoring points including additional monitoring boreholes particularly in the vicinity of the infiltration lagoons;
 - C. Analytical suites and limits of detection;
 - D. Groundwater level monitoring;
 - E. Details of contingency actions in the event of impact;
4. A mechanism for periodic review; and
5. A timetable of monitoring and submission of reports to the Mineral Planning Authority.

Reason

To protect controlled waters and to not exacerbate the existing groundwater pollution.

- ensuring no deleterious impact to groundwater quality, in accordance with Policy 16 (Soil, Air and Water) of the Hertfordshire Waste Core Strategy 2012;
- To prevent development that would have an unacceptable risk or adversely affect water pollution;
- To minimise the risks associated the flow and quantity of surface and groundwater and migration of contamination from the site, in accordance with paragraph 143 of the NPPF.

Condition 2

The two infiltration lagoons and back drain shall be constructed in accordance with the Groundwater and Water Management Plan Final (Version 5) prepared for Brett Aggregates Limited by SLR Consulting as refined by the Water and Monitoring Management plan approved under condition 1 above prior to the commencement of mineral extraction.

Reason

To protect controlled waters and to not exacerbate the existing groundwater pollution.

Condition 3

Groundwater monitoring and the management of water shall be conducted by the Mineral Operator in accordance with the Groundwater Management Plan as refined by the approved Water and Monitoring Management Plan, prepared for Brett Aggregates Limited by SLR Consulting for the lifetime of the development.

Reason

To protect controlled waters and to not exacerbate the existing groundwater pollution.

List of Documents

- 1- Report to the Secretary of State for Environment, Food and Rural Affairs, Environmental Protection Act 1990, Contaminated Land Remediation Notice served by the Environment Agency, Appeals by Redland Minerals Limited and Crest Nicholson Residential plc, St Leonards Court, Sandridge, Hertfordshire, Inquiry opened on 16th April 2007 (Dated 23 November 2007, file ref: APP/CL/05/01 APP/CL/05/02)
- 2- Part 2A of the Environmental Protection Act 1990. St Leonards Court Decision Document, Part 2 (Environment Agency July 2019).
- 3- Part 2A of the Environmental Protection Act 1990. St Leonards Court Decision Document, Part 1 (Environment Agency July 2019)
- 4- Hatfield Aerodrome Permit number EPR/EB3808HD
- 5- Water Resources Full Licence to Abstract Water, Licence Serial No: TH/039/0028/054 (issued 02 November 2018)(mineral washing)
- 6- Water Resources Transfer Licence to Abstract Water, Licence Serial No: TH/039/0028/051 (issued 02 November 2018)(dewatering)
- 7- Agency letter dated 5 September 2016 to Hertfordshire County Council (ref: NE/2016/124652/02-L01, their ref: PL\0755\16)
- 8- Agency letter dated 3 July 2020 to Hertfordshire County Council (ref: NE/2016/124652/06-L01, their ref: PL\0755\16)
- 9- Agency letter dated 8 March 2019 (ref: NE/2017/127920/CS-02/SB1-L01).
- 10- Part IIA of The Environmental Protection Act 1990, St Leonards Court, Decision Document, Environment Agency, November 2005.
- 11-Environment Protection Act 1990, Section 78E(1), The Contaminated Land (England) Regulations 2000 (SI 2000 NO:227), The Contaminated Land (England)(Amendment) Regulations 2001 (SI 2001 NO: 663), Remediation Notice- St. Leonards Court (8th November 2005).
- 12-Environment Protection Act 1990, Section 78E(1), The Contaminated Land (England) Regulations 2006 (SI 2006 NO: 1380), The Contaminated Land

(England)(Amendment) Regulations 2012 (SI 2012 NO: 263), Remediation
Notice- St. Leonards Court (17th July 2019)