



# **Agenda Reports & Other Papers**

Presented to the  
Meeting of the  
**Development Control Committee**  
on  
**Wednesday, 18 December 2019**

**1. Agenda**

1 - 246

# Agenda



**AGENDA for a meeting of the DEVELOPMENT CONTROL COMMITTEE in the COUNCIL CHAMBER, County Hall, Hertford on WEDNESDAY 18 DECEMBER 2019 at 10.00AM**

**MEMBERS OF THE COMMITTEE (10) (Quorum = 3)**

D Andrews, D J Barnard, S J Boulton, D S Drury, E M Gordon, J S Hale, M D M Muir (Vice-Chairman), S Quilty, I M Reay (Chairman), A D Williams

## **AGENDA**

Meetings of the Committee are open to the public (this includes the press) and attendance is welcomed. However, there may be occasions when the public are excluded from the meeting - for particular items of business. Any such items are taken at the end of the public part of the meeting and are listed below under "Part II ('closed') agenda".

The Council Chamber is fitted with an audio system to assist those with hearing impairment. Anyone who wishes to use this should contact the main (front) reception.

**Members are reminded that:**

- (1) if they consider that they have a Disclosable Pecuniary Interest in any matter to be considered at the meeting they must declare that interest and must not participate in or vote on that matter unless a dispensation has been granted by the Standards Committee;**
- (2) if they consider that they have a Declarable Interest (as defined in paragraph 5.3 of the Code of Conduct for Members) in any matter to be considered at the meeting they must declare the existence and nature of that interest. If a member has a Declarable Interest they should consider whether they should participate in consideration and vote on the matter.**

## **PART I (PUBLIC) AGENDA**

### **MINUTES**

To confirm the minutes of the meeting of the Development Control Committee held on 27 November 2019 (*attached*).

## **PUBLIC PETITIONS**

The opportunity for any member of the public, being resident in or a registered local government elector of Hertfordshire to present a petition relating to a matter with which the Council is concerned, and is relevant to the remit of this Committee, containing 100 or more signatures of residents or business ratepayers of Hertfordshire.

Notification of intent to present a petition must have been given to the Chief Legal Officer at least 5 clear working days before the meeting where an item relating to the subject matter of the petition does not appear in the agenda, or at least 3 clear working days where the item is the subject of a report already on the agenda.

[Members of the public who are considering raising an issue of concern via a petition are advised to contact their local member of the Council. The Council's arrangements for the receipt of petitions are set out in [Annexes 12 & 23](#) of the Constitution.]

If you have any queries about the procedure please contact Elaine Manzi on telephone no. (01992) 588062

## **MOTIONS (Standing Order C9)**

Motions may be made on a matter relevant to the Committee's terms of reference (other than motions relating to a matter on the agenda, which shall be moved when that matter is discussed).

Motions must have been notified in writing to the Chief Legal Officer by 9 am on the day before the meeting and will be dealt with in order of receipt.

No motions had been submitted at the time of agenda dispatch.

- 1. 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**  
**LPA REF: 5/0394-16**

*Report of the Director of Environment & Infrastructure*

## **OTHER PART I BUSINESS**

Such other Part I (public) business which, the Chairman agrees, is of sufficient urgency to warrant consideration.

## **PART II ('CLOSED') AGENDA**

### **EXCLUSION OF PRESS AND PUBLIC**

There are no items of Part II business on this agenda. If Part II business is notified the Chairman will move:-

*"That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph \*\* of Part 1 of Schedule 12A to the said Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information."*

If you require a copy of any of the reports mentioned above or require further information about this agenda please contact Elaine Manzi, Democratic Services Officer on telephone no. 01992 588062 or email: [elaine.manzi@hertfordshire.gov.uk](mailto:elaine.manzi@hertfordshire.gov.uk)

Agenda documents are also available on the internet at  
<https://democracy.hertfordshire.gov.uk/CalendarofCouncilMeetings>

**QUENTIN BAKER**  
**CHIEF LEGAL OFFICER**

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# Minutes



To: All Members of the  
Development Control  
Committee, Chief Officers, All  
officers named for 'actions'

From: Legal, Democratic & Statutory Services  
Ask for: Elaine Manzi  
Ext: 28062

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## DEVELOPMENT CONTROL COMMITTEE WEDNESDAY 27 NOVEMBER 2019

### ATTENDANCE

#### MEMBERS OF THE COMMITTEE:

D Andrews, D J Barnard, S J Boulton; D S Drury, E M Gordon, J S Hale; T Howard  
(*substituting for S Quilty*); M D M Muir (Vice-Chairman), I M Reay (Chairman);

#### OTHER MEMBERS IN ATTENDANCE:

None

Upon consideration of the agenda for the Development Control Committee meeting on 27 November 2019 as circulated, copy annexed, conclusions were reached and are recorded below:

### CHAIRMAN'S ANNOUNCEMENTS

- (i) Members of the public were welcomed to the meeting and advised of safety procedures in the event of an emergency.
- (ii) If a Member wished their particular view on an item of business to be recorded in the Minutes, it would be recorded on request by that Member.
- (iii) Members were reminded of their obligation to declare interests at the start of the meeting.

### PART I ('OPEN') BUSINESS

		ACTION
	<b>MINUTES</b>	
	The minutes of the Committee meeting held on 31 October 2019 were confirmed as a correct record and signed by the Chairman.	

	<b>PUBLIC PETITIONS</b>	
	None received.	
<b>1.</b>	<b>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</b> <b>LPA REF: 5/0394-16</b>	
	Officer Contact: Chay Dempster- Principal Planning Officer - Development Management (Tel: 01992 556211)	
1.1	The Chairman advised Members that officers had received a request from the applicant asking that the Committee defer consideration of this application to a future meeting of the Committee. The reason given was that the applicant wished to undertake additional work to fulfil the requirements of the Section 106 agreement with regards to the highway and footpath improvement. The Chairman stated that subject to Member's agreement to defer, it was anticipated that the application would be presented to the Committee at its next meeting on 18 December 2019.	
1.2	<b>RESOLUTION:</b> Further to a request from the applicant, Members agreed to defer consideration and decision of the application until a future meeting of the Committee. It was noted that it was anticipated that the application would be considered at the next meeting of the Committee, scheduled to be held on 18 December 2019.	
<b>2.</b>	<b>RESUBMISSION OF PLANNING PERMISSION 0/0883-13 FOR THE CREATION OF CROSS COUNTRY TRAINING AREA, SHOW JUMPING AND DRESSAGE TRAINING AREA, INCLUDING THE IMPORTATION OF INERT MATERIAL AT CALDECOTE FARM, CALDECOTE LANE, BUSHEY, HERTFORDSHIRE, WD23 4EF.</b>	
	Officer Contact: Mrs Sharon Threlfall - Senior Planning Officer (Tel: 01992 555062)	



2.1	Members considered an application for the resubmission of planning permission for the creation of a cross country training area, show jumping and dressage training area, including the importation of inert material at Caldecote Farm, Caldecote.	
2.2	In response to a Member query, it was clarified that this application was separate from that of the application for the replacement Equestrian Centre. It was explained that the application for the Equestrian Centre had been considered and determined by Hertsmere Borough Council on 6 August 2019. It was confirmed that construction had commenced on the Equestrian Centre.	
2.3	Members agreed that due to the implementation of the determined planning permission for the Equestrian Centre by Hertsmere Borough Council, this removed the requirement for a Section 106 agreement to control the phasing and land shaping on the site.	Sharon Threlfall
2.4	The Committee were advised that since the publication of the report, and the point raised at 5.6, officers had received an update from Cadent Gas Ltd, who had advised that they were now content to agree the application, as they were satisfied with the protection methods proposed by the applicant's engineer team. Members agreed that officers should be authorised to update the conditions proposed within the report to create an additional condition to reflect this.	Sharon Threlfall
2.5	During discussion it was noted that the benefits of noise reduction from the proposed bund and would need to be considered together with the impacts this may have upon openness. A Member request that the landscaping conditions outlined within the proposed conditions should be robustly enforced was noted.	
2.6	In response to Member concern regarding the risk of flooding from the land onto the M1 motorway, it was confirmed that it was anticipated that the three ponds on the site would collect a majority of rainwater, and the conditions attached to the application with regards to the mitigating the effects of surface water runoff had satisfied the initial concerns raised by Highways England and the Lead Local Flood Authority. It was noted that the detail of how these conditions would be met was the responsibility of the applicant.	
2.7	Further to concerns raised by Members of the Committee, it was acknowledged that whilst the overall responsibility of the monitoring of the inert materials being brought on site was held by the Environment Agency, it was agreed that an additional condition to the application should be created to ensure the	Sharon Threlfall

	regular submission of the vehicle log to reduce the risk of the inert material coming on to site containing asbestos, timber or other potential harmful materials, and agreed that Council officers would monitor the site regularly. It was also agreed to notify the Environment Agency outlining the concerns raised by the Committee to reinforce the need for close monitoring.	
2.8	In response to a Member challenge, it was clarified that the information outlined at 6.44 of the report was based on average loads and maximum movements per day. It was acknowledged that in bad weather, HGVs would undertake less than 60 movements per day, and on an average day would sometimes carry more or less than the average of 9 cubic metres per load. It was confirmed that overall the importation of inert material would not exceed 55,795 cubic metres over the 38 week construction programme.	
2.9	Further to a Member comment, it was agreed that it would be requested as part of the conditions of the HGV vehicle movements that HGVs leaving the site would be directed to turn left rather than right out of the site to reduce the impact of traffic through Bushey. In addition to this, it was noted that officers could not be prescriptive regarding having a 'wheel wash' on site but had stated within the conditions that vehicles leaving the site should be in a condition not to emit dust or mud, slurry or debris. It was noted that this requirement was outlined at condition 13.	Sharon Threlfall
2.10	In response to a Member question, it was confirmed that the Local Member, Cllr Seamus Quilty, supported the application.	
2.10	<b>RESOLUTION:</b> Further to a vote by a show of hands, Members unanimously agreed that the Director of Environment & Infrastructure be authorised to grant planning permission subject referral to the Secretary of State and his not wanting to call the application in for decision and to the thirty conditions outlined within the report and the amendments and additions to the conditions as outlined within these minutes.	
3.	<b>PROPOSED CONSTRUCTION OF A NEW PRE-SCHOOL NURSERY BUILDING AND ASSOCIATED WORKS AT LAND TO THE SOUTH OF COX'S GARDENS, BISHOPS STORTFORD</b>	
	Officer Contact: Simon Smith- Principal Planning Officer (Tel: 01992 58882)	
3.1	Members considered a planning application outlining the planned construction of a new pre school unit at land south of Cox's Gardens in Bishop's Stortford.	

3.2	During discussion, Members, led by Cllr David Andrews, expressed their disappointment at the lack of consideration within the report given to sustainable building construction, planning and development, especially given the building would be a Council owned property. It was noted the County Council as planning authority needed to make decisions in accordance with the development plan and the policies of East Herts Local Plan (set out in the report) in reaching their decision.	
3.3	Further to Member debate, and continued frustration expressed by Members about the Council proposals promoting high sustainable construction requirements, it was agreed that a training session would be held for Members to understand the regulations and policy surrounding sustainable building construction..	Brian Owen
3.4	In response to a Member question, it was confirmed that the application met the policy requirements of East Herts District Council District Plan.	
3.5	Subsequent to a concern raised by a Member, it was agreed that the construction hours of working – plant and machinery should be reduced from 07:30 -18.30 on a weekday and 7:30-13:00 on a weekend or Bank Holiday to 08:00-18:00 on a weekday and 08:00-13:00 on a weekend or Bank Holiday to reduce the impact of noise and disruption to residents.	Simon Smith
3.6	Further to a Member request, it was agreed that consideration would be made to the planting of additional trees or hedgerow where there were appropriate gaps around the site to promote screening of the site and offset the environmental impact of the build.	Simon Smith
3.7	<p><b>RESOLUTION:</b></p> <p>Further to a vote by a show of hands, Members unanimously agreed that the Director of Environment &amp; Infrastructure be authorised to grant planning permission subject to the 16 conditions outlined within the report and the amendments and additions to the conditions as outlined within these minutes.</p>	

**QUENTIN BAKER**  
**CHIEF LEGAL OFFICER**

**CHAIRMAN** \_\_\_\_\_

**CHAIRMAN'S**  
**INITIALS**

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**HERTFORDSHIRE COUNTY COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**WEDNESDAY 18 DECEMBER 2019 AT 10:00AM**

WELWYN HATFIELD BOROUGH COUNCIL  
ST ALBANS CITY & DISTRICT COUNCIL

Agenda No.

**1**

**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  
LPA REF: 5/0394-16**

*Report of the Director of Environment & Infrastructure*

Contact: Chay Dempster- Principal Planning Officer (Tel: 01992 556211)

Local Members: Margaret Eames - Petersen  
John Hale

Adjoining Member: Paul Zukowskyj

**1. Purpose of report**

- 1.1 To determine the planning application (5/0394-16) for the establishment of a new sand and gravel quarry 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 mineral working at Land at the former Hatfield Aerodrome site. The site is shown on the site location plan in Appendix 1.
- 1.2 The application site is within the Metropolitan Green Belt. Development consisting of inappropriate development on land allocated as Green Belt which by reason of its scale or nature or location would have a significant impact on the openness of the Green Belt must be referred to the Secretary of State for a decision on whether or not to call-in the application for determination<sup>1</sup>. The Department for Housing, Communities and Local Government recently expressed an interest in the application and officers confirmed the application will be referred to them before a decision is made, should this committee resolve to grant planning permission.

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<sup>1</sup> The Town and Country Planning (Consultation) (England) Regulations Direction 2009

## **2. Background**

- 2.1 Members will recall this application was reported to committee in January 2017 with a resolution to grant planning permission subject to:
- (a) completion of a new Section 106 agreement for the mineral working;
  - (b) a deed of variation to the original Section 106<sup>2</sup> to insert new triggers for the establishment of Ellenbrook Park (“the Park”); and
  - (c) submission of landscape management document for the wider Park area.
- 2.2 The application was due to be reported to committee on July 2019, however, after the report was published the applicant submitted further environmental information relating to concentrations of Bromate in the groundwater. Further consultation was carried out in August 2019. The Environment Agency then requested monitoring data for Bromide. The data was submitted and further consultation was undertaken in September 2019.
- 2.3 The re-consultations resulted in a wide range of views being expressed both in general opposition to the proposed mineral working, which are addressed in the January 2017 and July 2019 reports, and in relation to the new information that was published.
- 2.4 This report summarises the ‘new’ issues raised during the re-consultation, specifically:
- establishment of the Park and Trust<sup>3</sup>
  - Bromate and Bromide pollution in groundwater; and
  - cumulative impacts of mineral workings on the local area
- 2.5 The committee reports for January 2017 and July 2019 provide a detailed description of the proposed development and a full assessment of the planning issues and material planning considerations. Members are advised the committee reports for January 2017 and July 2019 are a material consideration and should be taken into account when determining the application. The reports are included in the agenda pack (Appendix 2).
- 2.6 In relation to the new Section 106, there have been detailed discussions with the mineral operator (Brett Aggregates) since January 2017. The new Section 106 provides for

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<sup>2</sup> For the re-development of the former Hatfield Aerodrome

<sup>3</sup> Ellenbrook Park Preservation Trust, board members to comprise, five members from Arlington and one member each from Welwyn Hatfield Borough Council, St Albans District Council, Hatfield Town Council, Colney Heath Parish Council, Watling Chase Community Forest, and an independent member to be agreed by the parties but provisionally to be a member nominated by the Landscape Institute

- (a) a sustainable transport contribution of £92,000 (index linked) as a contribution towards improvements of the Hatfield Road and Ellenbrook Road junctions and improvements of the Hatfield Road and Ellenbrook Road junction;
  - (b) a sum of £30,000 for maintenance of the highway should any deterioration be identified following a condition survey prior to the commencement of development (for each five year period of the development)
  - (c) to enter into a Section 278 agreement under the Highways Act 1980 relating to the improvements at (a) above prior to the commencement of development; and
  - (d) provision of a network of extensions to the Rights of Way network throughout the site in accordance with the routes and specifications prescribed in the definitions section of the s106
- 2.7 The principles of the new section 106 have been agreed with the parties and should be completed once there is a resolution to grant planning permission.
- 2.8 In regard to the deed of variation, a series of meetings have been held with the landowner (Arlington) and officers from Welwyn Hatfield Borough (WHBC) and St Albans District Council (SADC) since January 2017 to discuss the deed of variation. In recent discussions Arlington has proposed revised heads of terms to:
- establish the Trust;
  - transfer the full contribution to the Trust;
  - provide a lease to the Trust for Home Covert, Cutfield Wood, and the Northern Fields upon establishment of the Trust;
  - retain the southern fields to allow mineral working; the southern fields will continue to form part of the Park and will be available to the Trust on a rolling basis upon the progressive restoration of each phase of the mineral working;
  - to allow continued public access to all parts of the Park, except for the minerals operation areas, for the duration of the mineral working.
- 2.9 In terms of the Landscape Management Document, a series of meetings have taken place attended by Landscape Officers and McGregor Smith Landscape Architects (representing Arlington) to discuss the details of the Landscape Management Plan. The Plan illustrates the layout of the entire Park showing proposed areas for conservation grazing, woodland planting, public access, and nature conservation. The proposals are broadly acceptable to the councils although the final details will need to be agreed by the Trust. The Plan will be subject to public consultation and there will be an opportunity to present the Plan and proposals for the deed of variation to the relevant council's Development Management committees in the early part of 2020.

- 2.10 In relation to the establishment of the Trust, there is clearly considerable local interest in establishing the Trust and the present opportunity should be taken. Arlington has agreed to establish the Trust. Therefore, officers do not consider there is a requirement to maintain a link between the minerals application and establishment of the Trust, and it may be regarded as unreasonable to withhold planning permission on this basis.
- 2.11 The legal advice is clear that the obligations contained within the original agreement in relation to the Park/Trust remain enforceable against the landowner, and, in the event the councils are unable to reach an agreement with the landowner regarding the deed of variation, they may still seek to enforce compliance with the agreement through the Courts. However it is hoped this will not be necessary given there the good intentions of all parties involved. The councils have agreed at Head of Service level to enforce the original obligations if necessary.
- 2.12 Accordingly, officers do not consider it necessary to complete the deed of variation prior to the granting of minerals planning permission and will continue to work closely with colleagues at WHBC, SADC and the landowner to ensure that the Trust is established as soon as possible.
- 2.13 In regard to bromate and bromide, Members will be aware that the groundwater in the area is contaminated by a plume of bromate. The source of the pollution is the former chemical works site in Sandridge which has been on the contaminated land register since 2002. In November 2005 the Environment Agency issued a remediation notice on the Appropriate Persons<sup>4</sup>. The notice was upheld by the Planning Inspectorate on appeal and the 12 remediation steps came into effect in 2010.
- 2.14 The Environment Agency's consultation response (28 August 2019) says given the sensitivity of controlled waters in this location -
- no mineral shall be 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; and
  - any activities close to the plume must not interfere with the remediation of the bromate and bromide pollution.
- 2.17 The further information submitted by the applicant in August and September 2019 comprised recorded concentrations of bromate and bromide in monitoring boreholes for the period 2013 to 2019. The data records bromate concentrations within the site do not exceed the UK Drinking Water Standard and are well below levels that would require

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<sup>4</sup> Crest Nicholson Residential Plc (Crest) and Redland Minerals Ltd (Redland)



remediation under the first remediation notice active since 2010. No mineral extraction is proposed within the bromate plume.

- 2.18 The mineral deposit occurs in an upper and lower horizon. The planning application proposes extraction of both the Upper Mineral Horizon (UMH) and Lower Mineral Horizon (LMH). The bromate is largely contained within the lower mineral horizon which corresponds with the lower aquifer. The proposal is to construct lagoons to manage groundwater from the UMH and LMH separately.
- 2.19 The Environmental Statement provides details of the proposed method of working in the UMH and LMH to minimise the risks to groundwater from mineral working. In the UMH engineered clay bunds will prevent groundwater ingress in to the workings. In the LMH the deposit would be worked in parcels measuring 100m x 30m and backfilled with site-won granular material. The proposal is to construct two lagoons to manage groundwater from the UMH and LMH separately to prevent groundwater from the LMH mixing with groundwater in the UMH. Any groundwater pumped from the lower aquifer will be stored in the LMH lagoon and infiltrate into the lower aquifer. The UMH void is proposed to be infilled using imported inert waste. The Environment Agency has issued a landfill permit<sup>5</sup> restricting the maximum amount of waste to 250,000 tonnes per annum.
- 2.20 The Groundwater Management Plan (GMP) condition recommended by the Environment Agency will require detailed information to be submitted prior to the commencement of mineral extraction. The condition will control mineral extraction in both the UMH and LMH, provide for continuous monitoring throughout the working, and includes a mechanism for review. The principles of the GMP have been agreed by the Environment Agency and Affinity Water, subject to further detailed information being submitted prior to the commencement of mineral extraction.
- 2.21 The Environment Agency is satisfied that the GMP condition will provide the Mineral Planning Authority with an appropriate level of control to minimise the risks to groundwater. The Environment Agency considers it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission. Affinity Water has confirmed that the condition provides an appropriate level of protection of the public water supply from mineral working.
- 2.22 This report concludes -
- (a) In relation to the Trust, firstly, the landowner is willing to establish the Trust following the grant of minerals planning permission, and secondly, there is the ability to enforce the obligations to establish

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<sup>5</sup> Permit number EPR/EB3808HD

Trust contained within the original s106. Given the means to establish the Trust exists separate to any planning permission for minerals working, officers consider the link that was considered necessary in January 2017 to bring about the establishment of the Trust, is no longer required. Officers consider that it may be regarded as unreasonable to withhold planning permission for mineral working on such a basis where the development is acceptable in all other respects;

- (b) In relation to bromate and bromide, the environmental information submitted in August and September 2019 is sufficient to conclude no mineral extraction is proposed within the bromate plume. The Environmental Statement provides satisfactory information on the method of working designed to minimise the potential impact on groundwater. The means to treat the pollution is provided by the first remediation notice<sup>6</sup> and further steps as may be required under the second remediation notice. The condition recommended by the Environment Agency will provide satisfactory mitigation of the risks to groundwater from mineral working. Further detailed information will be required prior to the commencement of mineral working. Affinity Water is satisfied the condition will provide adequate protection of the public water supply;
- (c) In relation to cumulative impacts of mineral workings in the area, the levels of HGV traffic generated by the proposed new quarry and the continued operation of Hatfield Quarry represent a small proportion of overall traffic using the A1057, at an average of less than 5%. The Highway Authority requires a proportionate financial contribution for improvements to two roundabouts between the site entrance and the A1(M) to mitigate the impact on these junctions. Given the limited impact and the financial contribution for junction improvement works the Highway Authority considers the impact on the local network would not be at a level to warrant refusal of the application.

2.23 For the reasons set out above it is recommended that the Director of Environment & Infrastructure be authorised to grant planning permission subject to:

- (a) completion of a new s106 to address issues set out in 2.6 above;
- (b) the conditions set out in Appendix 3, and;
- (c) referral of the application to the Secretary of State for a decision on whether or not to call-in the application for determination.

### **3. Proposed Development**

3.1 The description of development is set out in paragraphs 6.1 to 6.23 of the 25 January 2017 committee report (Appendix 2B).

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<sup>6</sup> The first remediation notice requires treatment to a level not exceeding 500µmg/l

#### **4. Site and surroundings**

- 4.1 A description of the site and surroundings is set out in paragraphs 4.1 – 4.7 of the 24 July 2019 committee (Appendix 2A)  
<https://democracy.hertfordshire.gov.uk/ieListDocuments.aspx?CId=157&MId=246&Ver=4>

#### **5. Planning policy and law**

- 5.1 The Development Plan and planning law considerations are set out in paragraphs 6.1 – 6.17 of the 24 July 2019 committee report (Appendix 2A).

<https://democracy.hertfordshire.gov.uk/ieListDocuments.aspx?CId=157&MId=246&Ver=4>

#### **6. Statutory consultation responses**

- 6.1 The **Welwyn Hatfield Borough Council** responded as follows:

This Council's Development Management Committee considered a report on this application at its meeting on 14 November 2019 and resolved to raise strong objections to the application for the reasons set out below.

<https://democracy.welhat.gov.uk/ieListDocuments.aspx?CId=156&MId=1064>

'This Council is strongly opposed to any 'decoupling' of a decision on this application from (Hertfordshire County Council) HCC's previously stated requirement for a deed of variation to the original Section 106 agreement from 2000. Members take the view that such decoupling would lead to a considerable risk of Ellenbrook Park not being fully delivered and transferred to the Ellenbrook Park Trust, which is unacceptable to them given the delays which have already occurred.

This Council also has strong objections due to the potential effect of the proposed development on the existing bromate and bromide contamination in the vicinity of the site (with consequent risk to human health), negative effect on air quality from the mineral workings and associated HGV movements, increased traffic congestion, noise and disturbance. The resulting level of HGV movements on the A1057 also appears to be in direct conflict with HCC's draft A414 Corridor Strategy, which envisages a purely local role for the A1057. This Council would want to see an alternative

transport strategy for the application which recognises this strategic aim.

The environmental impacts of the proposed development should also be seen in the context of the cumulative effect arising from the implementation of a minerals permission on this site, a further large site on land at Coopers Green Lane which is the subject of a current application to HCC for mineral extraction (HCC ref: PL\0963\18), and an already permitted site at Furze Field, also on Coopers Green Lane (HCC ref: PL\0820\16).

This Council urges HCC to seek a completely independent investigation of the bromate and bromide contamination and the likely effects of the proposed mineral workings on that contamination. Only a completely independent investigation will give the local community the confidence that its findings can be relied upon in order to assess the impacts of this application.

Finally, this Council is also of the strong opinion that the planning application should not be brought back to your Development Control Committee for decision until the concerns about the contamination and other environmental matters have been fully resolved.

6.2 **St. Albans City and District Council** raise serious concerns in respect to the proposed development relating to the following:

- 1) The Section 106 is complied with and the Country Park is in place
- 2) Traffic impacts of HGV movements
- 3) Land contamination as the bromate plume is known to affect land at the application site
- 4) The cumulative effect of mineral extraction in the area

With regard to the Section 106 agreement and the Country Park, there is significant concern that if this application is approved, the Country Park will not come forward. As such, it is considered that it may be prudent to delay the determination of this application until matters pertaining to the Country Park are resolved.

There are also concerns as to the routing of traffic associated with the proposed development. This particularly applies to HGVs which could have a significant impact on the local road network.

Regarding bromate, there are concerns that the proposed development could exacerbate existing land contamination issues, to the detriment of the local environment and water supply. This impact should be carefully considered in the determination of this application.

There are also concerns as to the high proliferation of mineral extract in this area, and the effect that this activity cumulatively would have on the local community.

We understand additionally that you will have received a further representation from Dr Mike Howarth, which you will also consider when determining this application.

Your attention is drawn to the attached Officer Reports which provide further detail on the above concerns. However, please note that this Report was produced prior to St Albans City and District Council's Planning Referral Committee. Therefore the resolution on this application is as set out in the above paragraphs.

If Hertfordshire County Council are minded to grant planning permission, the following conditions should be attached:

1. A desk-top study shall be carried out by a competent person not employed by or contracted to the landowner or aggregate company working the site to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The desk-top study shall comply with BS10175:2011+A2:2017 Investigation of potentially contaminated sites – Code of practice. Copies of the desk-top study shall be submitted to the (Local Planning Authority) LPA without delay upon completion.  
**Reason:** To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.
2. A site investigation shall be carried out by a competent person not employed by or contracted to the landowner or aggregate company working the site to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and provide information for a detailed assessment of the risk to all receptors that may be affected. The site investigation shall comply with BS10175:2011+A2:2017 Investigation of potentially contaminated sites – Code of practice. Copies of the interpretative report shall be submitted to the LPA without delay upon completion. The site investigation shall not be commenced until:
  - i. a desk-top study has been completed satisfying the requirements of (10) above;
  - ii. The requirements of the LPA for site investigations have been fully established; and
  - iii. The extent and methodology have been agreed in writing with the LPA. Copies of the interpretative report on the completed site investigation shall be submitted to the LPA without delay on completion.

**Reason:** To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

3. The results of the site investigation and the detailed risk assessment referred to in (2), shall be used to prepare an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The options appraisal and remediation strategy shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person not employed by or contracted to the landowner or aggregate company working the site.

**Reason:** To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

4. A verification report demonstrating completion of the works set out in the remediation strategy in (3) and the effectiveness of the remediation shall be submitted in writing and approved by the LPA. The report shall include results of validation sampling and monitoring carried out in accordance with an approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

**Reason:** To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

5. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

**Reason:** To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994

6. This permission shall be for a limited period only expiring 32 years after the date of this notice. On or before that date the quarry shall be restored as agreed, the use hereby permitted shall be discontinued and all plant and all waste and hardstanding (except for the access and car park to be retained for the Country Park) removed from the site.

**Reason:** The proposed form of development is by nature temporary and therefore not appropriate for a permanent permission.

7. Hours of operation - No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times 08:30 – 18:00 Monday to Friday and 08:30 – 13:00 on Saturdays; nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** In the interests of residential amenity. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.
8. Bunding and other measures shall be undertaken to ensure that noise levels shall be restricted to no greater than 70dB(A) with construction noise being below 55dB(A) at the nearest sensitive boundaries with residential properties.
9. Airborne particulates from operations on the site shall be minimised by spraying with or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring for dust is to be carried out continuously.  
**Reason:** In the interests of residential amenity. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.
10. The restoration works shall be carried out in accordance with full details which shall be submitted for approval prior to commencement of the development. The detailed works shall be carried out immediately following the quarrying of sand and minerals for each identified phase of quarrying and prior to the opening up of each restored phase to public access, in accordance with the programme agreed with the County Council.  
**Reason:** In the interests of visual and public amenity. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.
11. Prior to works commencing, details of an improved public access scheme shall be submitted for each stage of the scheme during and after each phase of restoration and following quarrying works.  
**Reason:** To ensure that an appropriate network of footpaths is provided, partly in lieu of existing public footpaths and that these are included within the final stage where they meet the needs of walkers both within the Country Park and beyond. To comply with Policy 91 of the St. Albans District Local Plan Review 1994.
12. Mitigation measures contained in the ecological survey of the site, shall be carried out at the appropriate time before development begins (or in relation to each phase as appropriate), in particular appropriate licences shall be obtained in order to mitigate the impact on protected species in advance of development commencing.  
**Reason:** To ensure that impact of the development on the contribution of nature conservation to the amenity of the area are mitigated and to comply with Policies 74 and 106 of the St. Albans District Local Plan Review 1994.

13. Details of the expected flood levels post restoration should be submitted prior to the commencement of the development.  
**Reason:** To protect against possible future flood risk in line with the NPPF. (National Planning Policy Framework).
14. Requirement for further archaeological work - No development shall take place until the applicant, or their agents or successors in title, have secured the implementation of a further programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the County Council.  
**Reason:** To ensure that adequate opportunity is provided for archaeological research on this likely historically important site. To comply with Policy 111 of the St. Albans District Local Plan Review 1994.
15. No development shall take place until details of additional bunding and earth works have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure the protection of those trees and shrubs which, in the interests of visual amenity, should be retained and also to ensure that acoustic bunding and fencing (on top of the bunding) will have the desired effect in relation to reducing any likely noise and disturbance, particularly for occupiers of the flats as Popefield Farmhouse. To comply with Policies 70 and 74 of the St. Albans District Local Plan Review 1994.
16. The routing for HGVs entering and exiting the site will be along a route connecting the site with the A1(M) along the A1057 and A1001 (Comet Way).  
**Reason:** In the interests of highway safety and residential amenity. To comply with Policies 34 and 70 of the St. Albans District Local Plan Review 1994.

6.3 The **Environment Agency** responded on 10 October 2019 stating:

- Controlled waters are particularly sensitive in this location because the proposed development site lies close to groundwater pollution of bromate and bromide from an off-site source.
- As previously stated [in response to consultation on the Minerals Local Plan], we advise 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;
- The submitted information demonstrates that it will be possible to fulfil these points and manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.
- In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a Water Monitoring & Management Plan. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework.

### **The following condition will be required**

#### Condition

The development hereby permitted shall not commence until a Water Monitoring & Management Plan, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

The Water Monitoring and Management Plan 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.
4. a mechanism for periodic review.

The plan should include monitoring and reporting programs, location of monitoring points including additional monitoring boreholes particularly in the vicinity of the infiltration lagoons, analytical suites, limits of detection and groundwater level monitoring. Details of contingency actions in the event of impact shall also be included.

The two infiltration lagoons and back drain shall be constructed in accordance with the approved Groundwater Management Plan prior to the commencement of mineral extraction.

Groundwater monitoring shall be conducted by the Mineral Operator in accordance with the long-term groundwater monitoring plan for the lifetime of the development.

Prior to mineral extraction in each Phase, the Groundwater Management plan shall be reviewed and an updated plan submitted and approved in writing by the Mineral Planning Authority.

The management of water shall be carried out in accordance with the approved Plan, or as otherwise agreed by the Mineral Planning Authority under the periodic review process, for the lifetime of the development.

#### Reasons

To protect controlled waters throughout the mineral extraction phasing, ensuring;

- 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.

To ensure there is 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.

#### 6.4 **Affinity Water** responded on the 10 May 2019 confirming -

- We have received an undertaking from the applicant that it will not commence extraction of mineral from the Lower Mineral Horizon until it has entered into an operating agreement with us. We have also agreed heads of terms relating to this operating agreement.
- We are satisfied that these arrangements will provide us as the appointed water undertaker with a direct ability to ensure that sources of water that we use for public water supply are protected during quarrying activity. We therefore withdraw our objections to the above application.
- We have also further considered the question of planning conditions and can confirm that having reviewed the position we do not consider that any additional or amended condition is necessary. In our view, the

Groundwater Management Plan condition proposed by and agreed with the Environment Agency is appropriate and adequate in accordance with the relevant Government guidance.

6.5 **Colney Heath Parish Council** strongly objects to the application to quarry land at the old Hatfield Aerodrome.

- We are disappointed that new information on the bromate plume is dated February 2019, 6 months out-of-date, and incomplete as some boreholes have no data attached to them. We believe up to date information is needed to support the application and must be accurate, full and clear, particularly as we know that the bromate readings are seasonally affected by climatic conditions, so it is expected that summer months will show a higher level of pollution.
- We believe the quarrying process may draw the bromate pollution onto the dig area and contaminate the source water used by Affinity Water to provide public supplies.
- We accept that Affinity will not put contaminated water into the public network, but if this occurs, we will risk losing this valuable resource of water for decades at the least. We also accept that the applicants, Brett Aggregates, will monitor the area for bromate but once detected it is too late, it can take centuries to naturally dissipate.
- We do not believe that the water management plan that the applicants are relying upon will fully eliminate the risk of drawing the bromate pollution onto the site. The figures shown by the applicants themselves on these documents show the bromate pollution (BH201) is nine times the World Health Organisations recommended level at just 66 metres from the perimeter of the dig site and 56 times at (BH305) at circa 500 metres.
- We challenge whether the water management plan can be effective whilst the lagoons are being dug themselves and are concerned that this action will draw the bromate plume further towards and onto the quarry area. We would question whether the water management plan eliminates this risk fully, or just reduces the risk, if the latter is the case then we believe that the potential risks are too high and you should not be supporting such a risky venture.
- The Hertford Bengoe quarry was rejected due to the fear of contaminating the water supply for Hertford. We believe that the risk posed by bromate pollution on the Aerodrome is a much higher risk than that posed at Bengoe.
- A Letter from Affinity Water's, Julie Smith to HCC (13th August 2018) stated:  
*"Our Tyttenhanger and Roestock sources are to the south of the existing location of the plume and are outside of its area of influence. There is a risk that quarrying activity could direct the plume towards the south impacting on existing public water supplies at Tyttenhanger and Roestock. They are important and long standing public water supply sources, and it is essential that an appropriate regime is in place to avoid the proposed quarrying activities impacting on the protection of*

*the supply sources from the bromate plume. It is therefore critical that this matter is fully resolved before any permission is granted."*

- This indicates to us that the quarrying process could draw the bromate plume onto the site and contaminate the water. It is unclear to us why the authorities are prepared to take a risk here in Hatfield, with a plan that may mitigate the risk but not eliminate it, whereas in Bengoe they did not accept a lesser risk.
- When you go to the map supplied by the applicant and find borehole BH108, it makes reference to all three levels i.e. BH108U (Upper Mineral Horizon), BH101L (Lower Mineral Horizon) and BH108C (chalk aquifer). It shows ND (None Detected) in red between the two markers. It shows nothing else relating to what should be three separate readings. So, looking at the map you get the false impression that there is no bromate at this location. You can see from looking at the table that BH108CHK - Chalk Aquifer has a reading of 0.227mg/l or when stated in the same measure as the WHO guidelines 227.3µg/l. (22.7 times the WHO safe limits). The same issue can be found with borehole BH105. We do not feel this is a very clear way of proceeding with a lack of information in one document whilst using differing means of measurement on the two documents.
- We have requested full details re current bromate levels and are again asking for current figures up to July to identify if any change in readings, either due to the movement of the plume or due to differing climatic conditions, this is a known possibility. Further we are still asking for data from all the known boreholes, surely this is needed by the applicant to prove the area is not contaminated.
- We strongly believe that the information circulated must be accurate, full, transparent, clear and up to date to support informed decision making.
- This bromate plume is the biggest contamination of bromate & bromide in Europe and a 10-year remedial plan has already failed to stop the spread of the plume. It is not too late to reject this application to quarry on the Aerodrome; the stakes are too high to support it.

6.6 **Ellenbrook Area Residents Association** objects to the application -

- There is now further information available about the risks associated with the bromate plume that should make this application too high a risk for the County and residents of Hatfield. We do not understand how an application to quarry on a site, that is so close to the bromate plume, can even be considered and we would like to see evidence of a proper risk assessment being carried out by independent, qualified experts in this field.
- The Environment Agency and Affinity Water are relying on data about the bromate contamination levels and the effects of quarrying in such a close proximity to the plume may have on the direction and flow of the Bromate plume from companies that have a financial vested interest in the quarry going ahead, rather than using independently captured data from verified sources. We believe that adopting a water management plan approach as proposed in the quarry application is flawed as it will

only come into effect when it is too late. In our opinion the council should not allow the quarry to happen due to the risk, they should not be relying on a ground water management plan which will alert everyone when the damage has been done. This potential risk is too serious to ignore.

- Hertfordshire County Council appear to be making the target of providing gravel the most important factor in their decision making rather than the other factors involved including consideration of viable alternatives. We strongly object to the quarry application for the following reasons.

#### Pollution & the Bromate Plume – health risks

- We believe that the application for the quarry does not comply with the National Planning Policy Framework February 2019 for a number of reasons including:
  - “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 ...” (Chapter 15 )
  - “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 (Paragraph 180)
- We are unclear whether or not the NPPF has been followed with regard to this quarry application.
- There is a lack of current data from the quarry site measuring the bromate contamination and an absence of NPPF documentation showing that the framework has been followed.
- We do not believe that the potential serious consequences of disturbing the bromate plume have been weighted sufficiently in the decisions taken by the appropriate governing / regulatory bodies i.e. Environment Agency, Hertfordshire County Council, Welwyn Hatfield Borough Council and Affinity Water.
- Bromate is a known carcinogen, but very little research is available to understand the health implications for the local population. Potential exposure to this deadly product is an unacceptable risk for residents.
- The proposed quarry site is right next to the bromate plume. We strongly object to such a high-risk operation taking place so close to the plume and cannot understand why this application continues to be pursued by the planning authorities despite the evidence of risk to our water supplies by contamination from the plume.
- To quarry so close to the plume is an unacceptable risk to our health and environment. The World Health Organisation (WHO) has set a limit of 10 micrograms bromate in one litre of drinking water. This bromate plume next to the quarry contravenes those guidelines by a huge amount of Known readings within 100 m of the quarry perimeter show levels 9 times greater than the WHO levels of Known readings within

500 m of the quarry perimeter show readings 56 times greater than the WHO levels

- The Environment Agency have been fully involved in the remediation plan to deal with the bromate plume, yet despite this, after 10 years of remediation work the plume shows little sign of abatement and continues to travel across Hertfordshire. The fact that the spread of the bromate plume appears to not be fully understood by the experts regarding its movement and behaviour is of major concern to us.
- The refusal of this application at this time does not preclude the gravel being extracted in the future. The country park has a lease for a definitive period of time, during which the bromate plume will have been resolved hopefully, at which time the gravel will still be there for future extraction if needed.
- We believe that any land close to the bromate plume should not be disturbed by either quarrying or housing development to reduce the likelihood of the bromate spreading further.
- The information recently supplied by the applicant is already six months out of date. The latest information on the bromate plume (Feb 2019) has been supplied covering a time when the water levels are higher due to rain in the Winter months. We believe that up to date information should be supplied after dry periods (such as this Summer) when bromate levels are likely to be different. We believe that informed decisions should only be made with clear, up to date information.
- We do not believe that the water management plan (as agreed between the applicant and Hertfordshire County Council to manage any issues with the bromate plume) provides sufficient safeguards to deal with the risks of either cross contaminating the upper and lower mineral aquifers or the possible impact on the lateral movement of the plume.
- We believe that an independent investigation should be carried out by qualified experts in this field to assess the risk of quarrying so close to a bromate plume before any planning applications are considered.
- We do not accept that sufficient resources within the Environment Agency (EA) have been dedicated to fully investigate the potential spread and impact of the plume on the local environment. The fact that the 10 year mitigation plan (as approved by the EA in 2008) to stop the spread of the plume from Sandridge (the original source of the plume) has completely failed
- Our community are very concerned about the potential grave health issues that the local population may have been exposed to prior to the plumes discovery in early 2000
- We remain concerned that no known official investigation into the harm this may have caused to the general public has been instigated, or made public, and that no health monitoring surveys appear to be in place or again been made public
- We are also concerned that despite a huge amount of effort being made to stop the plume, it continues to spread and shows no sign of abating. Again this seems like a high risk strategy to take
- We believe that the risk to public water supplies contravenes MLP policies 17 and 18. Policy 17(iv) provides that development would not be permitted if it would have a negative quantitative and/or qualitative

impact on groundwater resources, unless appropriate measures can be imposed to mitigate any harmful effects. We believe that the risk to the groundwater resources on Ellenbrook Fields is very high; the mitigation proposed by the applicant does not eliminate the risk entirely and therefore the application should not be approved, and the groundwater resource put at any risk.

- We are really concerned that the quarry may have potentially catastrophic effects on the scarce water resource in the aquifer under the proposed dig site, used as the source for our public water supplies and do not believe that any risk to the water source should be taken.
- Our contention is not necessarily that the bromate pollution plume has already contaminated the dig site, but that the quarrying process may draw the bromate pollution onto the area and contaminate the source water used by Affinity Water to provide public supplies. The water management plan that the applicants are relying upon will not in our opinion eliminate this risk of drawing the bromate pollution onto the site, the plan is not a strong enough safeguard and leaves too high a risk to take with the source water.
- The bromate plume has already affected the land and water supply in and around our area of Hatfield. Two local pumping stations have already been affected by the plume; one in Hatfield had to be closed when it was realised this was putting contaminated water into the public water systems, and one in Essendon is closely monitored to ensure that the drinking water remains below WHO guidelines, this means that Affinity Water have to keep turning it off and mixing the water with uncontaminated water to lower the bromate concentration in order to keep the community supplied with clean, safe drinking water. If the plume continues to move in a southerly direction it will start to affect the remaining uncontaminated water pumping stations. We do not believe that any risks to the remaining supplies in the area should be taken.
- Affinity Water and the Environment Agency have both recently made media statements regarding the scarcity of water in the future. We find it difficult to believe that the Environment Agency and Affinity Water can make such statements whilst still looking to give their permission to this quarry which could contaminate huge quantities of source water.

#### Cumulative impact

- All three specific sites in the mineral plan are in one small part of Hatfield. We believe that this is an unfair concentration of mineral works in one small area of the county.
- This small area of Hertfordshire has already had quarrying for more than 40 years. This application will extend the quarrying for another 32 years meaning that this area will have been subjected to quarrying for over 70 years. This is a lifetime for most of us and it is unacceptable to concentrate so much quarrying in one small part of the county. We do not believe that the cumulative impact of having three quarry sites in one small part of Hatfield has been fairly assessed as part of the planning process and should be reconsidered.
- The concentration of quarrying in this area will also generate additional

HGV traffic movements on the A1057 (St Albans Road West) identified in the A414 consultation as at or exceeding capacity, with limited scope to enhance the road to provide additional capacity.

- The Welwyn Hatfield and Stevenage-Hitchin Highway Model Welwyn Hatfield Local Plan Mitigation Testing document says
  - *“St Albans Road is either approaching or exceeding capacity in either direction and in both AM and PM time periods and in the PM period, Ellenbrook Lane NB (northbound) approach also has a Volume to Capacity ratio over 90% during PM. Delays of over 5 minutes are expected in the roundabout due to the vehicles from the major road (A1057) having to give way to vehicles approaching from Ellenbrook Lane”*
- Section 7 of the A414 Consultation document page 180 says
  - *“The A1057 Hatfield Road / St Albans Road West links Hatfield and St Albans. It is an intensively used corridor for shorter and longer distance trips by a variety of modes for different journey purposes including commuting, access to the University of Hertfordshire, shopping and logistics. There is limited scope to enhance the road to provide additional capacity and this may not be desirable from a place and movement perspective which should aim to give greater priority to the local functions of the road and to discourage the use of the road for through trips, including those travelling from western parts of St Albans (or beyond) to the A1(M) or areas along the A414 corridor east of Hatfield”.*
- This additional HGV traffic will also be on top of recent local developments that have generated considerable traffic flow along the A1057. The cumulative impact of all the recent developments does not appear to have been taken into consideration and the road network has already been identified as at or above capacity. The additional 174 vehicle movements a day will only exacerbate these issues.
- We also believe that the council has not taken into account the economic and delivery risk if for any reason extraction has to stop on one or more of the proposed quarries.

#### Green Belt & the Country Park

- Ellenbrook Fields as a country park was promised to residents under a Section 106 agreement, which despite nearly 20 years passing since it was agreed has still not been set up. The Country Park Trust must be set up before any planning application is considered to protect this valuable resource and ensure that activities on this site are agreed in accordance with the Section 106.
- It is completely unacceptable to residents that the officers of the council are recommending that the Section 106 be decoupled from the quarry planning application. This is not in the interests of the residents.
- The council should be protecting the country park on behalf of the residents and not allowing the developers to call the shots.
- Ellenbrook Fields is a unique, irreplaceable valuable resource for the community that promotes health and well-being for residents. This



quarry will effectively destroy the green belt between Hatfield and St Albans for the next 30+ years.

- The Development of Evidence for Welwyn Hatfield Local Plan: Green Gap Assessment clearly states that it is inappropriate to build on the green belt land between Hatfield and St Albans along the A1057 area and has identified this area as a gap policy area to prevent the future merging of Hatfield with St Albans

#### Access to the site

- We believe that this concentration of works in one area will have a major impact on the traffic movements in the area, particularly on the A1057 St Albans Road West as both the Cemex and Brett quarries will be using the same road network. Cemex have permission to utilise 250 vehicle movements a day, they are not and have not to date used anywhere near this, however with the permissions granted already and the commencement of a new quarry at Furze Field starting next and the infilling commencing on other parts of the Cemex quarrying operation they anticipate they will be at full capacity by spring of 2020. This will add more vehicles to the A1057 that do not currently use the road
- MLP policy 16 states that mineral development will only be permitted when the provisions for vehicle movement are such that traffic generated would not have an unacceptable impact on highway safety, the effective operation of the road network, residential amenity or the local environment
- We believe that the risk posed to highway safety at the entrance to the quarry site (by Notcutts) flouts MLP policy 16. This site will have 174 HGV movements a day onto a single carriage road. To access the site HGVs will need to have a turning lane on the A1057 into the access road as all traffic must enter coming from the East. This is a busy road and slow HGVs queuing in this lane will cause the traffic to back up, it will only take two or three lorries waiting to completely block the road.
- It is unclear to us as residents why Hertfordshire County Council is so keen to go ahead with such a high risk venture when there are other viable alternatives elsewhere in the county with lower risk and potentially higher yields
- The quarry application at Bengoe was dismissed due to possible ground water contamination; we believe that the risk posed by the bromate plume at Hatfield is a far more serious and realistic threat than the risk posed at Bengoe
- Due to the high risk associated with the bromate plume which may cause gravel extraction to pause or stop, this site cannot guarantee the supply of the expected amount of sand and gravel.

#### **6.7 Salisbury Village Residents Group objects to the application –**

- We are struggling to understand why the Section 106 as defined in law has been allowed to drift for the last 19 years to the point that the planning authority are considering allowing the developers “to get away

with” not implementing the Section 106 and compensating local residents as is the entire purpose of planning obligations.

- The original intent of the Section 106 was completely clear. It was put in place as a condition to be complied with in order to obtain the planning consent. The rationale behind this agreement was to compensate the local population for the loss of the open space (formerly Hatfield Aerodrome) and changed environment of the area surrounding the developments.
- If you now give away the last piece of leverage on the landowners Arlington, this will go on and on with nothing done to protect the residents ‘gift’ emanating from and intended by this Section 106. No discussion re the Quarry application should be progressed until the landowners have signed the agreement, setting up the trust, paying over the financial contribution and assigning the lease as agreed to in the original Section 106. You must remember that the application albeit by Brett Aggregates is on behalf of the landowners Arlington.
- The best way to de-couple the two is to get the Section 106 implemented with the trust set up, the monies paid over, lease assigned. Any alterations to the memorandums of understanding can be done post this.

- 6.8 **Marshalswick North Residents’ Association** confirms ‘We have previously expressed our support for the concerns raised by Ellenbrook Residents’ Association concerning the proposed development of this quarry and would wish to confirm our continued support.

We wish to ensure that the concerns of residents within our area are fully understood and taken into account when you review this application. In particular, we would wish that you ensure that the following matters are fully assessed and actions implemented:-

1. Brett Aggregates are required to provide the previously legislated and long outstanding Country Park PRIOR to any further development on the site.
2. The effects on the local environment from noise and airborne pollution, including up to date traffic surveys have been collected any fully assessed.
3. The cumulative impacts of other developments in the close proximity, planned and actual, are fully taken into consideration, including
  - a. Oaklands Grange – 348 homes by Taylor Wimpey already under construction
  - b. East St. Albans Broad Location – further 900 homes, plus schools within SADC emerging Local Plan
  - c. Symondshyde Village – 1,130 homes HAT15 within the Welwyn Hatfield Local Plan
  - d. Further 1,650 homes HAT1 within the Welwyn Hatfield Local Plan adjacent to A1M’

## 6.9 **Third Party responses**

The application was re-advertised under the 2011 Environmental Impact Assessment Regulations<sup>7</sup>. A summary of representations received include:

- The proposal to decouple the mineral working from the country park is unacceptable given 20 years have passed since this was agreed the Park and Trust must be established now or risk the Park will never be established.
- The Country Park Trust must therefore be set up before any planning application is considered in order to protect this valuable resource and ensure that activities on this site are agreed in accordance with the Section 106. The rights of residents need to be given precedence of those of developers.
- The Park and Trust must be set up before any planning application is considered to protect this valuable resource.
- If this application goes ahead it is unlikely that the Country Park will ever materialise.
- The country park is a unique resource for the residents of Hatfield and is well used by dog walkers, cyclists and especially by runners including the weekly Park Run. There is no alternative to this location in the area if the quarry goes ahead. This location is important for the health and well-being of local residents.
- This quarry will effectively destroy the green belt.
- It will also destroy the areas that the public so much enjoy to walk around and result in a loss of wildlife.
- This small area of Hertfordshire has already had quarrying for 40 years. This application will extend the quarrying to 72 years. It is unacceptable to concentrate so much quarrying in one small part of the county.
- Unacceptable cumulative impacts of having three quarry sites in one area – this must be reconsidered.
- Hertfordshire County Council declared a climate emergency in July. The attempt to quarry on one of the last truly rewilded areas in the vicinity of St Albans into an industrial site does not follow this commitment.
- The proposal would significantly affect Green Belt land. Ellenbrook Fields represents a crucial green space that has been rewilded by wildlife, plants, trees, and is a unique setting, close enough to be enjoyed by everyone.
- There is no alternative in the area for such recreation and all the physical and mental health benefits that brings.
- The proposed quarry result in a loss of ancient woodland and wildlife habitats
- Cumulative impact of 174 HGV movements with other quarries and proposed developments in the area
- The proposed use as a quarry undervalues the importance of maintaining green spaces for well -being of the residents of Hatfield for

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<sup>7</sup> The application was submitted prior to the 2017 EIA regulations coming into force

example the Park is regularly used by several hundred people for Park Run. Areas that promote and enable healthy lifestyles are priceless and must be protected.

- The quarry will destroy the green belt between Hatfield and St Albans.
- The impact of bromate contamination on our water supplies
- Too much quarrying in Hertfordshire is concentrated in such a small area of the County.
- The increased traffic along the road at the end of my road adds to the impact on the health of the residents of this part of Hatfield because of the increased fumes.

## **7. Planning considerations**

7.1 The full planning considerations are set out in paragraphs 10.1 to 10.232 of the 25 January 2017 committee report and in paragraphs 8.1 – 8.77 of the 24 July 2019 committee report. The main considerations arising from the re-consultation in August and September 2019 relate to –

- Establishing Ellenbrook Park and Trust;
- Bromate and Bromide pollution
- Cumulative Impacts

### Ellenbrook Park

7.2 Since the resolution in January 2017, detailed discussions have taken place with officers from Hertfordshire County Council, WHBC and SADC and Arlington resulting in broad agreement over the terms of the deed of variation and the landscape management document. Arlington has committed to establish the Trust and pay the financial contribution with immediate effect following the grant of planning permission.

7.3 The legal advice confirms the requirement to establish the Trust is an ongoing and enforceable obligation which remains the fall-back option for the Councils if a negotiated settlement cannot be agreed quickly. In these circumstances, officers consider there is not sufficient purpose in maintaining a link between mineral working, and further, it would be unreasonable to withhold mineral planning permission on this basis.

7.4 The establishment of the Trust remains a priority of the Councils to address the considerable level of interest in the Trust within the local community. Officers will continue to work with officers at WHBC and SADC to seek to establish the Trust at the earliest opportunity and will bring a report back to this committee reporting on the progress with the establishment of the Trust in the early part of 2020.

7.5 There is continued planning purpose in establishing the Trust. The Councils remain committed to securing the Trust in accordance with the original s106 obligation. The ability to enforce the obligations in the original s106 agreement is a material consideration which should be given weight in the decision. It remains the case that securing the Park

and Trust via an agreement with Arlington is still the preferred option. An agreement appears to be realistic option and negotiations should be completed quickly to ensure that it happens.

#### Bromate and Bromide

- 7.6 The groundwater to the north and west of the application is known to be contaminated by bromate<sup>8</sup>. The extent of the pollution plume is indicated on the regional bromate plume map (July 2014)<sup>9</sup>. The plume is defined on the map by concentrations in the range 10 to >1000 µg/l.

- 7.7 The Environmental Statement reports –

*Bromate has been detected over the UK Drinking Water Standard of 0.01mg/l [i.e. 10µg/l] in boreholes BHB, BH201, BH105 and BH108 within the LMH and Chalk. There have been multiple detections in all these boreholes which are situated to the northwest of the application site. The maximum recorded concentration is 0.33mg/l [i.e. 330µg/l] in BH105L which is the furthest north-west borehole to the site*

- 7.8 In relation to Bromate, further environmental information was submitted in August 2019 consisting of bromate concentrations in boreholes in the vicinity of the site August 2013 to February 2019 for each quarter over the period to allow for seasonal variation in groundwater levels. The data indicates that bromate has not been detected above the UK Drinking Water Standard in any borehole within the application site during the period. Where higher levels of bromate have been have been recorded, for example >300µg/l at boreholes BH105 and BH108, these boreholes are located some distance outside of the site, approximately 200m and 300m respectively north- east of the application site.
- 7.9 The Environment Agency response of 28 August 2019 confirmed ‘the information shows that the February 2019 bromate plume boundary in the Lower Mineral Aquifer is similar to that presented for this planning application back in 2016’. Having reviewed the bromate data, the Environment Agency requested bromide concentrations recorded over the same period to consider any possible correlation with the extent of the bromate plume. The bromate and bromide concentrations are recorded in the tables and shown on the plan in Appendix 4.

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<sup>8</sup> Bromate is a man-made chemical compound (Sodium bromate & Potassium bromate) and a suspected carcinogen. Bromate is highly soluble and thus presents a potential risk to the public water supply when present in groundwater. The UK Drinking Water Standard for bromate is 10µg/l or 0.01mg/l

<sup>9</sup> Regional bromate plume July 2014 Drawing No.4 (Environmental Statement)

- 7.10 The data shows bromide concentrations recorded above 125 µmg/l at a limited number of boreholes outside of the application site i.e. BH103 (1049µg/l), BH105 (794 µg/l), BH106 (309 µg/l), BH108 (168µg/l), and BH301 215 µg/l). It is important to note these boreholes are not within the application site or the mineral extraction area.
- 7.11 In terms of any potential correlation between bromate and bromide, the Planning Inspector for the first remediation notice was unable to define the extent of the bromate plume, suggesting bromate concentrations of 0.5 µg/l typically coincided with bromide concentrations 125 µg/l, and given bromide concentrations in the Hatfield Area are typically in the range 50-100 µg/l, suggested bromide concentrations above 125 µg/l are likely to fall within the plume of pollution.
- 7.12 Within the application site, bromide concentrations of 2097µg/l and 1400 µg/l were recorded in the UMH in August 2018 and February 2019 respectively at borehole (GMW103) located in the north-west corner of the site adjoining Hatfield Quarry. It is important to note borehole GMW103 is within the processing plant area where no mineral extraction is proposed to take place.
- 7.13 In terms of the potential impact of mineral working on groundwater, limited dewatering of the LMH/Chalk aquifer will be required in order to excavate the inter-burden prior to working the deposit in the LMH. This operation has the potential to intercept bromate contaminated water from north east of the mineral working.
- 7.14 The detailed groundwater management plan required by the Environment Agency will include a monitoring programme to verify the effectiveness of the proposed mitigation and agree any necessary contingency actions. The restoration scheme is also subject to an Environmental Permit which limits the volume and type of material for disposal at the site. The Environment Agency considers that, with these measures in place, the proposed development would not present unacceptable risks and the groundwater environment would be adequately protected. These measures will reduce the likelihood of the potential impact. The treatment and remediation of the bromate plume will continue to be considered under the final step required for the first remediation notice and any subsequent steps as may be agreed / deemed necessary under the second remediation notice.
- 7.15 In policy terms, the NPPF requires planning decisions to –
- Contribute to and enhance the natural and local environment by ‘preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability’, and ‘wherever possible, help to improve local environmental conditions such as air and water quality, taking into

account relevant information such as river basin management plans'  
*Paragraph 170 (e)*

And ensure that –

- a site is suitable for its proposed use taking account of ground conditions and risks arising from lane instability and contamination, this includes activities such as mining, and any proposals for mitigation including land remediation Paragraph 178 (a); and
- adequate site investigation information, prepared by a competent person, is available to inform these assessments Paragraph 178 (b)

- 7.16 Notwithstanding, there would be potentially major impacts if bromate were to be intercepted within the LMH, the groundwater management plan, to include a monitoring programme and mechanism for review, will ensure the risks to groundwater are minimised. The Environment Agency confirms the proposed development will be acceptable subject to the submission and agreement of a detailed groundwater management plan. This stance is supported by Affinity Water. The consultation responses from the Environment Agency and Affinity Water are contained within Appendix 5.
- 7.17 The further information has demonstrated bromate has not been detected at levels above UK Drinking Water Standards at any borehole within either the minerals extraction area or the planning application area, and as such there will be no conflict with the Environment Agency requirement that no mineral extraction shall take place from within the bromate plume. The groundwater management condition will ensure the risks to groundwater are adequately managed and the method of working adjusted if necessary to include further safeguards. The requirement by Affinity Water to enter into an agreement prior to any mineral extraction in the LMH provides the company responsible for the public water supply with the assurances they require before mineral working takes place within the LMH.
- 7.18 The levels of contamination have been monitored continuously since bromate was first detected in the early 2000's. There is considered to be adequate information available to inform an assessment of the likelihood of significant impacts as a result of the development. The site is considered suitable for the proposed use taking account of the information available on ground conditions and the risks arising from contamination. The restoration of the former Hatfield Aerodrome site to a country park should enhance the quality of the natural and local environment. The proposals are therefore consistent with the aims of the NPPF with regard to contaminated land.
- 7.19 In terms of potential emissions to air and noise during mineral extraction, noise and air quality monitoring schemes to be secured by condition will ensure the mineral working will not adversely impact residential amenity in the vicinity of the site. These matters are

assessed in paragraphs 10.104 - 10.128 of the 25 January 2017 committee report, and in paragraphs 8.54 – 8.66 of the 24 July 2019 committee report.

### Cumulative Impact

- 7.20 The Environmental Impact Regulations require consideration of the cumulative effects of development<sup>10</sup>. The potential cumulative traffic effects of the development are set out in the Transport Statement Addendum (August 2016), and include consideration of new housing developments, proposed housing allocations, and the operation of Hatfield Quarry.
- 7.21 The assessment makes a distinction between traffic generated by residential development, which generally impact peak hours, in contrast to quarries which generate a steady traffic profile throughout the day. Therefore, the assessment focusses on the cumulative effect of quarrying, in particular of Hatfield Quarry.
- 7.22 The assessment gives consideration to the traffic movements generated by Hatfield Quarry related to the extant planning permissions at the site, specifically, the extraction of up to 0.45MT of sand and gravel at Furze Field and infilling Cut Field lagoon with 1.2MT of inert waste. The TA Addendum takes account of individual traffic movements based on average 2015 weekday traffic (PCUs), as set out in Table 1 below.

Table 1					
Period (Hours)	2015 Background traffic	Proposed Brett (PCUs)	Proposed Cemex (PCUs)	Cumulative Total (PCUs)	Impact (%)
(All traffic) 00.00 – 24.00	16,164	368	200	568	3.5
AM Peak 08.00 - 09.00	1,154	46	20	66	5.7
PM Peak 17.00 – 18.00	1,303	46	20	66	5.1

- 7.23 The information in Table 1 shows that the cumulative impact of the two quarries operating concurrently would increase daily (24 hour) traffic flows on the A1057 by 3.5%, and by 5.7% in the AM peak, and 5.1% in the PM peak which is less than a 10% fluctuation in daily traffic levels. This level of increase in traffic related to mineral workings is not considered to be significant.
- 7.24 Traffic counts have been carried out at the proposed access to the site for a 1-week period in each year between 2015 and 2019 showing hourly traffic flows throughout the day. This information has been made available to the Highway Authority and was published as part of the

<sup>10</sup> Cumulative impacts are described as those caused by the sum of the project's impact when combined with those of other past, present or future projects



consultation in August 2019. The figures reveal a wide range in total traffic fluctuations over a 24 hour period. For example, the maximum traffic on one day in 2015 was 16,321 and on one day in 2019 the maximum traffic count was 15,693. The data indicates the overall volumes of traffic have not increased significantly over the period.

- 7.25 The available information has demonstrated that the operation of the proposed quarry at the former Hatfield Aerodrome in combination with Hatfield Quarry would not result in a significant cumulative traffic impact on the A1057.
- 7.26 The Highway Authority is satisfied that the cumulative traffic generated by the two quarries would not have a significant adverse impact on the operation of the highway network. The Highway Authority requires s106 contributions<sup>11</sup> for highway improvements on the A1057 at two junctions between the site access and the A1(M) i.e. (1) Hatfield Road / Ellenbrook junction (2) Hatfield Road / Comet Way junction. This will provide satisfactory mitigation for the impact on the highway network.
- 7.27 There are no objections from Highways England regarding the potential impact on the operation of Junctions 3 and 4 of the A1(M).
- 7.28 The responses from Ellenbrook Area Residents Association raise concerns in relation to the potential impact of new planned development in the area plus the proposed extraction of up to 3.5MT of sand and gravel and importation of 3.1MT of inert waste for restoration at Land Adjoining Coopers Green Lane (LACGL) (application PL\0963\18). The application proposes the export of sand and gravel from the existing quarry access on Oaklands Lane and importation of inert waste for restoration via Coopers Green Lane. The application is currently being considered and will be reported to this committee in 2020.
- 7.29 The TA Addendum for application PL\0963\18 predicts average HGV movements from Hatfield Quarry via Oaklands Lane/ A1057 would peak at 250 per day in 2021 and fall to 178 per day on average by 2026. In addition a further 174 HGV movements are proposed via Coopers Green Lane for the import of inert material.
- 7.30 The Transport Assessments for the current application and the Transport Assessment for application PL\0963\18 provide a clear picture of potential HGV movements within the Hatfield area related to mineral working. The Highway Authority considers the proposed development would not have a severe impact on the operation of the local highway network, and s106 contributions are sought for improvements to two key junctions on the A1057 between the site access and the A1(M) and a financial bond to address any deterioration of the highway network.

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<sup>11</sup> The Highway Authority seeks contributions based on Hertfordshire County Councils Planning Obligations Guidance Toolkit.

- 7.31 The available information demonstrates that the proposed development would not result in unacceptable cumulative impact on the local environment, taking into account the collective impacts of the operation of a number of concurrent and successive mineral operations. The proposed development therefore complies with Policy 11 (Cumulative Impact) of the Hertfordshire Minerals Local Plan and the NPPF (Paragraph 32)

## **8. Overall conclusion and planning balance**

- 8.1 Minerals Policy 1 of the adopted Hertfordshire Minerals Local Plan (MLP) 2002-2016 (adopted March 2007) seeks to maintain an appropriate landbank of sand and gravel reserves in accordance with government guidance. The NPPF 2019 requires Mineral Planning Authorities to provide for a steady and adequate supply of sand and gravel, including the maintenance of landbank equivalent to a minimum of 7 years. The current landbank within Hertfordshire is 7.2 years. There is therefore a pressing need for the minerals within the site in order to maintain an appropriate landbank above the minimum levels required. The proposal therefore complies with Minerals Policy 1 of the adopted Hertfordshire MLP.
- 8.2 The application site falls largely within Preferred Area 1 – Land at former British Aerospace (Inset Map No. 6) of the adopted MLP. Minerals Policy 3 states proposals for mineral working within Preferred Areas will only be permitted where they contribute to maintaining the County's appropriate contribution to local, regional and national aggregate needs. The proposal involves mineral extraction over a 32 year period and would contribute to the maintenance of an appropriate contribution to local, regional and national aggregate needs over an extended period of time. The proposal complies with Minerals Policy 3 of the adopted Hertfordshire MLP.
- 8.3 Part of the mineral extraction area falls outside Preferred Area 1 boundary, however this represents a small proportion of the overall site and the additional land is integral to the overall mineral working and restoration schemes. The proposal meets the site specific considerations for the site listed for (Inset Map No. 6).
- 8.4 In terms of compatibility of the restoration proposals with future use of the land, the indicative masterplan indicates an appropriate mix of conservation grazing, public access, and nature conservation. The conditions provide for progressive restoration to ensure large parcels of land are restored and available to the Trust on a rolling 5-7 year basis. The proposed restoration requires importation of a substantial volume of inert waste material to infill the mineral void. The additional HGV movements associated with reclamation are necessary in order to provide an appropriate afteruse compatible with the Park. The proposal

complies with Policies 13 (Reclamation), 14 (Afteruse) and 15 (Landfill) of the adopted Hertfordshire MLP.

- 8.5 Public access to the land will be maintained throughout the mineral workings via a network of permissive paths and as part of the restoration scheme via extensions to the Rights of Way network to be delivered under the new s106 agreement. The proposed restoration is compatible with the Rights of Way Improvement Plan for the area and the aims of Minerals Policy 18 of the adopted Hertfordshire MLP, and will provide opportunities for walking and cycling between Hatfield and St Albans consistent with Policy 1 (User Hierarchy) and Policy 7 (Active Travel - Walking) of the Hertfordshire Local Transport Plan.
- 8.6 In terms of amenity considerations, the proposed mineral working and restoration schemes will provide appropriate buffer distances of at least 60m from sensitive uses which complies with principles in the Hatfield Aerodrome SPG. The proposals include noise attenuation bunds around the sensitive land uses at Popefield Farm and on the west boundary of the site. The buffer distances are appropriate taking into account the prevailing wind, the location of plant and other ancillary development. The noise impact assessment demonstrates that no significant noise intrusion will arise from the development. Additional air quality monitoring is required on the boundary of the site with sensitive land uses to inform any further control measures as necessary. The proposal complies with Minerals Policy 18 (Operational criteria for the control of mineral development).
- 8.7 The proposal will generate a total of 174 daily HGV additional movements on the A1057, between the A1001 and A1(M) which equates to less than 5% of the total traffic using this section of the A1057, which is typically below daily fluctuations. The Highway Authority is satisfied that the road will continue to operate within capacity.
- 8.8 The proposed site access is to be provided at the only suitable location on the A1057. The additional HGV movements generated by the development will use the shortest possible route to the trunk road network. There is no other reasonable alternative to the transport of minerals from the site. The proposal therefore complies with the site brief and with Policy 16 of the adopted Minerals Local Plan.
- 8.9 In terms of cumulative effects of mineral working on the local area, the NPPF 2019 requires Mineral Planning Authorities to ensure there are no unacceptable adverse impacts affecting the natural and historic environment or human health. The establishment of a new sand and gravel quarry at the site, and its operation for an extended period, has the potential to result in cumulative impacts in association with other mineral working in the area.

- 8.10 The application has considered the current operation of Hatfield Quarry, including planning permission for an extension of mineral working at Furze field until 2023. There is also a current planning application to extend mineral working to land adjoining Coopers Green Lane which could potentially mean a continuation of mineral working at Hatfield Quarry until 2032. Notwithstanding, in fact that, past and present mineral workings have historically and continue to impact the local environment in terms of landscape, visual amenity, increased traffic on local roads, increased noise and air emissions, and diversion of local footpaths, the application proposals have demonstrated that the potential impacts of the proposed development are limited and will be satisfactorily mitigated by condition. The assessment of the potential impacts in relation to these matters is set out in paragraphs 10.104 - 10.128 of the 25 January 2017 committee report, and in paragraphs 8.54 – 8.66 of the 24 July 2019 committee report.
- 8.11 The planning conditions attached to the planning permission for Hatfield Quarry will ensure that mineral working at that site does not have an unacceptable impact on the local environment. The current planning application for land adjoining Coopers Green Lane (PL\0963\18) is subject to Environmental Impact Assessment, which includes a detailed consideration of the potential cumulative impacts of mineral working on the local environment. That application will be reported to this committee in 2020

#### Planning balance

- 8.11 Government policy with regard to facilitating the sustainable use of minerals states 'It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation (NPPF, paragraph 203). When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy (NPPF, paragraph 205).
- 8.12 National planning policy requires mineral planning authorities to maintain a landbank of sand and gravel for a minimum of seven years. The current landbank for Hertfordshire is 7.2 years. The mineral supplies from the site will ensure that adequate supplies are available to meet the County's agreed apportionment of regional supply, and the maintenance of an appropriate landbank above the minimum level for an extended period in the future.
- 8.13 The application site is situated largely within Preferred Area for Mineral Working (Preferred Area 1) in the adopted Hertfordshire Minerals Local Plan 2007, and the proposal fulfils the requirements of the site brief.

The proposed development complies with Policy 1 (Aggregates Supply), Policy 2 (Need for Mineral Working) and Policy 3 (Sites for sand and Gravel Extraction and the Working of Preferred Areas) of the adopted Minerals Local Plan, and will assist in facilitating the sustainable use of minerals in accordance with the NPPF (Section 17).

- 8.14 In terms of the Green Belt, inappropriate development is by definition harmful and should not be approved except in very special circumstances (NPPF, paragraph 144). 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.
- 8.15 Mineral extraction is not inappropriate development, however the related development, including the construction and operation of a processing plant, a ready mix concrete plant and screening bunds is considered to be inappropriate development. However, such facilities are required in order to process the large volume of material raised on site and to avoid unnecessary transport of minerals for processing. The bunds are essential to screen views of the mineral processing and provide noise attenuation.
- 8.16 In terms of the adverse impacts of mineral working the development would result in -
- low adverse and minor adverse visual impact upon the setting of Popefield Farm;
  - short-term significant adverse impact on grassland habitats;
  - minor (not significant) adverse impact in terms of noise and air quality;
  - minor (not significant) adverse traffic impact on the local highway network;
  - minor (not significant) adverse cumulative impact.
- 8.17 In terms of the positive impacts, the proposal provides for -
- a progressive restoration scheme compatible with future use of the land as a Park
  - permanent extensions to the Rights of Way network
  - long term enhancement to the setting of Popefield Farm
  - potential net biodiversity enhancements from restoration
  - continued public access to the land during operations via permission paths
- 8.18 In the balancing exercise
- great (positive) weight is given to the benefits of mineral extraction;
  - substantial (positive) weight to compliance with policies in the adopted Hertfordshire Minerals Local Plan

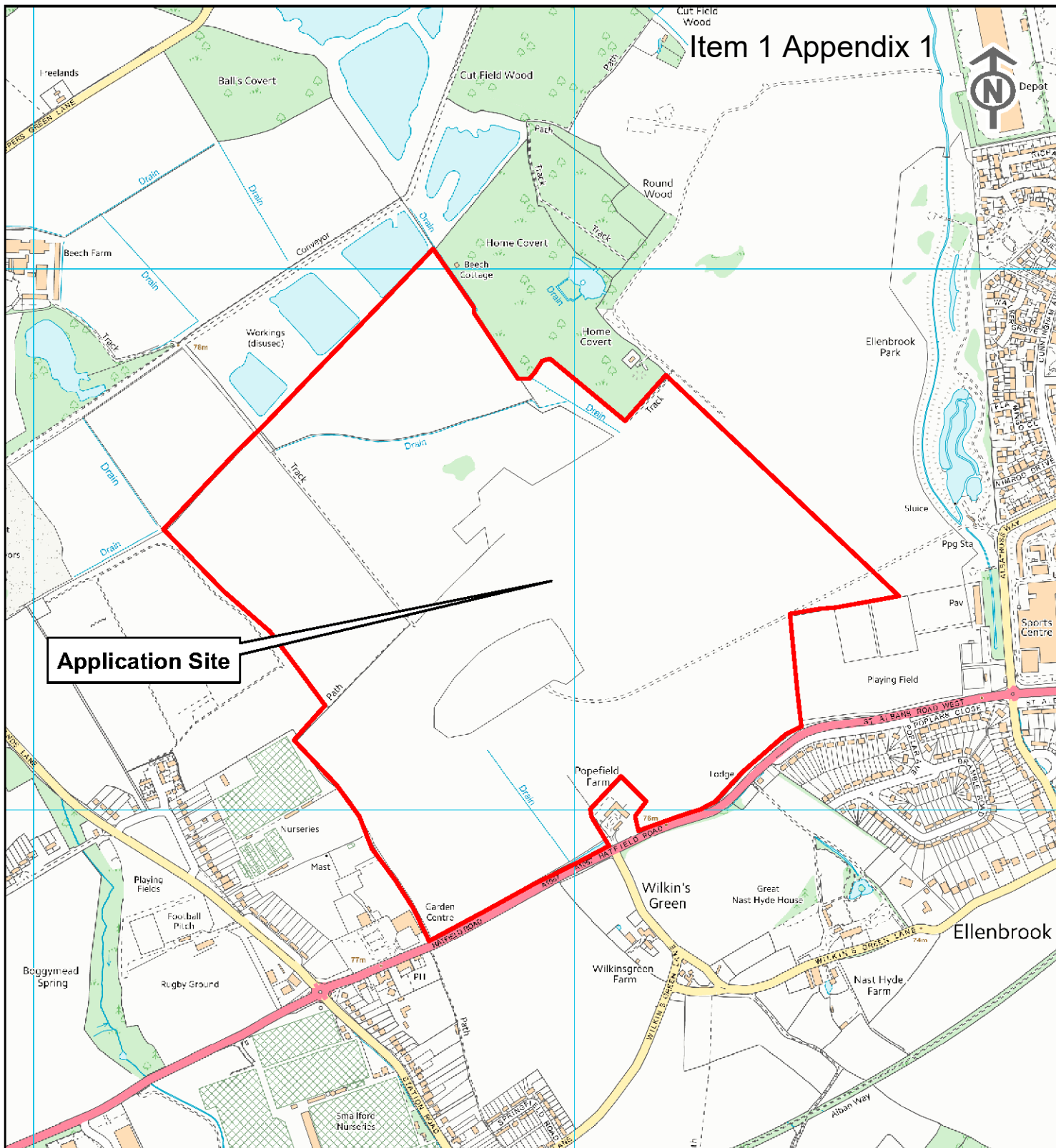
- moderate (positive) weight to the benefits of restoration compatible with a Park;
- moderate (positive) weight to the ability to enforce the obligation in the original s106;
- substantial (negative) weight is given to the inappropriate development and impact on openness of the Green Belt, for an extended period of 32 years;
- moderate (negative) weight to risk to groundwater pollution from Bromate and Bromide
- moderate (negative) weight to the minor adverse impacts upon Popefield Farm, to habitats, from air and noise emissions, and long term adverse impacts on landscape and visual amenity;
- moderate (negative) weight to the delay in delivering the entire area of the Park during the mineral extraction phases

8.19 Overall, the positive aspects of the proposed development, including the benefits of mineral extraction, the maintenance of an appropriate landbank, compliance with the policies of the adopted Hertfordshire Minerals Local Plan, and facilitating the sustainable use of minerals, taken together, clearly outweigh the harm to the Green Belt and other harm. Therefore it has been demonstrated there are very special circumstances which justify the inappropriate development. The proposed planning conditions address the risk to groundwater , compensate for the loss of habitats, provide for continued public access, minimise emissions to air and water, and regulate the operation of the quarry in terms of the hours of operation and HGV movements to minimise the adverse environmental effects.

8.20 The proposal involves development which by reason of its scale may have a significant impact upon the openness of the Green Belt. Therefore any resolution to grant planning permission will need to be referred to the Secretary of State for a decision whether or not to call-in the application for their determination.

8.21 For the reasons set out in the above report, it is recommended that The Director of Environment & Infrastructure be authorised to grant planning permission for the proposed development, subject to:

- (a) completion of a new s106 to address issues set out in 2.6 above
- (b) the conditions set out in Appendix 3, and
- (c) referral of the application to the Secretary of State for a decision on whether or not to call-in the application for determination.



Application Site



**Development Control Committee - Wednesday 18th December 2019**

**Proposed application for the establishment of a new quarry on the land at 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 to restore the mineral workings at Land at Hatfield Aerodrome, Off Hatfield Road**

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Item 1 Appendix 1b





**HERTFORDSHIRE COUNTY COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**THURSDAY 24 JULY 2019 AT 10:00AM**

**WELWYN HATFIELD BOROUGH COUNCIL**

Agenda No.

**1**

**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  
LPA REF: 5/0394-16**

**Report of the Director of Environment & Infrastructure**

Author: Chay Dempster -Principal Planning Officer - Development  
Management (Tel: 01992 556211)

Local Member: Margaret Eames- Peterson, Hatfield North  
John Hale, Colney Heath & Marshalswick

Adjoining Member: Paul Zukowskyj, Hatfield South

**1. Purpose of report**

- 1.1 To determine the planning application (5/0394-16) for the establishment of a new sand and gravel quarry 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 mineral working.

**2. Background**

- 2.1 The planning application was reported to committee in January 2017 and the committee resolved to grant planning permission subject to the completion of a new section 106 and a variation to the original section 106 for re-development of the former British Aerospace site in order to insert new timescales for the delivery of Ellenbrook Park. The application is being reported back to committee with a recommendation to grant planning permission absent the requirement to vary the original section 106. The County Council will continue to support the establishment of Ellenbrook Park and will continue to work with Welwyn Hatfield Borough Council and St Albans City and District Council and the necessary actions to ensure that Ellenbrook Park and Trust are

established in accordance with the original obligation at the earliest opportunity.

- 2.2 The committee report from January 2017 is appended for reference [Appendix 1] and it should be taken into account in the determination of the planning application.
- 2.3 The planning application proposes extraction of up to eight million tonnes (MT) of sand and gravel. In parallel with the mineral extraction it is proposed to import inert material to infill the mineral workings to re-instate original ground levels and facilitate restoration of the site to a beneficial after use, combining recreation and nature conservation.
- 2.4 The application site is located to the west of Hatfield between Ellenbrook and Smallford. The proposed access is via the A1057 approximately 250m to the east of the junction with Oaklands Lane. The application site is shown on the site location plan [Appendix 2]. The location of the haul road, processing plant, concrete batching plant, and screen bunds are indicated on site layout plan [Appendix 3]. The proposed phasing and extent of the mineral extraction area is shown on the Phasing Plan [Appendix 4].
- 2.5 To facilitate the mineral workings a series of ancillary developments are proposed, including a wash and processing plant, a concrete batching plant, two freshwater lagoons, three silt lagoons, a haul road, soil screen bunds around the processing plant, Popefield Farm and the University sports ground to be retained throughout the development. Temporary soil bunds will be constructed around the mineral workings. The initial site establishment works [Appendix 5] will take six to 12 months to complete. The first mineral to be exported from the site is likely to be toward the later part of 2020.
- 2.6 The proposed mineral extraction is planned over seven sequential phases, each lasting approximately four years. The annual production is estimated to be 250,000 tonnes. The proposed duration of mineral working is 32 years (including restoration).
- 2.7 The mineral deposit at the site is formed in upper and lower mineral horizons separated by a clay interburden. It is proposed to work both the upper mineral horizon to within 1m of the chalk bedrock to a depth of between 16 and 18m.
- 2.8 Infilling is proposed to take place in parallel with mineral extraction in the subsequent phase. The lower mineral horizon void is proposed to be infilled using site-won interburden and overburden to groundwater level (to base of the interburden). The landfill method involves lining the void with a basal geological barrier and sidewall geological barrier and perimeter buttresses constructed from imported clays. Inert waste will then be placed into the void. The upper levels will be restored using indigenous soils and subsoils to a level similar to the pre-extraction

levels. The construction of the geological barrier is controlled by the Environmental Permit [Appendix 6].

- 2.9 The export of sand, gravel and concrete together with the importation of waste would generate a total 174 daily HGV movements (in and out) via the new vehicular access onto the A1057. The Environmental Permit restricts the volume of waste for disposal at the site to 250,000 tonnes per year.
- 2.10 The proposed restoration is shown on the illustrative restoration plan [Appendix 7]. The proposed restoration involves the creation of a range of habitat areas, conservation grazing and public access. The two freshwater lagoons will be reduced size and a nature conservation area created to replace the processing area. The access onto to the A1057 and part of the haul road will be retained to provide access to a car park to be used in connection with the country park use. Walking and cycling routes will be created and incorporated as part of the rights of way network as part of the new section 106. The new rights of way routes have been agreed by Arlington and the Rights of Way Unit. The new routes will connect with existing or proposed rights of way on the restored Hatfield Quarry site [Appendix 8].
- 2.11 The large majority of the site falls within Preferred Area 1 for mineral working in the Hertfordshire Minerals Local Plan (adopted 2007). The extent of PA1 is shown on Inset Map No.6 [Appendix 9]. The part of the application site to land west of the processing plant falls outside of Preferred Area 1.
- 2.12 The groundwater to the north of the application site is contaminated by Bromate ("the Bromate Plume") related to a former chemical works at Sandridge, approximately 2.9km north-west of the application site, where brominated compounds were manufactured between 1955 and 1980. Since 2010 contaminated groundwater has been pumped to the surface at the Bishops Rise water pumping station, treated and disposed to the public sewer system under a Remediation Notice authorised by the Environment Agency. The Environment Agency consulted on a second remediation stage between December 2018 and January 2019 which proposed various different options for further monitoring and treatment including additional boreholes in the vicinity of the application site.
- 2.13 The Environment Agency has been consulted throughout the early design stages of the mineral workings in the years leading up to the current application. The Environment Agency has no objections to the mineral working and infilling with inert waste, confirming that the risk of further contamination can be mitigated by the Groundwater Management Plan ("GMP") condition. In May 2018 Environment Agency were consulted on the first draft of the GMP and suggested an amendment to the condition to include a mechanism for review. Affinity Water were consulted on the GMP condition in May 2018 and decided

to object to the proposals for mineral working. Affinity Water has subsequently withdrawn that objection (in May 2019) agreeing that the GMP condition provides an appropriate mechanism to minimise and mitigate the risk to groundwater. Affinity Water requires Brett Aggregates to enter into a private operator agreement to provide them with the additional level of assurance that they require.

*Section 106 related to application S6/1999/1064/OP*

2.14 Application S6/1999/1064/OP for redevelopment of the former British Aerospace site includes a section 106 that requires the landowner to:

- establish Ellenbrook Fields<sup>1</sup> on 418 acres of land to the west of Ellenbrook
- establish Ellenbrook Park Trust
- grant the Trust a lease for 125 years for the Lease Plan area; and
- pay the financial contribution of £1.36M (index linked) for future management and maintenance of the Park
- submit a Landscape Management Document

2.15 These matters were required to be completed in accordance with the timeframe set out in the s106 agreement. In 2010, following an interim agreement between the landowner and the three authorities, some of the initial landscaping works were carried out. The interim agreement was conditional upon a deed of variation to the original agreement being submitted as a matter of urgency, however the deed of variation has never been submitted and the matters are yet to be satisfactorily resolved.

*Progress in Establishing Ellenbrook Park & Trust*

2.16 As a consequence of delays in the provision of the establishment works a number of meetings were held with Arlington (then Goodman) and officers of the three authorities in 2009/10, which resulted in a report to the Welwyn Hatfield Planning Committee in May 2010. The report set out the circumstances in the following terms:

*1.5 At the time of completion of the Section 106 Agreement in 2000 it was anticipated that some or all of the designated Ellenbrook Park land would be subject to mineral extraction, as this land was identified in the County Council's Minerals Local Plan adopted in 1998 as being within a preferred area for such extraction. The Minerals Local Plan Review adopted in 2007 confirmed this preferred area status. No extraction has yet taken place however, nor has any minerals planning application been submitted, despite occasional informal meetings between the*

<sup>1</sup>

Ellenbrook Fields is defined in the section 106 as formal and informal public recreation space, landscape and wildlife resource available for free public use, enjoyment and access.

*landowner and the County Council as minerals planning authority.*

- 1.6 There remain, therefore, outstanding obligations on the landowner to implement Ellenbrook Park and agree an appropriate management scheme. These obligations were pursued formally with the landowner at various points between 2004 and 2006 and advice was taken on the possibility of proceeding with formal court action to enforce certain terms of the Section 106 Agreement. The landowner did however then enter into discussion with the Council in early 2007 concerning a revised landscape framework which would better take account of an impending minerals planning application whilst allowing for an enhanced interim management regime. It is these revised proposals which form the basis of this report to committee.*

The report continues

- 8.7 It needs also to be remembered that the new framework is intended to provide a flexible interim solution to management of the landscape until minerals are extracted. As part of any minerals application determined by the County Council, a comprehensive restoration and landscape scheme would be required by planning condition, and this ideally would dovetail with the landscape framework put in place now, and develop it further in a phased approach. This could include a requirement for additional woodland planting, in keeping with original policy objectives, including those of the Watling Chase Community Forest.*
- 8.8 In case mineral extraction does not take place, there would need to be a provision in any supplemental Section 106 deed to reassess the scheme at an agreed point in time and produce a long term management plan, which could include additional woodland planting if necessary.*

The report concludes:

- 9.1 The implementation of Ellenbrook Park as an important area of open space to serve neighbouring residents, as a visual amenity and as a significant ecological resource, is important and long overdue. Achieving the park is an integral part of realising the objectives of the Hatfield Aerodrome SPG, and would be entirely in accordance with national, regional and local planning policies.*
- 9.2 Following several years of discussion of detailed landscape and public access proposals, and negotiations with the landowner against the background of the Section 106 Agreement from 2000, officers of the three local authorities involved are now satisfied that the revised landscape framework proposals*

*represent the best realistic prospect for achieving the objectives of the park*

- 2.17 The deed of variation recommended in the Welwyn Hatfield committee report was never submitted. The Park and Trust have not been formally established in accordance with the section 106 obligation.
- 2.18 In January 2017 the Development Control Committee of Hertfordshire County Council accepted that a deed of variation was required to insert new triggers for the establishment of Ellenbrook Park in accordance with the original agreement. Negotiations since January 2017 with the three authorities and Arlington have resulted in agreement on the content of the Landscape Management Document, establishment of the Trust and payment of the full Ellenbrook Park financial contribution in accordance with the original obligation. Unfortunately a key difference remains regarding the terms of the lease to the Trust.
- 2.19 In May 2019 Arlington proposed revised Heads of Terms for the Ellenbrook Park Lease [Appendix 10]. Under the revised lease terms the Park would be divided into three areas: (1) Home Covert; (2) mineral extraction area; (3) Northern Fields; whereby the Trust would initially benefit from a lease only for Home Covert, and subsequently the restored phases of the mineral working. The Trust would only benefit from a lease for the Northern Fields if Arlington is unable to obtain an allocation for development in a local plan by 2022.
- 2.20 The revised lease terms proposed by Arlington are not acceptable to the three authorities who wrote to Arlington confirming that any new agreement must include the model lease for Ellenbrook Park agreed under the original section 106 agreement. The Lease Plan [Plan 8] and the model form of the lease [Schedule 10] which forms part of the original section 106 are included with this report [Appendix 11].
- 2.21 In an effort to ensure that Ellenbrook Park is formally established as soon as possible officers obtained advice regarding the obligation to provide Ellenbrook Park under the terms of the extant section 106 agreement. The advice is clear that while a deed of variation to insert new triggers to bring the agreement up to date would be a sensible approach it is not be necessary to complete such an agreement prior to granting the minerals planning permission. The original section 106 agreement provides the legal mechanism to ensure that Ellenbrook Park and Trust are delivered in accordance with the original obligation. Officers will continue to work with colleagues at St Albans and Welwyn Hatfield Council's to ensure that Ellenbrook Park and Trust are in reality established in accordance with the original section 106 agreement.



*New Section 106*

- 2.22 In January 2017 the Development Control Committee resolved that planning permission should be granted subject to the completion of a new s106 Agreement to provide for:
- a) the new access and associated highway works on the A1057
  - b) a network of extensions to the Rights of Way network; and
  - c) a Landscape Management Document for Ellenbrook Fields (to include the restored mineral workings)
- 2.23 The new highway access and rights of way have been agreed by Arlington, the Highway Authority and the Rights of Way Unit. The draft Landscape Management Document [Appendix 12] has been developed in a series of meetings with planning and landscape advisors for St Albans and Welwyn Hatfield Councils and Landscape Architects McGregor Smith (for Arlington) resulting in agreement over the principles of the landscape strategy. The new s.106 is ready to be signed.

**3. Summary**

- 3.1 The report concludes that there is a pressing need to work minerals at the site to contribute to maintaining the County's appropriate contribution to local, regional and national aggregate needs, including the maintenance of an appropriate landbank, which is currently slightly above the minimum level required by the National Planning Policy Framework (NPPF). Minerals are a finite resource and can only be worked where they are found.
- 3.2 The NPPF requires great weight to be given to the benefits of mineral extraction, including to the economy, when determining planning applications. The proposal would ensure that sufficient minerals are available to meet the need for sustainable use of minerals in Hertfordshire.
- 3.3 The site is largely within Preferred Area 1 for mineral working in the Hertfordshire Minerals Local Plan 2007 and the site is identified as a specific site for mineral working in the proposed submission version of the Hertfordshire Minerals Local Plan review. A small part of the site falls outside Preferred Area 1 but the land forms an integral part of the mineral working and restoration schemes. The proposal would not prejudice the timely working of the preferred area.
- 3.4 The proposed mineral extraction and restoration using imported inert waste complies with Policies 1, 2, 3, 4 and 15 of the adopted Hertfordshire Minerals Local Plan with respect to aggregate supply, the need for mineral working, working of preferred areas and proposals outside of preferred areas, and landfill. The proposal conforms to the site brief considerations for Preferred Area 1 (Inset Map No. 6).

- 3.5 The land is within the Metropolitan Green Belt enveloping Hatfield and Welwyn Garden City. Mineral extraction is not inappropriate development in the Green Belt provided the proposal preserves openness and does not conflict with the purposes of including land within the Green Belt. The proposed ancillary workings, which include construction of mineral processing plant, ready mix plant, haul road and screening bunds, constitute inappropriate development and do not preserve openness. They are a necessary part of a large mineral working and avoid unnecessary transport of minerals for processing and adverse impacts on the local environment. The inappropriate development will be removed as part of the restoration. The proposed restoration to a country park will preserve openness and protect the countryside from encroachment. The proposal is not in conflict with Government policy for protection of Green Belt land.
- 3.6 The original section 106 provides for restoration to a country park. The proposed restoration is compatible with the proposed country park use. The phased restoration will provide large blocks of land to be released into aftercare every five years to supplement the country park and the land made available for public access. It is necessary to import inert waste to infill the deep mineral workings to restore the land to the intended afteruse. The proposed restoration is feasible and will be achieved within a reasonable timescale to high environmental standards. The proposal complies with Policies 13 (Reclamation), 14 (Afteruse) 15 (Landfill) of the adopted Hertfordshire Minerals Local Plan.
- 3.7 Public access will be maintained throughout the mineral extraction and restoration phases via permissive paths. The new section 106 provides extensions to the rights of way network to connect to rights of way (existing and proposed) on adjoining land. The proposal will provide an alternative route for walking and cycling between Hatfield and St Albans. The proposal supports the rights of way improvement plan for the area and complies with Policy 7 (Active Travel - Walking) of the Hertfordshire Local Transport Plan.
- 3.8 Appropriate buffer distances are provided of at least 60m from sensitive uses, in accordance with the principles of the Hatfield Aerodrome SPG. The proposals include noise attenuation bunds around the sensitive land uses at Popefield Farm and on the west boundary of the site. The buffer distances are appropriate taking into account the prevailing wind, the location of plant and other ancillary development. The noise impact assessment demonstrates that no significant noise intrusion will arise from the development. Additional air quality monitoring is required on the boundary of the site with sensitive land uses. The proposal complies with Minerals Policy 18 (Operational criteria for the control of mineral development)

- 3.9 The proposal will generate a total of 170 daily HGV additional movements on the A1057, between the A1001 and A1(M) which equates to less than 10% of the total traffic using this section of the A1057. Consideration has been given to the cumulative impact of the proposed mineral working in combination with the ongoing operation Hatfield Quarry which generates up to 250 HGV movements (125 in 125 out) per day. The Highway Authority is satisfied the road will continue to operate within capacity. The site will be accessed by the only suitable location on the A1057. The additional HGV movements generated by the development will use the shortest possible route to the trunk road network. There is no other reasonable alternative for the transport of minerals from the site. The proposal complies with the site brief and Policy 16 of the adopted Minerals Local Plan.
- 3.10 The proposal has the potential for cumulative impacts in association with other mineral working in the area. The NPPF requires mineral planning authorities to ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety when considering proposals for mineral extraction. The local area has been subject to mineral working at Hatfield Quarry for many decades. Hatfield Quarry has planning permission to operate until 2023. There have been adverse impacts from quarrying affecting the local area in terms of landscape, visual amenity, increased traffic on local roads, increased noise and air emissions, and the extension/diversion of local footpaths. However the proposal has demonstrated that these impacts will be limited for the proposed development and can be satisfactorily mitigated by condition. Similar conditions apply in relation to operations at Hatfield Quarry. Therefore the proposal would not lead to significant adverse cumulative impacts on the natural and historic environment, human health or aviation safety in combination with the operation of Hatfield Quarry. It is noted that there is a current application for mineral extraction on land adjoining Coopers Green Lane to the north of the application site. The Environmental Impact Assessment Regulations require consideration of the cumulative impact of *approved* developments. Similarly consideration of the application for mineral working on land adjoining Coopers Green Lane will be required to take into account the cumulative impact of other approved developments.

#### Recommendation

- 3.11 The report recommends that planning permission be granted subject to:
- the conditions set out in section 10 of this report;  
and
  - completion of the new s.106 agreement to provide for
  - the new site access and related highway works on the A1057;
  - extensions to the rights of way network
  - referral of the application to the Secretary of State

- 3.12 The report notes that coordinated action needs to be taken by the three authorities to ensure that the landowner establishes the Trust and provides a lease to the Trust for the entire 418 acre Ellenbrook Field in accordance with the model lease agreement in the original s.106 agreement. This needs to be completed at the earliest opportunity.

#### **4. Site and surroundings**

- 4.1 The application site is located on the west side of Hatfield between Ellenbrook and Smallford, approximately 1.1km to the east of Oaklands College.
- 4.2 The application site area is approximately 87.1 hectares. The land is within the Metropolitan Green Belt. The large majority of the site is within the Colney Heath division. The lagoons and part of Phase 1 of the mineral extraction are located within Hatfield Villages division.
- 4.3 The surrounding land uses are:
- land at Hatfield Quarry (north)
  - Hatfield Business Park and Salisbury Village (east)
  - houses on Oaklands Lane (west); and
  - The A1057 Hatfield Road and Wilkins Green (south)
- 4.4 Home Covert Wood adjoins the northern boundary and is a County Wildlife Site. Three areas of ancient woodland are all located to the north of the site, namely, Oak Wood (700m), Hook Wood (880m) and Symmondshyde Green (1.6km).
- 4.5 Public footpath (Colney Heath 014) runs along the west boundary and connects Hatfield Road with Coopers Green Lane.
- 4.6 The boundary between St Albans District Council and Welwyn Hatfield Borough Council runs from north to south through the site from Home Covert to Hatfield Road.
- 4.7 The current land uses comprise a mix of enclosed grazing compartments on the east side of the site with large expanses of open land in the north and west. The land between Home Covert and the University campus sports pitches is enclosed by stock proof fencing. The land north and west has uninterrupted public access.

#### **5. Planning history**

- 5.1 The application site forms part of the former Hatfield Aerodrome (British Aerospace) site which has outline planning permission [S6/1999/1064/OP] for redevelopment involving demolition of existing (unlisted) buildings, removal of the runway, and development including residential, retail, office and warehouse development and the University of Hertfordshire Campus. The subsequent reserved matters

applications were approved and the development has been constructed.

## **6. Planning law and policy**

### **6.1 The legal duties in relation to the determination of planning applications considerations are:**

Town and Country Planning Act 1990 section 70(2) –

- In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

### **6.2 Planning Compulsory Purchase Act 2004 Section 38 (6) Development Plan –**

- If regard is to be had to the development plan for the purpose 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.

### **6.3 Planning (Listed Buildings and Conservation Areas) Act 1990**

- In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess (section 66(1)).

### **6.4 The development plan for the area comprises:**

- Hertfordshire Minerals Local Plan 2002- 2016 (Adopted 2007)
- Waste Core Strategy & Development Management Policies DPD 2011 – 2026 Adopted November 2012
- Welwyn Hatfield District Plan 2005; and
- St Albans Local Plan 1994

### **6.5 Adopted local plans**

*Hertfordshire Minerals Local Plan 2007*

1 - Aggregates supply; 2 - Need for mineral working; 3 - Sites for sand and gravel extraction and the working of preferred areas; 4- Applications outside preferred areas; 5 - Mineral sterilisation; 7 - Secondary and recycled aggregates; 8 - Recycling facilities on mineral sites; 9 - Contribution to bio-diversity; 11 - Cumulative impact; 12 - Landscape; 13 - Reclamation scheme; 14 - Afteruse; 15 - Landfill; 16 - Transport; 17 - Criteria for the control of

mineral development to protect critical capital and environmental assets; 18 – Operational criteria for the control of mineral development

6.6 *National Planning Policy Framework 2019*

11- Facilitating the sustainable use of minerals)

203.

'It is essential that there is sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation

204.

Planning policies should:

- provide for extraction of mineral resources
- take account of the contribution secondary or recycled materials
- safeguard mineral resources by defining Mineral Safeguarding Areas
- set out criteria to ensure permitted operations do not have an unacceptable adverse impact on the natural and historic environment or human health taking into account the cumulative impacts of individual sites and/or number of sites in a locality;
- and ensure that land is reclaimed at the earliest opportunity

205.

When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, mineral planning authorities should:

- as far as practicable provide for the maintenance of landbanks
- ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality
- ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties
- provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards through the application of appropriate conditions

207.

Mineral planning authorities should plan for a steady and adequate supply of aggregates by:

- preparing an annual Local Aggregate Assessment either individually or jointly to forecast future demand
- using landbanks of aggregate mineral reserves principally as an indicator of the security of aggregate minerals supply and to indicate additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans
- maintaining landbanks of at least 7 years for sand and gravel; and
- ensuring that large landbanks bound up in very few sites do not stifle competition

6.7 *Hertfordshire Minerals Local Plan Review 2002-2016 (adopted 2007)*

Minerals Policy 1 – Aggregates Supply

Planning permission for the extraction of proven economic mineral reserves will only be granted where it is necessary to ensure that adequate supplies are available to meet the county's agreed apportionment of regional supply.

The County Council will seek to maintain an appropriate landbank of sand and gravel reserves in accordance with government guidance, throughout the Plan period, consistent with the above apportionment, to enable an appropriate contribution to be made to meet the region's varying needs.

Minerals Policy 2 – Need for mineral working

When determining planning applications for mineral extraction the County Council will take into account the following factors:-

- i) the existing quantity of permitted reserves of the mineral;
- ii) the rate at which, and the proposed timescale over which it is expected that those permitted reserves will be worked;
- iii) the proposed rate and timescale in the application for working the mineral deposit;
- iv) the existence of resources of the mineral which are identified as Preferred Areas within the Plan and which are shown as being desirably worked at an early stage of the Plan period; and
- v) the particular nature and qualities of the mineral deposit concerned, such as the suitability for a particular end use not met by other available sources in the area or region.

Minerals Policy 3 – Sites for sand and gravel extraction and the working of Preferred Areas

Minerals Policy 3 of the Hertfordshire MLP identifies three sites as Preferred Areas for mineral working –

Specific Sites for sand and gravel extraction are identified on the Proposals Map. These are:

- i. sites which have a valid planning permission for mineral extraction including active sites with unworked permitted reserves and sites on which extraction has not commenced; and
- ii. sites which are subject to a resolution of the County Council to grant planning permission.

The following sites as defined on the Proposals and Inset Maps are identified as Preferred Areas for future mineral working:

Preferred Area 1: Land at former British Aerospace, Hatfield

Preferred Area 2: Land adjoining Rickneys Quarry, near Hertford

Preferred Area 3: Land at Coursers Road, near London Colney

Proposed mineral working within the Preferred Areas defined in this Plan will be permitted only when:

- a) they contribute to maintaining the County's appropriate contribution to local, regional and national aggregate needs, including the maintenance of a landbank in accordance with Mineral Policy 1; and
- b) the application satisfactorily fulfils the requirements of the Proposals for that Preferred Area as identified with the Inset Maps.

*Inset Map No. 6 - Preferred Area 1*

The Inset Map (site brief) identifies the site should be accessed via the A1057 and ideally the site should ideally be worked at a very early in the Plan period.

The site brief for Preferred Area 1 sets out the site specific considerations:

- 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 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 with the boundary to the



redeveloped area of the BAe site (non-Green Belt land) and the University playing fields.

- 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.

*Environment Agency advice*

- The Ellen Brook runs along the eastern edge of the preferred area in a north to south direction. The Environment Agency would seek to ensure that a buffer strip, a minimum of 30m wide between any excavation and the top of the riverbank. Additionally, 20 metres of the buffer strip should be vegetated and free from any development between the working area and the bank of the Ellen Brook. The purpose of the buffer strip would be to protect both the integrity of the watercourse and the ecology associated with the watercourse, and the river corridor.
- The River Nast currently runs in a culvert through the preferred area. It may be acceptable to temporarily divert this culverted watercourse during the operational phase but on final restoration the watercourse should be reinstated in open channel through the site and appropriate buffer strips defined on each side of the watercourse.
- The proposed 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.

6.8 *Waste Core Strategy & Development Management Policies DPD 2011 – 2026 Adopted November 2012*

1 – Strategy for the provision of waste management facilities; 1A – Presumption in favour of Sustainable Development; 2 – Waste Prevention and Reduction; 4 – Landfill and Landraise; 6 – Green Belt; 7 – General Criteria for assessing planning applications outside of

identified locations; 9 – Sustainable Transport; 10 – Climate Change; 11 – General Criteria for Assessing Waste Planning Applications; 12 – Sustainable Design, Construction and Demolition; 13 – Road Transport & Traffic; 14 – Buffer Zones; 15 – Rights of Way; 16 – Soil, Air and Water; 18 – Protection of Regional and Local designated sites and areas; 19 – Protection and mitigation

6.9 *Hertfordshire Waste Development Framework Waste Site Allocations Development Plan Document 2011 – 2026*

*Site Allocations Policies*

1A – Presumption in favour of Sustainable Development; 2 – Applications for Waste Management Development on Allocated Sites and Employment Land Areas of Search; Inset Map 07 – AS008 land off Birchall Lane, Cole Green.

6.10 *Welwyn Hatfield District Plan Adopted 2005 (saved policies)*

SD1 - Sustainable Development; R2 - Contaminated Land; R5 - Waste Management; R7 - Protection of Ground and Surface Water; R11 - Biodiversity and Development; R17 - Trees, Woodland and Hedgerows; R18 - Air Quality; R19 - Noise and Vibration Pollution; R20 - Light Pollution; R29 - Archaeology; M2 - Transport Assessments; M5 - Pedestrian Facilities; M6 - Cycle Routes and Facilities; D1 - Quality of Design; D2 - Character and Context; D8 - Landscaping; HATAER1- Hatfield Aerodrome: Sustainable Development of the Site; HATAER3 - Hatfield Aerodrome: Requirement for a Master Plan; HATAER4 - Hatfield Aerodrome: Land Use Proposals; RA11 - Watling Chase Community Forest; RA25 - Public Rights of Way

6.11 *St Albans City & District Plan Adopted 1994 (saved policies)*

1 - Metropolitan Green Belt; 69 - General Design and Layout; 74 - Landscape and Tree Preservation; 86 - Buildings of Special Architectural or Historic Interest; 91 - Location of Leisure Facilities; 93 - New Areas of Public Open Space; 97 - Existing Footpaths, Bridleways and cycleways; 104 - Landscape Conservation; 106 Nature Conservation

Other relevant policy documents

6.12 *Local Transport Plan 4 for Hertfordshire adopted May 2018*  
Policy 1 – Transport User Hierarchy; Policy 2 – Influencing land use planning; 5 – Development Management; Policy 7 – Active Travel - Walking

Supplementary Planning Guidance

### 6.13 *Hatfield Aerodrome Supplementary Planning Guidance (“SPG”)*

The Hatfield Aerodrome SPG (Adopted November 1999) provides the policy framework to consider proposals for development. The document includes a landscape masterplan framework strategy and indicative layout sketch (Figure 7) to guide restoration post-mineral extraction, illustrating woodland planting, open water bodies, re-establishment of the River Nast, and large grazing compartments. The sketch is included in Appendix 13.

The SPG sets principles for landscape, Green Belt and mineral extraction:

#### Landscape

- creation of landscape corridors for cycleways and footpaths
- opportunities to greatly improve natural landscape
- provision of a mosaic of copses, tree belts, hedgerows and naturally-shaped bodies of water (subject to appropriate hydrological conditions)
- creation of a visually attractive landscape
- potential to introduce significant improvements to the site’s biodiversity

#### Green Belt

- maintenance of the current Green Belt boundary
- secure public access to the Green Belt
- provide opportunities for outdoor sport and recreation uses
- improve the nature conservation of the land as appropriate
- the objective to increase woodland cover by up to 30% across the De Havilland Plateau should be considered

#### Mineral extraction

- opportunities to use materials as part of the construction process
- opportunities to incorporate materials arising for the creation of landscape features, such as lakes
- the most economically viable reserves are located primarily toward the southern part of the site
- proposals for mineral extraction to strike a balance between:
  - maximising the use of mineral resource
  - protecting the amenity of existing residents at Ellenbrook and Smallford and other existing occupiers/users
  - protecting the amenity of existing and proposed development

The Hatfield Aerodrome SPG sets out the guiding principles to be taken into account for proposals for mineral extraction within the Green Belt:

- appropriate buffer zones, normally at least 60m in width, should be provided on all boundaries where adjoining land uses would be adversely affected
- the boundary between the future development land and the Green Belt should incorporate landscape planting and contouring prior to the

extraction of any minerals to protect the amenity of existing and potential occupiers

- the mineral reserve should be worked at a reasonable rate to avoid a prolonged period of extraction but equally to restoration to keep pace. It is likely that reserves at the eastern part of the preferred area would be worked first
- access should be located to provide as direct a route as possible to the trunk road network to minimise the disturbance to local residents
- any processing plant should:
  - be well screened visually
  - be well screened for noise
  - minimise dust emissions
  - minimise the impact on sensitive surrounding occupiers, through careful attention to details of siting, design and hours of operation
- the setting of Grade II listed Astwick Manor and Popefield Farm should be respected and safeguarded
- areas of environmental sensitivity in the Green Belt, including areas of archaeological importance and ecologically valuable sites, should be respected and safeguarded

#### Emerging local plans

#### 6.14 *The Hertfordshire Minerals Local Plan review*

The initial consultation was in 2015. The call-for-sites was in 2016. Consultation on the submission local plan was between 14 January 2019 and 22 March 2019. The proposed submission date is delayed due to the need to undertake further technical work.

The submission draft Minerals Local Plan proposes three Proposed Specific Sites:

- 1- Hatfield Aerodrome
- 2- Hatfield Quarry, Furze Field
- 3- Hatfield Quarry, Land adjoining Coopers Green Lane

And, one Proposed Preferred Area:

Preferred Area 1 - The Briggens Estate (Olives Farm)

#### 6.15 *The Welwyn Hatfield Local Plan review*

The examination was initially scheduled to run from Autumn 2017 to Autumn 2018, however during the early sessions it was identified that a further call-for- sites consultation would take place. A further 140 sites were promoted. The consultation on these sites is taking place up to 18 June 2019. Provisionally a six week consultation on the modifications to be agreed with members is scheduled to take place from January to February 2020.

6.16 *The St Albans Local Plan review*

Consultation on the draft local plan was between 4 September 2018 and 17 October 2018. The submission version of the local plan was submitted on 29 March 2019. The hearing sessions are provisionally scheduled to start on the 14 October 2019.

The emerging policies therefore carry relatively little weight at their current stages of the plan process.

- 6.17 Notwithstanding the above plans are further advanced than in January 2017, for the purposes of section 38(6) of the Planning and Compulsory Purchase Act, the development plan policies have not changed since January 2017.

**7. Statutory consultations**

Advertisement of the application

- 7.1 The application has been advertised as follows:

- (a) display of 6 no. site notices at the application site; and
- (b) publishing a press notice in two local newspapers – i.e. Welwyn Hatfield Times & St Albans Review; and
- (c) letters sent to 1,024 properties in the proximity of the site.

Further information

- 7.2 Further environmental information submitted in August 2016 consisted of:

- new access arrangements including a right turn lane;
- Transport Assessment addendum assessing HGV numbers and impacts on key junctions;
- a revised restoration concept drawing;
- details of the final three phases of mineral extraction

- 7.3 Further consultation was undertaken in September 2016 consisting of –

- (a) display of 6 no. site notices at the application site; and
- (b) press notice in Welwyn Hatfield Times and St Albans Review

- 7.4 The Town and Country Planning (Development Management Procedure) (England) Order 2015 Part 6 (33) states –

*A local planning authority must, in determining applications for planning permission, take into account any representations received in response to a site notice, or to a notice served on the owner or occupier of adjoining land, within 21 days, and for a press notice within 14 days beginning upon the date when the information was published.*

### Representations

- 7.5 In response to the first and second consultations over 260 objection letters have been received. The summary of third party representations and statutory consultations are summarised in Appendix 14

### Petitions

#### Ellenbrook Residents Association Petitions

- 7.6 There are two petitions from Ellenbrook Residents Association. The first has 1129 names and reads –

With regards to the proposed quarry application at the old Hatfield Aerodrome, also known as Ellenbrook Fields, Hatfield, Hertfordshire, we, the undersigned who reside and or work in Hertfordshire, petition Hertfordshire County Council to Save the St Albans and Hatfield Country Park at Ellenbrook Fields.

We ask that you: -

- Revoke the quarry application decision of a 'resolve to Grant' made by Hertfordshire County Council's (HCC) Development Control Committee (DCC) in January 2017 due to the time lapsed, the changes in circumstances and the unresolved issues some of which are listed below in the interests of Hatfield, Smallford and St Albans residents and to reject any further high-risk development on this site.
- Ensure that this application is heard in full by Hertfordshire County Council and:-
  - The risks associated with quarrying in the vicinity of the bromate pollution are fully investigated, by independent experts, of the potential risk of disturbing the bromate leak underground by the methods proposed by Brett Aggregates (with plans to dig a quarry deeper than 14 metres) and therefore the risk posed to the current Affinity Water
  - resources for Hatfield's public water supply through Tyttenhanger and Roestock pumping stations
  - the cumulative impact on the local infrastructure
  - the loss of Green Belt, the park preserves the green belt gap between Hatfield and St Albans.
  - the loss of open publicly accessible green space, the park is a unique public and important recreational and public health resource for Hatfield, St Albans residents and other visitors
  - the health and wellbeing, physically and mentally on the local population, workforce and visitors
  - the loss of important and scarce wildlife habitat and the impact this will have on the wildlife itself

- the effect on the air quality of all the current applications along with those submitted and proposed to this authority, WHBC and St Albans District Council (as the area borders all these authorities) are all fully considered
- a current up to date transport survey be undertaken to accurately reflect the true traffic flow through this area (A1057, Coopers Green Lane, Oakland Lane and Station Road).
- acknowledgement that the area is not capable of being adjusted to cope with the additional traffic created by this and other proposed developments.

That the entrance proposed on to the A1057 is not agreed to, as this will cause further traffic issues on this and surrounding roads We ask therefore that at any future hearings:-

- The application by Brett Aggregates or any other agents on behalf of the land owners currently Arlington's to quarry this land is dismissed due to, but not restricted to, the following
  - the high risks posed by the Bromate pollution to irreversibly contaminate the water course from which Affinity Water draw our drinking supplies.
  - the unsustainable cumulative impact on the infrastructure
  - the detrimental and potentially dangerous impact on residents and frequenters health and well being
  - the negative impact this will have on the wildlife habitat and wildlife itself
  - the damage to the environment by the cumulative impact of air pollution

7.7 The second petition totalling 160 names presented to the Development Control Committee on 27 June 2019 invites the County Council to:

- defer making the decision regarding the application by Brett Aggregates to quarry on Ellenbrook Fields until information is provided to the Committee is current and up to date. We expect that an informed decision should be made on relevant information that has been collated and gathered recently, including but not limited to, up to date traffic surveys, current studies of air pollution, and a study undertaken on the cumulative impact of this and other plans submitted or proposed in the surrounding areas on these issues and local residents and frequenters of this area

## **8. Planning issues**

8.1 The principle planning issues in the determination of the planning application are:

- mineral supply in Hertfordshire (Minerals Policy 1)

- need for mineral working (Minerals Policy 2)
- the working of preferred areas and land outside of preferred areas (Minerals Policies 3 & 4)
- compliance with the site brief for Preferred Area 1 (Inset Map No. 6)
- suitability of the proposed restoration with the country park after use
- establishment of Ellenbrook Park & Trust (in accordance with the original s106)
- protection of Green Belt land
- potential impact of the development in respect of:
  - groundwater pollution
  - transport
  - landscape and visual impact
  - residential amenity - noise and air quality
  - cumulative impact
  - ecological impact

#### Mineral supply in Hertfordshire

- 8.2 Policy 1 (Aggregate Supply) of the adopted Hertfordshire Minerals Local Plan (“the adopted MLP”) grants planning permission for the extraction of proven economic minerals reserves only where it is necessary to ensure that adequate supplies are available to meet the County’s agreed apportionment of regional supply. Further, the County Council will seek to maintain an appropriate landbank<sup>2</sup> throughout the plan period to enable an appropriate contribution to be made to meet the region’s varying needs.
- 8.3 The maintenance of a stock (“landbank”) of planning permissions at all times is an important feature of minerals planning to ensure continuity of production and to meet the cyclical demands for minerals, long lead in times, and capital outlay in commissioning extraction sites (adopted MLP, paragraph, 1.6.1).
- 8.4 Policy 3 (Sites for sand and gravel extraction and the working of preferred areas) of the adopted MLP identifies the supply of minerals from within Hertfordshire will be from the specific sites with planning permission for mineral extraction and the three Preferred Areas<sup>3</sup> for mineral working. The Preferred Areas are:
- 1 Land at former British Aerospace, Hatfield
  - 2 Land adjoining Rickneys Quarry, near Hertford
  - 3 Land at Coursers Road, near London Colney
- 8.5 The adopted plan covers the period 2002-2016. Hertfordshire is in the process of reviewing the adopted MLP. The Plan has reached the

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<sup>2</sup> The landbank is the stock of planning permissions for mineral working

<sup>3</sup> A primary purpose of identifying preferred areas within which mineral working may be encouraged is to give clear guidance as to where planning permission is likely to be forthcoming and where permission is unlikely to be granted (adopted MLP, paragraph 3.4.1).



proposed submission (Regulation 19) stage. On adoption the Plan will cover the period to 2031. The proposed submission plan will be subject to public examination during the Autumn of 2019.

- 8.6 The proposed submission plan identifies the future supply of minerals from within Hertfordshire will be from three Specific Sites:

- 1 Hatfield Aerodrome
- 2 Hatfield Quarry, Furze Field
- 3 Hatfield Quarry, Land adjoining Coopers Green Lane

In addition to a Proposed Preferred Area (Preferred Area 1) - The Briggens Estate (Olives Farm)

#### Landbank

- 8.7 The NPPF requires mineral planning authorities to maintain a landbank for sand and gravel of at least seven years. The current landbank for Hertfordshire is seven and a half years (at 31 December 2018). The last significant minerals planning permission in Hertfordshire was granted for 7.1 million tonnes of sand and gravel as an extension to Tyttenhanger Quarry at Coursers Road in February 2011 which resulted in an increase in the landbank at the time to 12 years (from 7 years in 2010). Unless a new source of supply is provided the landbank will continue to fall to below seven years during 2020.
- 8.8 The application site is identified as Preferred Area 1 in the adopted MLP. Working the site for sand and gravel complies with the strategy for the supply of sand and gravel and Policy 1 (Aggregates Supply) in the adopted MLP provided there is an identified need for sand and gravel in order to maintain an appropriate landbank

#### Need for mineral working

- 8.9 When determining planning applications for mineral working, Policy 2 (Need for mineral working) of the adopted MLP requires consideration of: (i) the existing quantity of permitted reserves; (ii) the rate at which the permitted reserves will be worked; (iii) the proposed rate and timescale in the application for working the mineral deposit; (iv) the existence of resources (preferred areas) identified as being desirably worked at an early stage of the Plan period; and (v) the particular nature and qualities of the mineral deposit concerned.
- 8.10 The last significant minerals planning permission in Hertfordshire was granted for 7.1 million tonnes of sand and gravel at Tyttenhanger Quarry in February 2011, which increased the landbank to 12 years equivalent, up from 7 years and 8 months in 2010. Currently Tyttenhanger is the principle source of supply.

- 8.11 The working of minerals from within the site will contribute 250,000 tonnes to sand and gravel supply every year for the next 32 years.
- 8.12 The proposal involves considerable enabling works before mineral production from the site can be realised, including: construction of the site access, haul road, processing plant, lagoons, soil stripping and perimeter bunds; which are likely to take between six and 12 months to complete. As such mineral supply from the site may not be expected to commence until mid-late 2020 at a time when the landbank will be close to the minimum level required under the NPPF.
- 8.13 The working of sand and gravel from within the site complies with Policy 2 (Need for Mineral Working) within the adopted MLP in there is a need for the mineral within the site to contribute to the maintenance of an appropriate landbank and the site is identified as a Preferred Area for mineral working in the adopted MLP.
- 8.14 The working of the mineral deposit at the application site will assist in the maintenance of an appropriate landbank and will ensure continuity of mineral supply from within Hertfordshire at time when the landbank is close to the minimum level and before new sites are identified as a result of the plan making process.

The working of land within preferred areas and land outside of preferred areas

- 8.15 The application proposes working sand and gravel from largely within Preferred Area 1 however part of the proposed mineral extraction area to the west of the processing plant falls outside of the Preferred Area 1. The part of the site outside of Preferred Area 1 amounts to under 10% of the overall mineral extraction area.
- 8.16 Policy 3 states proposals for mineral working within the Preferred Areas defined in the Plan will only be permitted when:
- a) they contribute to maintaining the county's appropriate contribution to local, regional and national aggregate needs, including the maintenance of an appropriate landbank in accordance with Mineral Policy 1; and
  - b) the application fulfils the requirements of the proposals for the preferred area identified within the Inset Maps
- 8.17 Policy 4 of the adopted MLP states applications to develop land for aggregate extraction outside of Preferred Areas will be refused planning permission unless:
- i. The landbank is below the required level and there is a need for the proposal to maintain the County's appropriate contribution to local, regional, and national need that cannot be met from the identified areas; and

- ii. It can be demonstrated that the proposals would not prejudice the timely working of Preferred Areas; or
  - iii. The sterilisation of resources will otherwise occur
- 8.18 The working of sand and gravel for within Preferred Area 1 is necessary to ensure that adequate supplies are available to meet the county's agreed apportionment of regional supply and it will assist in the maintenance of an appropriate landbank. The working of mineral from within Preferred Area 1 will contribute to maintaining the county's appropriate contribution to local, regional and national aggregates needs, including the maintenance of an appropriate landbank. Therefore the proposal complies with Policies 1, 2 and 3 of the adopted MLP. Further, the supply of sand and gravel from the site will assist in maintaining continuity of supply and maintenance of an appropriate landbank above the minimum level specified in the NPPF.
- 8.19 The relatively small part of the application that falls outside of Preferred Area 1 will be worked in conjunction with Preferred Area 1 and is integral to the overall phasing of the mineral working and restoration. The proposal will not prejudice the timely working of Preferred Areas. The phased reclamation, restoration and aftercare will ensure that the land is returned to a suitable condition for the intended use as a country park. The proposal is not in conflict with the purposes of Policy 4 of the adopted MLP.
- 8.20 The proposal is consistent with the NPPF in terms of maintaining an adequate and steady supply of sand and gravel from within Hertfordshire and the maintenance of an appropriate landbank above the minimum requirement and is therefore consistent with the facilitation of sustainable mineral usage within the County.
- 8.21 Consideration must be given to whether the application satisfactorily fulfils the requirements of the Proposals for Preferred Area 1.

Compliance with the site brief for Preferred Area 1

- 8.22 The boundary of Preferred Area 1 is shown on Inset Map No.6. The accompanying notes to Inset Map No. 6 set out the key issues when considering proposals for mineral working within Preferred Area 1:
  - (i) The site brief requires access to be via the A1057.

The proposal provides access directly onto the A1057 in the only suitable location.
  - (ii) The site brief requires the restoration to be consistent with the Hatfield Aerodrome Supplementary Planning Guidance and the original planning permission for development of the former British Aerospace site; including provision of a country park across the entire site.

The proposed restoration, shown on the illustrative masterplan and set out in more detail in the Landscape Management Document provides an appropriate mix of conservation, open space and public access for the whole of the country park area. The proposal is consistent with the landscape, Green Belt, and mineral extraction principles in of the Hatfield Aerodrome Supplementary Planning Guidance and the original planning permission including the Landscape Framework Document.

- (iii) The site brief requires any proposal to exclude extraction from parts of the preferred area to be fully justified to avoid unnecessary sterilisation.

The proposal avoids working the northern part of the site because the borehole data indicates the depth and quality of the mineral deposit is generally poorer and the groundwater is potentially contaminated by bromate making mineral extraction in that area potentially unviable. The proposal to win up to eight million tonnes of sand and gravel from within the application site is the same volume to be expected from the whole of Preferred Area 1.

- (iv) The site brief requires appropriate buffer zones to protect the amenity of residents of Ellenbrook, Smallford and Popefield Farm.

The proposals provide buffers of at least 70m from the outer edge of the mineral extraction area and site boundary which is appropriate to protect properties at Ellenbrook, Smallford and Popefield Farm from the potential effects of noise and emissions to air.

- (v) The site brief identifies the potential for the restoration of the site to include extensive new woodland combined with suitable amenity use consistent with the aims of the Watling Chase Community Forest.

The illustrative masterplan and detailed Landscape Management Document provides for significant additional woodland planting to significantly increase woodland cover on the site suitable amenity use.

- (vi) The site brief requires appropriate measures to be incorporated to ensure that Home Covert is not adversely affected.

No mineral extraction will take place within 50m of the edge of Home Covert to avoid adversely affecting tree roots on the woodland edge.

- (vii) The site brief identifies the site as an area of possible archaeological interest and any proposals should include provision for archaeological investigations.

The Historic Environment Advisor confirms that the site is unlikely to contain significant archaeological remains given the level of past disturbance from previous land uses at the site and a programme of

archaeological investigations has been agreed and will be secured via condition as part of the planning permission.

- (viii) The site brief highlights the ephemeral River Nast currently runs in a culvert through the site, noting temporarily diversion during the operational phase may be acceptable but on final restoration the watercourse must be reinstated through the site in open channel with appropriate buffer strips defined on each side of the watercourse site.

The proposals provide for appropriate reinstatement of the River Nast site as open channel on the surface and will form part of the overall restoration with appropriate buffer strips.

- (ix) The site brief identifies the land underlying the site as being contaminated by the Bromate plume and highlights a robust risk assessment may be required as part of an application in order to determine the risk of impacting the public water source at Bishops Rise.

The contamination of groundwater by Bromate has been extensively investigated as part of the application. This issue is discussed in greater detail in subsequent sections of the report. In summary, the Environment Agency and Affinity Water are satisfied that the groundwater management plan (GMP) condition is the appropriate mechanism to ensure the mineral working will not cause Bromate pollution to be diverted into the site and potentially increase the spread of contamination. Affinity Water confirms that there is no health risk to the public because the groundwater levels are constantly monitored at the Bishops Rise Hatfield water pumping stations and under no circumstances would contaminated water be supplied to the public. The proposal will provide additional monitoring boreholes within the application site. The information will be made available to the Environment Agency and Affinity Water as part of the GMP condition, which also includes a mechanism for review should higher than expected levels of Bromate be found to exist within the application site. Affinity Water has come to an agreement with Brett Aggregates that they will not commence mineral extraction in the lower mineral horizon until they have entered into a legal agreement within them.

- (x) The site brief confirms the land is designed to fall within groundwater protection zones II and III. The Environment Agency would normally 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 Environment Agency does not usually object to landfilling in zone III provided that it can be proved that the risk of pollution of groundwater can be mitigated.

The Environment Agency is satisfied with the proposals to infill. The Environment Agency has issued an Environmental Permit for infilling the mineral void with non-polluting and inert material and is therefore

satisfied that the risk of pollution of groundwater can be mitigated under the conditions of the permit and via the GMP condition.

- 8.23 It is therefore concluded that the working of the mineral deposit within the site is entirely consistent with the site brief for Inset Map No. 6, and as such the proposal complies with Policy 3 (d) of the adopted MLP.
- 8.24 In terms of the timing of the application, it is unfortunate that the application has been submitted at the end of the plan period given the site brief clearly identifies the site as ideally being worked at the very early of the plan. It could reasonably have been expected that mineral working at the site could have commenced soon after 2007. In reality the application was submitted at the very end of the plan period in 2016 and consequentially this will delay completion of restoration and provision of the full extent of the country park. Nonetheless, the mineral company is committed to commence mineral extraction from the site as soon as planning permission is forthcoming. This would assist in maintaining continuity of supplies of sand and gravel from within Hertfordshire prior to beyond 2020 and should ensure that the landbank is maintained above the minimum levels required by the NPPF.

Compatibility of the proposed restoration with the county park use

- 8.25 The establishment Ellenbrook Park and provisions for its future management are provided by the section 106 and Landscape Framework Document ("LFD") for the British Aerospace site. The LFD sets the landscape principles and provides for establishment of a Management Trust and provision of detailed landscape requirements via the Landscape Management Document ("LMD").
- 8.26 The Trust is supposed to be responsible for delivery of the Ellenbrook Park landscape objectives that form part of the Landscape Management Document' ("LMD"), and guiding the rolling programme of maintenance and management works, including grass cutting, woodland maintenance, repairs to permissive paths, and boundary fence maintenance. These works are to be carried out by Arlington on behalf of the Trust. The Trust also benefits from the services of a Landscape Consultant and a Park Ranger.
- 8.27 The LMD is supposed to set principles for phasing, design, implementation and management of the key landscape components, including a mission statement setting objectives to promote public access and biodiversity within Ellenbrook Park; and a conceptual masterplan illustrating areas for habitat creation and public access, and the design requirements for mineral extraction areas. The document is intended to be flexible and avoid unreasonably affecting future mineral extraction proposals.

- 8.28 A draft Landscape Management Plan has been prepared by Landscape Consultant, McGregor Smith, based on principles agreed during a series of meetings with landscape advisors from Welwyn Hatfield and St Albans Councils. The design objectives were based on retaining the existing landscape character of the site as an open expansive area with the addition of public access via new pedestrian routes providing circular and through routes.
- 8.29 The draft Plan proposes landscape enhancements in the form of new conservation habitats, additional tree planting to provide 20 to 30% woodland cover for the entire site, and creation and management of grassland, open space and leisure uses across 70% of the site. The Management Plan details the proposed mix of landscaping required in each phase, including initial woodland management in Home Covert, establishment of conservation and open space on the restored mineral workings and continued public access over the Northern Fields. The Plan provides for managed public access via permissive paths during the mineral extraction operations. The new s106 provides for extensions to the rights of way network upon final restoration. The Management Plan covers the management and maintenance works required over the initial ten-year period and will be subject to periodic review by the Trust. These works are proposed to be undertaken at cost by Arlington or Brett Aggregates prior to the Trust taking the lease for the restored mineral areas.
- 8.30 The proposals for habitat creation, public access, and management and maintenance provisions within the draft LMD are compatible with the objectives for future use of the land as a country park established by the s106 for the development of the British Aerospace site, and future management of the land as a country park by the Trust.

#### Establishment of Ellenbrook Park and Trust

- 8.31 The establishment of Ellenbrook Park and Trust is important to local residents. The three authorities require the lease to the Trust to be provided in accordance with the model set out in the original section 106 agreement. The revised terms of the lease to the Trust are not acceptable to the three authorities. The advice provided to Hertfordshire County Council is clear that the obligation to provide the Park is provided by and is enforceable through the original obligation. While it would be sensible to update the s106 to insert new triggers for establishment of the Park and Trust, and that remains the preferred option of the three authorities there is no requirement to link the variation of the s106 to the granting of planning permission. Officers from the three authorities will continue to press Arlington to issue the lease to enable the Trust to be formed.

#### Protection of Green Belt land

- 8.32 The application site is within the Metropolitan Green Belt. The NPPF regards certain forms of development, including mineral extraction, as not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
- 8.33 The proposed development includes the construction and operation of a processing plant, and a ready-mix concrete plant, and screening bunds around the mineral working and processing plant which would be retained for the duration of development. These ancillary developments are regarded to be inappropriate development in the Green Belt. Notwithstanding these facilities form an integral part of the proposed working, they are typical features of large sand and gravel quarries which enable the significant volumes of material to be washed and processed. The operation of processing plants and ready-mix concrete plants at quarry sites make it more likely the material will be supplied to local markets, particularly as Brett Aggregates have no similar facility in Hertfordshire. That would not contribute to the supply of minerals in Hertfordshire and generates unnecessary haulage by road. The ancillary developments are temporary and will be removed as part of the restoration.
- 8.34 The report concludes that the ability to process minerals on site and the benefits to the sustainable use of minerals are the very special circumstances which justify inappropriate development in the Green Belt.

Bromate contamination of groundwater

- 8.35 Planning 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, including risks arising from natural hazards or former activities, 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.
- 8.36 The proposal has been subject to Environmental Impact Assessment including extensive assessments of the water environment. The lower groundwater to the north of the site is extensively contaminated by Bromate related to the former chemical works site at Sandridge. The applicant has discussed the risk of mineral working affecting the Bromate plume for a number of years prior to submitting the planning application. The Bromate plume has been extensively monitored via boreholes in the vicinity of the site. The extent of the Bromate plume is shown on the Regional Bromate plume drawing: July 2014 [Appendix 15].



- 8.37 The NPPF states ‘Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner’ (NPPF, paragraph 179).
- 8.38 Due to the scale and seriousness of the groundwater contamination a remediation notice has been in place since 2010. This has involved scavenge pumping at the Hatfield Bishops Rise site operated by Affinity Water. The contaminated groundwater is pumped to the surface, treated and disposed to the public sewer. This will come to end in July 2019 under the terms of the current remediation notice. Monitoring has shown the treatment has not been effective in reducing the spread of Bromate contamination in the lower groundwater. Consequently the Environment Agency consulted on a second proposed stage of remediation between December 2018 and January 2019. The options include continued pumping at Bishops Rise and potentially other sites. It is expected the Environment Agency will announce their preferred option in the near future.
- 8.39 In response to consultation on this application the Agency recommended a planning condition for the submission of a Groundwater Management Plan (“GMP”) to ensure that Bromate contamination is monitored throughout the mineral extraction.
- 8.40 The Environment Agency has confirmed that the draft GMP is acceptable in principle, subject to some minor clarifications, which will require revision and resubmission. The GMP condition includes additional groundwater monitoring boreholes on the northern edge of the mineral workings to monitor the plume. The Environment Agency and Affinity Water will be provided with the monitoring data. An updated GMP will be required prior to mineral extraction in each phase. The Environment Agency and Affinity Water will be consulted on the GMP and will have the ability to require the operator to demonstrate that mineral working in the preceding phase has not adversely affected the Bromate plume prior to working the subsequent phase.
- 8.41 It should be noted the Bromate issue arose in relation to the proposed allocation of sites in the draft submission Minerals Local Plan. In a letter dated 08<sup>th</sup> March 2019 responding to the consultation the Environment Agency confirmed –
- ‘There is understandable public concern over the 3 specific sites being located on or adjacent to the bromate plume. Whilst we are satisfied that bromate is mentioned in the ‘Site-Specific Planning Issues’ for each of the specific sites in Appendix 3, It may be worth highlighting the following points which are not explicitly mentioned:
1. No mineral is to be extracted from within the existing plume of bromate and bromide groundwater pollution

2. Any activities close to the plume must not change the existing hydrogeological flow regime
3. Any activities close to the plume must not interfere with the remediation of the bromate and bromide pollution.

These points have been reiterated in our formal response to the coopers green lane extension to Hatfield quarry application, which in turn was consistent with our response to the Hatfield Aerodrome and Furze field quarry applications’.

- 8.42 In relation to the potential impact on the public drinking water supply, Affinity Water was consulted on the GMP in April 2019 and raised an objection based on the risk of mineral working affecting the public drinking water supply. In a letter dated 20<sup>th</sup> May 2019 Affinity Water withdrew their objection confirming -

‘We have received an undertaking from the applicant that it will not commence extraction of mineral from the Lower Mineral Horizon until it has entered into an operating agreement with us. We have also agreed heads of terms relating to this operating agreement.

We are satisfied that these arrangements will provide us as the appointed water undertaker with a direct ability to ensure that sources of water that we use for public water supply are protected during quarrying activity. We therefore withdraw our objections to the above application.

We have also further considered the question of planning conditions and can confirm that having reviewed the position we do not consider that any additional or amended condition is necessary. In our view, the Groundwater Management Plan condition proposed by and agreed with the Environment Agency is appropriate and adequate in accordance with the relevant Government guidance’

- 8.43 In relation to the potential for mineral extraction to increase the risk of groundwater pollution, the responsible bodies for the protection of the environment and the public water supply agree that the GMP condition provides satisfactory mitigation.
- 8.44 The proposal has demonstrated there would be no significant degradation of water quality or quantity with respect to groundwater. The proposal complies with Policy 18 of the adopted Hertfordshire Minerals Local Plan.

#### Transport

- 8.45 The strategic aim of the Hertfordshire Minerals Local Plan is to ensure that the adverse impacts on the environment and people caused by mineral operations and the transport of minerals are kept, as far as possible, to an

acceptable minimum. The impact on residential amenity should also be minimised.

- 8.46 Minerals Policy 16 only allows for mineral development where the provision for vehicle movement within the site, access to the site, and conditions of the local highways network from the traffic movements generated by the development (including afteruse) would not have an unacceptable impact on highway safety, the effective operation of the road network, residential amenity or the local environment.
- 8.47 The adopted MLP allows for the use of main distributor roads by HGVs for the transport of mineral but there is a presumption against the use of significant lengths of local roads to obtain access to quarries from the major road network.
- 8.48 The proposed development will generate 174 HGV movements per day comprising 116 movements for mineral export and 58 movements for waste material. The impact of these additional vehicle movements upon three key junctions have been assessed by the Highway Authority:
- the Comet Way / Hatfield Road junction;
  - Albatross Way/Hatfield Road/Ellenbrook Lane; and
  - Mosquito Way/ Hatfield Road;
- 8.49 The Highway Authority has confirmed that the impact on these junctions would not be significant and the use of the A1057 by HGVs generated by the development is an appropriate use for this status of road. Consideration has been given to the existing levels of traffic using the A1057, including HGV movements associated with the approved developments at Hatfield Quarry. The Highway Authority is satisfied that even allowing for the HGV movements generated by the development the increase would still be well within normal daily fluctuations. In order to mitigate the impact of the additional traffic using these junctions and appropriate financial contribution for highways improvements within the vicinity of the site has been agreed with the Highway Authority.
- 8.50 The proposed new access is located in the only suitable place on this section of the A1057 and is not in close proximity to a large number of residential properties. Access via the A1057 is compliant with the notes in the site brief. The proposed access has been the subject of a Stage 1 safety audit and will be subject to technical approval under the Highways Act (s278). The applicant has agreed a lorry routing scheme so that vehicles will turn left only out of the site. This will also be required to be part of the section s278 works.
- 8.51 The proposed new access is located approximately 1.5km west of the junction of the A1057 from the A1001 Comet Way which is the shortest possible distance to the closest junction with the trunk road system. The HGVs would pass properties fronting the A1057 although these properties

are set back from the highway by at least 25m. The impact on residential amenity will be very limited.

- 8.52 The location of the access and haul road on the western side of the site are approximately 150m from the nearest properties at Jove Gardens. It is proposed to construct an acoustic fence on the western site boundary as part of initial site establishment works in order to mitigate noise potentially affecting neighbouring properties. A new section of hedgerow is also proposed to the east of the haul road to screen views of lorry movements within the site.
- 8.53 The proposal complies with Policies 16 (Transport) and 18 (Operational criteria for the control of mineral development) of the adopted Hertfordshire Minerals Local Plan.

#### Noise and air quality

- 8.54 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 (NPPF 2019: paragraph 180).
- 8.55 In terms of noise, consideration should be given to 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.
- 8.56 In terms of air quality, consideration should be given to sustain and contribute towards compliance with national objectives for pollutants 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 (NPPF 2019: paragraph 181).
- 8.57 The strategic aim of the Hertfordshire Minerals Local Plan is to ensure that the adverse impacts on the environment and people caused by mineral operations and the transport of minerals are kept to an acceptable minimum by protecting residents from noise, dust, visual intrusion and other amenity effects of mineral extraction. Minerals Policy 18 requires 'all proposals for mineral extraction and related development to demonstrate that no significant noise intrusion will arise from the development'.
- 8.58 The NPPF (paragraph 144) requires that in determining applications local planning authorities should ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity

to noise sensitive properties. Mineral planning authorities should take account of the prevailing acoustic environment and in doing so consider whether or not noise from the proposed operations would give rise to a significant effect; give rise to an adverse effect; and enable a good standard of amenity to be achieved.

- 8.59 Proposals should carry out a noise impact assessment in order to identify all sources of noise and, for each source, take account of the noise emission, its characteristics, the proposed operating locations, procedures, schedules and duration of work for the life of the operation, and its likely impact on the surrounding neighbourhood.
- 8.60 Mineral planning authorities should aim to establish a noise limit, using planning conditions, so that noise should not exceed the background noise level (LA90, 1h) at the noise-sensitive property that by more than –
- 10dB(A) during normal working hours (0700-1900); total noise from operations should not exceed 55dB(A) LAeq, 1h (free field) in any event.
  - 55dB(A) LAeq, 1hr (free field) in the evening 1900-2200;
  - 70dB(A) LAeq, 1h (free field) (maximum eight weeks per year) for essential activities to allow for soil stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, and the construction of new permanent landforms and aspects of site road construction and maintenance.
- 8.61 The planning application is accompanied by a noise impact assessment which provides measures to minimise noise emissions primarily using screen bunds close to noise sensitive properties at Popefield and an acoustic fence on the west boundary of the site. The noise impact assessment predicts that the noise at the nearest noise sensitive receptor will not exceed the maximum noise limits in the NPPF.
- 8.62 The County Council commissioned a noise consultant to assess the noise impact assessment. Their report concluded –
- i. An acceptable noise situation should occur for residents of all of the nearby residential dwellings during the construction phase of the proposed sand and gravel quarry, when assessed in accordance with British Standard BS: 5528-1;
  - ii. [provided the noise mitigation measures are implemented] an acceptable noise situation should occur for residents of all nearby residential dwellings during the operational phase of the proposed sand and gravel quarry, when assessed in accordance with NPPG; and
  - iii. [provided the noise mitigation measures are implemented] an acceptable noise situation should occur for residents of all nearby residential dwellings when assessing the cumulative impacts of

the proposed site operations in accordance with the Guidelines for Environmental Noise Impact Assessment.

8.63 The consultant report also recommends –

- a. construction of the proposed earth bunds as designed; and
- b. construction of an additional section of earth bund on the western side of the site between Phase G and Ellenbrook Meadows west of the proposed site. The suggested dimensions are 4m in height plus a 3m high close boarded fence on top.

8.64 Subject to the mitigation measures being implemented prior to the extraction and processing of minerals an acceptable noise environment should be maintained. The proposals have demonstrated that no significant noise intrusion will arise from the development. The proposal complies with Policy 18 (Operational criteria for the control of mineral development) of the adopted Hertfordshire Minerals Local Plan.

8.65 In terms of air quality, the site is not within an air quality management zone and there is no local air quality monitoring data for existing levels of pollutants. The local Environmental Health Unit advised that background air quality monitoring should be undertaken for a sixth month period prior to the commencement of mineral extraction. This scheme forms part of the planning conditions. Monitoring locations have been agreed with the Environmental Health Unit and monitoring is being undertaken.

8.66 The traffic generated by the development forms a relatively small proportion of the overall traffic using the A1057. The proposal provides for air quality monitoring. The proposal has demonstrated that it will not give rise to significant degradation to air quality. The proposal complies with Policy 18 (Operational criteria for the control of mineral development) of the adopted Hertfordshire Minerals Local Plan in respect of air quality.

#### Cumulative Impact

8.67 The Environmental Impact Assessment Regulations 2017 (Schedule 3(3)(g)) requires the likely significant effects of development on the environment must be considered in relation to the cumulation of the impact with the impact of other existing and/or approved development

8.68 Policy 11 of the adopted Hertfordshire Minerals Local Plan states '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 will not be permitted.

- 8.69 The NPPF (paragraph 205) requires minerals planning authorities to ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality when considering proposals for mineral extraction.
- 8.70 The land between Hatfield and St Albans has been subject to successive periods of mineral extraction over several decades related to the operation of Hatfield Quarry. Initially the minerals workings were based close to the processing site on Oaklands Lane but there have been subsequent planning permission for extensions to mineral working north of Coopers Green Lane at Suttons Farm, Symmondshyde Farm, and Furze field as extensions to Hatfield Quarry. Mineral extraction and restoration at Suttons Farm completed by 2007, with the exception of Phase 2 which remains to be restored. Mineral extraction and restoration at Symmondshyde Farm is due to complete by the end of 2019. Mineral extraction is yet to commence at Furze field; the permission for extraction and restoration covers a three year period from commencement. The company has indicated that it intends to commence mineral extraction at Furze field in 2020, and therefore completion can be expected by 2023. There is a current planning application for an extension to Hatfield Quarry at land adjoining Coopers Green Lane. The application proposes a phased mineral working with restoration to agricultural use over a 9 year period. The material would be processed at the Oaklands Lane site. Infill material is proposed to be imported via Coopers Green Lane.
- 8.71 In addition to the export of processed aggregates from Hatfield Quarry there is also a concrete batching plant and sand bagging facility operating from the site. The total number of HGV movements from Hatfield Quarry for all these activities is restricted to 250 (125 in/125 out) by condition.
- 8.72 The operations at Hatfield Quarry are subject to conditions to control emissions to air and noise, including a requirement to monitor air quality at Furze field and Oaklands Lane to establish baseline data.
- 8.73 The proposal has demonstrated that there will be no significant noise intrusion or significant degradation to air quality. The HGV traffic generated by the development will not have a severe impact on the road network and the Highway Authority accepts that the increase in traffic will be within the daily fluctuation of the road.
- 8.74 The traffic survey data submitted with the application was obtained for a 1- week period in April 2015. There has been some contention that traffic volumes using the A1057 may have increased since 2015 due to further developments in the vicinity of the site and a general increase in the traffic levels locally. The Highway Authority holds traffic data for this section of the A1057 for a 1-week period in April 2015 and in March

2019. A simple comparison shows a modest decrease in traffic between 2015 and 2019 with some exceptions, notably in the eastbound AM flow (8-10am) and westbound AM flow (9-10am) manifest in an increase in total flows between 9 and 10am. There is actually a marked decrease in flows east and westbound in the PM peaks manifest in a decrease in total flows during the PM peak (3-6pm) with the exception of a modest increase eastbound (5-6pm)

8.75 Table 1 below shows a comparison of eastbound/westbound/total flows from 8 to 10am and between 3 and 6pm

Table 1						
Time begin	Eastbound 5-day Ave.		Westbound 5-day Ave.		Total flow	
	2015	2019	2015	2019	2015	2019
08:00	492.8	570.7	606.6	528.3	1099.4	1099
09:00	449.4	512.7	489.4	600	938.8	1112.7
15:00	625.8	546.7	674.8	550.7	1300.6	1097.3
16:00	745.2	611.7	733.4	649.7	1478.6	1261.3
17:00	597.6	682	656.8	568.3	1254.4	1250.3

8.76 The flow of traffic from the site will generally be consistent throughout the day and will be unlikely to increase the number of HGVs on this section of the A1057 by more than 20 vehicles per hour in both directions, with the possible exception of concrete batching lorries leaving the site during the of the first hour of the working day between 7 and 8m.

8.77 Taking the above into consideration, the proposal in combination with other approved developments would not result in an unacceptable cumulative impact on the environment of the area, including the natural and historic environment and human health. The proposal complies with Policy 11 of the adopted Hertfordshire Minerals Local Plan and the NPPF (paragraphs 181, 204(f), 205(b))

### **Other matters**

#### Environmental Impact Assessment

8.78 The application has been the subject of an Environmental Impact Assessment. The application was submitted in 2016 prior to the introduction of the revised EIA Regulations in 2017. The main implication of the new regulations was that potential impacts upon human health are to be considered as part of environmental impact assessment.



- 8.79 The Environmental Statement submitted with the application already contained chapters on air quality and noise which tend to be the main potential impacts of mineral working upon human health and amenity.
- 8.80 HCC Public Health was consulted on the application and confirmed a Human Health Impact Assessment is not required for this application and that the information already submitted with the Environmental Statement has been sufficient to assess the impact on human health.

#### Environmental Permit

- 8.81 In January 2018 the Environment Agency issued an Environmental Permit<sup>4</sup> for infilling the mineral void with inert waste. The Permit lists the permissible waste types [Table S2.1] for disposal at the site which are restricted to inert wastes where all relevant waste acceptance criteria have been met. The Permit covers operating techniques, landfill engineering, waste acceptance, closure and aftercare, emissions and monitoring.
- 8.82 The Permit requires full details of the landfill engineering to be submitted for approval and for construction to be in accordance with the approved details. The Operator is required to: submit a Construction Quality Assurance (CQA) validation report; to visually inspect waste on arrival and at the point of deposit; and to retain waste samples for investigation for one month and retain the test results for two years.
- 8.83 The Permit requires the operation to be free from noise and vibration outside of the site. The Operator is required to monitor groundwater, surface waters, and landfill gas in accordance with the schedule set out in the Permit, and to retain records for six years. The Permit limits the total volume of waste to be deposited into the landfill to be in accordance with pre-settlement drawing 005A. The maximum volume of inert waste to be deposited at the site is 250,000 tonnes in any one year. The Permit requires an annual topographic survey of landfill levels.

#### Historic Environment

- 8.84 The strategic aim of the Minerals Local Plan is to preserve or enhance the overall quality of the environment and promote biodiversity, including protecting the County's cultural heritage by ensuring sensitive working, reclamation and aftercare practices.
- 8.85 The NPPF requires: (a) the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting (paragraph 128); and (b) local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (paragraph 129).

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<sup>4</sup> Permit number EPR/EB3808HD

8.86 The potentially affected listed buildings are Popefield Farm and Astwick Manor (both Grade II listed). Popefield Farm is more immediately affected because the buildings are within 100m from the edge of the façade of the listed barns. Astwick Manor is some 850m away from the workings and therefore the impact will be negligible.

8.87 Popefield Farm comprises a group of buildings consisting of the farmhouse and the three timber barns. The visual impact assessment considers the potential impact on Popefield Farm from two viewpoints.

1 - The impact during operations is assessed as 'low adverse' because the 'listed buildings create a courtyard which prevent views to the north and east'. The most significant impact would be while the perimeter screen bunds are being constructed to a height of 5m, however construction would last only for a matter of months. The bunds are proposed to be retained in situ to preserve the setting of Popefield Farm during mineral extraction. The potential impact has been assessed for each phase of the mineral working. In Phases A, D and F the mineral workings would be between 75m and 100m of Popefield Farm. In Phase A the views from the farmhouse towards the application site would be partly screened by trees. In Phases D and F, views north from the farmhouse would largely be blocked by the timber frame barn. Views of the most southern end of Phase F are likely to be unobstructed

2 - The magnitude of the change is described as "medium adverse" because some filtering of views is provided by trees. There would be clear views to the application site, particularly from upstairs windows. However, the clearer views would be oblique. The effect upon the view is therefore described as "minor adverse".

8.88 It is proposed to plant trees on the screen bunds and the land between the mineral extraction and Popefield Farm to screen views of the mineral working. There will be no mineral extraction within 75m of the boundary with Popefield Farm. These measures will provide an appropriate buffer to screen views and protect the setting of the Popefield Farm.

8.89 Post restoration, the character and appearance of Ellenbrook Fields would be restored and enhanced with a broad area of conservation grassland divided by hedgerows, and wetland pond features. The restoration of the site, including significant areas of native woodland planting and an area of nature conservation, will likely produce biodiversity enhancements in the long term. The proposed restoration would be consistent with the aims of the NPPF (paragraphs 109, 114, 118) and Minerals Policy 9 with regards to long-term overall enhancement to local biodiversity through restoration. The County Council has paid special regard to the desirability of preserving the listed buildings at Popefield Farm including its setting and features of special architectural or historic interest.

### Ecology

- 8.90 Minerals Policy 9 requires proposals for mineral development to provide opportunities to contribute to the delivery of the national, regional, and local biodiversity action plan targets. The minerals planning authority will seek long-term overall enhancement to local biodiversity through restoration or by other means such as by the attachment of conditions or planning obligations.
- 8.91 The NPPF (paragraph 109) requires the planning system to contribute and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.92 The short term impacts of mineral extraction will significantly affect existing habitats including the areas of managed and unmanaged grasslands, however, the creation of new habitat as part of the restoration of the site is likely to result in net biodiversity gains, including significant areas of new habitat (woodland, conservation and grassland) to compensate for the loss in the medium and long term. The long term management will be secured via the proposals in the Landscape Management Document. The proposed restoration would be consistent with the aims of the NPPF (paragraphs 109, 114, 118) and Minerals Policy 9 with regards to long-term overall enhancement to local biodiversity through restoration.

## **9. Conclusion and planning balance**

- 9.1 There is a pressing need to work minerals at the site to contribute to maintaining the County's appropriate contribution to local, regional and national aggregate needs, including the maintenance of an appropriate landbank, which is currently only slightly above the minimum level required by the NPPF. Minerals are a finite resource and can only be worked where they are found.
- 9.2 The proposed mineral extraction and restoration using imported inert waste complies with Policies 1, 2, 3, 4 and 15 of the adopted Hertfordshire Minerals Local Plan with respect to aggregate supply, the need for mineral working, working of preferred areas and proposals outside of preferred areas, and landfill. The proposal conforms to the specific considerations for the site brief for Preferred Area 1 (Inset Map No. 6).
- 9.3 The site is largely within Preferred Area 1 for mineral working in the Hertfordshire Minerals Local Plan 2007 and the site is identified as a specific site for mineral working in the proposed submission version of the Hertfordshire Minerals Local Plan review. A small part of the site

falls outside Preferred Area 1 but the land forms an integral part of the mineral working and restoration schemes. The proposal would not prejudice the timely working of the preferred area.

- 9.4 The original section 106 provides for restoration to a country park. The proposed restoration is compatible with the proposed country park use. The phased restoration will provide large blocks of land to be released into aftercare every five years to supplement the country park and the land available for public access. It is necessary to import inert waste to infill the deep mineral workings to restore the land to the intended afteruse. The proposed restoration is feasible and will be achieved within a reasonable timescale to high environmental standards. The proposal complies with Policies 13 (Reclamation), 14 (Afteruse) 15 (Landfill) of the adopted Hertfordshire Minerals Local Plan.
- 9.5 Public access will be maintained throughout the mineral extraction and restoration phases via permissive paths. The new section 106 provides extensions to the rights of way network to connect to rights of way (existing and proposed) on adjoining land. The proposal will provide an alternative route for walking and cycling between Hatfield and St Albans. The proposal supports the rights of way improvement plan for the area and complies with Policy 7 (Active Travel - Walking) of the Hertfordshire Local Transport Plan.
- 9.6 Appropriate buffer distances are provided of at least 60m from sensitive uses, in accordance with the principles of the Hatfield Aerodrome SPG. The proposals include noise attenuation bunds around the sensitive land uses at Popefield Farm and on the west boundary of the site. The buffer distances are appropriate taking into account the prevailing wind, the location of plant and other ancillary development. The noise impact assessment demonstrates there no significant noise intrusion will arise from the development. Additional air quality monitoring is required on the boundary of the site with sensitive land uses to inform any further control measures as necessary. The proposal complies with Minerals Policy 18 (Operational criteria for the control of mineral development)
- 9.7 The proposal will generate a total of 170 daily HGV additional movements on the A1057, between the A1001 and A1(M) which equates to less than 10% of the total traffic using this section of the A1057. Consideration has been given to the cumulative impact in combination with Hatfield Quarry which will generate up to 250 HGV movements (125 in 125 out) per day. The Highway Authority is satisfied the road will continue to operate within capacity. The site will be accessed by the only suitable location on the A1057. The additional HGV movements generated by the development will use the shortest possible route to the trunk road network. There is no other alternative to the transport of minerals from the site using the road network. The proposal complies with the site brief and Policy 16 of the adopted Minerals Local Plan.

- 9.8 The proposal has the potential for cumulative impacts in association with other mineral working in the area. The NPPF requires mineral planning authorities to ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety when considering proposals for mineral extraction. The local area has been subject to mineral working at Hatfield Quarry for many decades. Hatfield Quarry currently has planning permission to operate until 2023. There is a current planning application seeking to extend the lifetime of the quarry for a further nine years beyond the completion of Furzefield. There will have been some adverse impacts from quarrying affecting the local area in terms of landscape, visual amenity, increased traffic on local roads, increased noise and air emissions, and the extension/diversion of local footpaths. However the proposal has demonstrated that the potential impacts of the proposed development will be limited and can be satisfactorily mitigated by condition. Similar conditions apply to the operations at Hatfield Quarry and the site operates satisfactorily without complaint. The proposed development would not lead to significant adverse cumulative impacts on the natural and historic environment, human health or aviation safety in combination with the operation of Hatfield Quarry.
- 9.10 The Environmental Impact Assessment Regulations require consideration of the cumulative impact in conjunction with other approved developments. The potential impact of the application for mineral extraction on land adjoining Coopers Green Lane will be considered with regard to cumulative impacts as part of that application.

Planning balance

- 9.11 The supply of minerals from the site is necessary to ensure adequate supplies are available to meet the county's agreed apportionment of regional supply, and the maintenance of an appropriate landbank. National planning policy requires mineral planning authorities to maintain a landbank of sand and gravel for a minimum seven years. The current landbank for Hertfordshire is seven and a half years. The mineral supply from the site will help to maintain the landbank above the minimum level. The site is largely within Preferred Area 1 and the proposal fulfils the requirements of the site brief. The proposal therefore complies with Policy 1 (Aggregates Supply), Policy 2 (Need for Mineral Working) and Policy 3 (Sites for sand and Gravel Extraction and the Working of Preferred Areas) of the Hertfordshire Minerals Local Plan.
- 9.12 Government policy with regard to facilitating the sustainable use of minerals states 'It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation (NPPF, paragraph 203). When determining planning applications, great weight should be given

to the benefits of mineral extraction, including to the economy (NPPF, paragraph 205).

- 9.13 Mineral extraction is not inappropriate development in the Green Belt. The ancillary development including the construction and operation of a processing, ready mix concrete plant and screening bunds is regarded as inappropriate development. These facilities are required in order to process the large volume of material raised on site and to avoid unnecessary transport of minerals for processing. The screen bunds are essential to screen views of the mineral processing and provide noise attenuation.
- 9.14 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (NPPF, paragraph 144). 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.
- 9.15 In terms of the negative impacts (during operations) the development would result in
- low adverse and minor adverse visual impact upon the setting of Popefield Farm;
  - short-term significant adverse impact on grassland habitats;
  - minor (not significant) adverse impact in terms of noise and air quality;
  - minor (not significant) adverse traffic impact on the local highway network
  - minor (not significant) adverse cumulative impact
- 9.16 In terms of the positive impacts, the proposal provides for:
- restoration compatible with use of the land as a country park
  - permanent extensions to the rights of way network
  - long term enhancement to the setting of Popefield Farm
  - potential net biodiversity enhancements from restoration
  - continued public access to the land during operations via permission paths
- 9.17 In the balancing exercise
- great (positive) weight is given to the benefits of mineral extraction;
  - moderate (positive) weight is given to the benefits of restoration compatible with a country park;
  - substantial (negative) weight is given to the inappropriate development and impact on openness of the Green Belt;

- moderate (negative) weight is given to the minor adverse impacts upon Popefield Farm, habitats, air quality and noise emissions, landscape and visual amenity;
- moderate (negative) weight is given to the delay in provision of the country park while mineral extraction is taking place

9.18 It is considered that the positive benefits of the development clearly outweigh the harm to the Green Belt and other harm. It is considered that very special circumstances exist for the development. Therefore it is recommended that planning permission should be granted subject to referral to the Secretary of State and the following conditions:

## 10. Conditions

### **Time limit for implementation**

1. The development hereby permitted shall be commenced within three years of the date of the date of this notice.

**Reason: to comply with the terms of the Town and Country Planning Act.**

### **Notice of commencement**

2. Not less than 21 days prior to the commencement of development<sup>5</sup> the Mineral Operator shall write to the Mineral Planning Authority stating the intended start date. The development shall not commence until the Mineral Planning Authority has confirmed in writing that all of the pre-commencements requirements set out in conditions 8 – 36 below have been complied with.

**Reason: to ensure all matters that require attention prior to the commencement of development have been carried out in order to comply with the planning permission.**

### **Time limit for completion**

3. The development hereby permitted shall be completed<sup>6</sup> not later than 32 years from the commencement of development under Condition 2, and shall include restoration, soil placement, cultivation, seeding, and any other land management necessary to restore the land in accordance with the approved restoration scheme to an appropriate condition to enter aftercare.

**Reason: to ensure that the development is completed in accordance with the expected timescales specified in the**

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<sup>5</sup> For the purpose of Condition 2, the commencement of development will include any part of the works shown on drawing HQ 3/6 Initial Site Preparation Dec 2015

<sup>6</sup> For the purpose of Condition 3, completion of development shall include mineral extraction and restoration, but not aftercare

**application, to comply with the aims, objectives and policies of the Hertfordshire Minerals Local Plan 2007.**

**Removal of quarry infrastructure**

4. The quarry use shall be discontinued not later than 32 years following the commencement of development, as specified in Condition 2, and the land shall be restored in accordance with the approved plans pursuant to Condition 5. All plant, machinery, buildings, waste material and hardstanding areas shall be removed and the land reinstated in accordance with the approved restoration plan and provision shall be made for an access road and car park to serve the use of the land as a Park in accordance with the indicative restoration plan.

**Reason: to ensure the land is restored to the proposed afteruse at the earliest opportunity and to high environmental standards, in accordance with Minerals Policies 13 (Reclamation) and 14 (Afteruse) of the Hertfordshire Minerals Local Plan Review 2007 and the NPPF 2019 (paragraphs 204 and 205)**

**Approved plans**

5. The development is restricted to the development shown on the plans, drawings, and documents listed in the schedule of approved drawings below, or as may be subsequently amended under section 73 or 96A or the Town and Country Planning act 1990. The development shall be carried out in accordance with the planning conditions set out in this notice:

Plans		
HQ 2/1	Site Location Plan	Nov 2015
HQ 2/3	Topographic Survey	Nov 2015
HQ 3/1	Overall Phasing/General Layout	Nov 2015
HQ 3/2	Entrance Design	Nov 2015
HQ 3/3	Plant Site (Masterplan)	Nov 2015
HQ 3/4	Processing Plant Detail	Nov 2015
HQ 3/5	Plant Elevations	Nov 2015
HQ 2/2	Application Site Layout	Nov 2015
HQ 3/6	Initial Site Preparation	Dec 2015
HQ 3/7	Phase A – Illustration	Dec 2015
HQ 3/8	Phase B – Illustration	Dec 2015
HQ 3/9	Phase C – Illustration	Dec 2015
HQ 3/10	Phase E – Illustration	Dec 2015
HQ 3/11A	Illustrative Restoration Concept	Aug 2016
HQ 3/12	Illustrative Sections	Dec 2015
HQ 3/13	Phase D – Illustration	Aug 2016
HQ 3/14	Phase F – Illustration	Aug 2016
HQ 3/15	Phase G – Illustration	Aug 2016



Documents  
Environmental Statement  
Transport Chapter Addendum

Feb 2015  
Aug 2016

**Reason: (1) to ensure the development complies with the planning application, (2) to ensure effective monitoring progress of mineral extraction and restoration in accordance with the timescales set out in the application, and (3) to comply with section 96A of the Town and Country Planning Act 1990.**

**Processing plant and buildings**

6. Prior to the commencement of mineral extraction, fully specified drawings of the processing plant and buildings, to include cross section drawings, shall be submitted to and approved in writing by the Mineral Planning Authority. The cross section drawing shall clearly show proposed site levels for all plant, machinery and buildings, including:
- maximum height of footings level (finish floor level)
  - maximum height of all plant, machinery and buildings
  - the maximum depth of excavations for the lagoons.

The maximum height of plant and buildings for the processing plant and concrete batching plant shall not exceed 14 metres.

**Reason: to minimise the visual impact of the development and in the interests of the openness of the Green Belt**

**Storage bunds and stockpiles**

7. The maximum heights of storage bunds and stockpiles shall not exceed:
- 3m - top soil
  - 4m - sub soil
  - 5m – stockpiles (minerals)

**Reason: in the interests of visual amenity and the openness of the Green Belt.**

**Details of additional bunding and landscaping**

8. Prior to the commencement of mineral extraction full details of additional bunding and landscaping shall be submitted to and agreed in writing by the Mineral Planning Authority for the following locations:
- (i) adjacent to Popefield Farm;
  - (ii) on the western boundary and
  - (iii) immediately to the south of the processing plant

Full details shall be provided of the height, grading and relationship with adjoining land levels/ contours and existing vegetation on the boundary of the site. Development shall be carried out in accordance with the approved details.

**Reason: in the interests of appropriate landscaping of the site and to protect exiting trees, in the interests of residential amenity, and to protect the setting of Popefield Farm; in accordance with Minerals Policy 12 (Landscape) and 13 (Reclamation) of the Hertfordshire Minerals Local Plan Review 2007, and Policies 70 and 74 of the St. Albans District Local Plan Review 1994.**

**Phasing plans**

9. Prior to the commencement of mineral extraction in each Phase, a detailed working plan shall be submitted to show:
- (a) the extent of the extraction area
  - (b) the location of screen bunds
  - (c) the location of soil stockpiles
  - (d) identification of top soil and sub soil storage areas
  - (e) description and illustration of measures for noise and dust mitigation
  - (f) the location of haul roads

The mineral extraction in each Phase shall take place in accordance with the plans submitted with the application listed in Condition 5 unless otherwise agreed under the terms of this condition.

The detailed restoration works shall be carried out in accordance with the programme agreed with the Mineral Planning Authority.

**Reason: to ensure the extraction is carried out on a phased basis to ensure the land is restored at the earliest opportunity to high environmental standards in accordance with Policies 13 (Reclamation) and 14 (Afteruse) of the Hertfordshire Minerals Local Plan Review 2007 and the NPPF 2019 (paragraphs 204 and 205)**

**Construction Management Plan**

10. Prior to the commencement of development, including the works shown on drawing HQ 3/6 Initial Site Preparation Dec 2015, a detailed construction management plan shall be submitted to and agreed in writing by the Mineral Planning Authority, to include details of:
- vehicle routing
  - phasing - including timescales
  - construction of the access ramp
  - noise and dust mitigation measures

The Construction Management Plan shall be implemented as agreed in full for each Phase for the duration of the development.

**Reason: to ensure any adverse impacts of development are mitigated**

**Access – enabling works**

11. Prior to the commencement of the development hereby permitted detailed drawings to show the proposed means of access during the site enabling works, as indicated on drawing HQ 3/6 Initial Site Preparation Dec 2015, shall be submitted to and approved in writing by the Mineral Planning Authority. The site shall be accessed via the approved means of access only throughout the period of the enabling works, unless otherwise agreed in writing by the Mineral Planning Authority.

**Reason: in the interests of highway safety and residential amenity**

**New access**

12. Prior to the commencement of mineral extraction, the site access onto the A1057, as indicated on drawing 402.01009.00064.14.H002 R4, shall be provided in accordance with the technical approval of the Highway Authority. The approved means of access shall be the only means of access for the purposes of mineral extraction and infilling for the duration of the development.

**Reason: To ensure the provision of safe access in the interest of highway safety and amenity.**

**Visibility splays**

13. Prior to the commencement of the site preparation works, as shown on drawing HQ 3/6 Initial Site Preparation Dec 2015, visibility splays measuring 4.5 x 120 metres shall be provided on both sides of the proposed site access on Hatfield Road where it meets the highway. The visibility splays shall be maintained free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway at all times.

**Reason: In the interests of highway safety.**

**HGV routing**

14. Prior to the commencement of mineral extraction, an HGV Routing Plan shall be submitted to and approved in writing with the Mineral Planning Authority. The HGV Routing Plan shall include:

- a plan illustrating the route between the site and Comet Way/ A1(M) via the A1057
- measures to ensure all vehicles exit the site left only and travel eastbound on the A1057/Comet Way (A1001)/A1(M);
- means to ensure compliance with the routing plan; and
- enforcement measures

On exiting the site all HGVs shall turn left only throughout the development.

**Reason: In the interests of highway safety and amenity.**

**Traffic Management Scheme**

15. Prior to the commencement of the development, as shown on drawing HQ 3/6 Initial Site Preparation Dec 2015, a Traffic Management Scheme shall be submitted and approved in writing, to include:

- a detailed plan to show the site layout between the junction with the public highway and the weighbridge to, include sufficient provision for queuing vehicles to stand clear of the highway and a loop road to return HGVs to the public highway
- a clear protocol for managing HGV arrivals and departures at peak times, including a managed system for HGV arriving at the site;
- haul road signage
- schedule of cleaning and maintenance of the haul road;
- operation of a wheel washing facility

The approved Traffic Management Scheme shall be implemented and operated in throughout each phase of the mineral working

**Reason: In the interests of maintaining highway efficiency and safety.**

**Public highway - condition survey**

16. Prior to the commencement of mineral extraction, and subsequently for each calendar year over the lifetime of the development, the mineral operator shall carry out a condition survey of the section of public highway between the site access and the access to Popefield Farm. The condition survey shall assess any abnormal wear and include proposals to remedy any damage to the highway surface, as may be necessary. The condition survey shall be carried out by a highway engineer and submitted in accordance with a timetable to be agreed with the Mineral Planning Authority. Any works necessary to remedy abnormal wear and tear identified by the condition survey shall be

remedied as soon as possible in accordance with a timetable to be agreed with the Mineral Planning Authority.

**Reason: in the interest of highway safety.**

**Provision of parking and servicing areas**

17. Prior to the commencement of mineral extraction, sufficient space shall be provided within the site to enable HGVs to park, turn and re-enter the highway in a forward gear. A detailed scheme showing the levels, surfacing and drainage of these areas shall be submitted to and approved in writing by the Mineral Planning Authority. The parking and turning space within the site shall be provided in accordance with the approved scheme and maintained for the lifetime of the development.

**Reason: In the interests of satisfactory development and highway safety**

**Right of Ways – detailed plans**

18. Prior to the commencement of mineral extraction, detailed plans to include cross section drawings to show the detailed design and construction for public rights of way shall be submitted to and approved in writing by the Mineral Planning Authority. The details plans shall indicate:
- i. Proposed improvements to the width and surfacing of the footpath opposite the site access between nos. 403 and 616 St Albans Road West;
  - ii. upgrading / surfacing for the new public bridleways, in accordance with the Rights of Way Good Practice Guide Surfacing Specifications for Hertfordshire;
  - iii. provision of safe and level access, width and design suitable for wheelchair users, cyclists and horse riders for new public bridleways within the site.

The surfacing, drainage and sign posting of the public rights of way shown on Rights of Way Plan in the section 106 agreement shall be implemented in accordance with the Good Practice Guide for Rights of Way Hertfordshire as part of the approved restoration as shown on the phasing and restoration plan(s) approved under Condition 9.

**Reason: In the interests of sustainable travel, to ensure that all pedestrians and cyclists can conveniently travel to and from the development.**

**Archaeology**

19. Prior to the commencement of the works shown on drawing HQ 3/6 Initial Site Preparation Dec 2015, the mineral operator shall submit an Archaeological Written Scheme of Investigation for approval in writing by the Mineral Planning Authority. The scheme shall include an assessment of archaeological significance and research questions; and:
- i. The programme and methodology of site investigation and recording;
  - ii. The programme and methodology of site investigation and recording as suggested by further archaeological evaluation;
  - iii. The programme for post investigation assessment;
  - iv. Provision to be made for analysis of the site investigation and recording;
  - v. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - vi. Provision to be made for archive deposition of the analysis and records of the site investigation;
  - vii. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

**Reason: to ensure that adequate opportunity is provided for archaeological research on this likely historically important site.**

**Dust suppression scheme**

20. Prior to the commencement of mineral extraction, the mineral operator shall submit a dust suppression scheme to demonstrate how dust will be controlled at source during each Phase and for the duration of the development. The scheme shall provide measures aimed at removing and reducing dust emissions at source, and appropriate mitigation measures, to include (but not limited to):
- the use of water to dampen haul roads and stockpiles,
  - installation of air quality monitoring equipment in locations to be agreed as part of the approved scheme;
  - review of air quality monitoring data by an air quality monitoring professional;
  - action plan for managing dust; including a protocol for restricted working when the wind speed/direction may result in dust being carried from the site affecting nearby properties
  - The measures comprising the scheme shall be fully implemented at all times when the site is operational.

**Reason: in the interest of public amenity; to protect the living conditions of the neighbouring properties; to ensure that the development does not have an adverse impact upon human**

**health; and to comply with the NPPF 2019 (paragraph 204) and Policy 70 of the St. Albans District Local Plan Review 1994.**

**Landscaping and planting scheme**

21. Prior to the commencement of mineral extraction, a detailed landscaping scheme for advance planting within the site and on site boundaries shall be submitted to and approved in writing by the Minerals Planning Authority. The scheme shall include:
- a) provision of permanent woodland planting south of the plant area;
  - b) plant specifications, species, size, spacing and number of trees and shrubs to be planted and measures to protect and maintain the trees and shrubs in accordance with good practice;
  - c) plans to show the position, species type and size of all existing trees, shrubs and hedgerows to be retained, and the proposals for their protection throughout the operations;
  - d) details of hard landscaping, entrances gates other means to secure the site, to include the location, type and height of proposed fencing to prevent public access to operational areas;
  - e) a programme to implement the scheme

The approved scheme shall be implemented in full within the first available planting season for each phase of the restoration in accordance with British Standards.

**Reason: to provide for appropriate landscaping of the site in accordance with Policy 12 (Landscape) of the Hertfordshire Minerals Local Plan Review 2007**

**Ecology - Biodiversity and Habitat Management Plan**

22. Prior to the commencement of enabling works, as shown on drawing HQ 3/6 Initial Site Preparation Dec 2015, a Biodiversity and Habitat Management Plan shall be submitted to the Mineral Planning Authority. The Plan shall include detailed proposals to achieve a net enhancement to biodiversity during mineral extraction and restoration and upon completion of the development. The Plan shall include a schedule of management proposals and long term biodiversity objectives, and set out responsibilities and mechanisms to achieve the long term objectives

**Reason: to ensure appropriate compensation and enhancement of habitats in accordance with the NPPF (paragraph 109)**

**Ecology - Habitat Management Plan – Great Crested Newts**

23. Prior to the commencement of mineral extraction a Habitat Management Plan for Great Crested Newt populations within the site

shall be submitted to and approved in writing by the Mineral Planning Authority, to include habitat areas on adjoining land at Home Covert, and measures to safeguard populations of Great Crested Newts during mineral extraction through safeguarding areas and exclusion fencing, and measures to translocation populations on a phased basis. The measures contained within the Plan shall be implemented prior to the commencement of development.

**Reason: to ensure the favourable conservation status of the species is maintained.**

**Ecology - habitat licence**

24. Prior to the commencement of the enabling works shown on drawing HQ 3/6 Initial Site Preparation Dec 2015, the necessary licences required under the Wildlife Acts and Habitats Directive shall be obtained.

**Reason: to ensure that any works having the potential to affect protected species are carried out under the appropriate licence to maintain the favourable conservation status of the species.**

**Ecology - mitigation**

25. Prior to the commencement of the enabling works shown on drawing HQ 3/6 Initial Site Preparation Dec 2015, and subsequently prior to soil stripping in each Phase, the mitigation measures detailed in the ecological survey shall be carried out in accordance with a programme to be agreed in writing with the Mineral Planning Authority.

**Reason: to mitigate the impact on habitats and protected species and to provide appropriate contribution of nature conservation; in accordance with the NPPF (paragraph 109) and Policies 74 and 106 of the St. Albans District Local Plan Review 1994.**

**Groundwater Management Plan**

26. Prior to the commencement of mineral extraction, a Groundwater Management Plan shall be submitted and approved by the Mineral Planning Authority. The Groundwater Management Plan shall include:
- i. details of construction and water management during construction of the two infiltration lagoons.
  - ii. clarification of the restored site discharge point for the back-drain for the Upper Mineral Horizon.
  - iii. a long-term groundwater monitoring plan to continue during and post the operational phase.
  - iv. A mechanism for periodic review



The plan should include monitoring and reporting programs, location of monitoring points including additional monitoring boreholes particularly in the vicinity of the infiltration lagoons, analytical suites, limits of detection and groundwater level monitoring. Details of contingency actions in the event of impact shall also be included.

The two infiltration lagoons and back drain shall be constructed in accordance with the approved Groundwater Management Plan prior to the export of sand and gravel from the site.

Groundwater monitoring shall be conducted by the Mineral Operator in accordance with the long-term groundwater monitoring plan for the lifetime of the development.

Prior to mineral extraction in each Phase, the Groundwater Management Plan shall be reviewed and an updated Plan submitted and approved in writing by the Mineral Planning Authority.

The management of groundwater shall be carried out in accordance with the approved Plan, or otherwise agreed in writing by the Mineral Planning Authority under the periodic review process, for the lifetime of the development

**Reason: to protect controlled waters throughout the mineral extraction phasing; to ensure there is 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 with increased flood risk, impacts on the flow and quantity of surface and groundwater and migration of contamination from the site, in accordance with the NPPF.**

**Public access strategy**

27. Prior to the commencement of mineral extraction, and subsequently prior to mineral extraction in each Phase, detailed proposals for managed public access shall be submitted to and approved in writing by the Mineral Planning Authority.

The proposals shall clearly define areas where public access is allowed and exclusion zones for each Phase. The Access Strategy shall provide an appropriate level of public access to un-worked and restored areas of the site during the lifetime of the quarry. Footpaths shall be clearly sign posted. Fencing of an appropriate height and design shall be provided to deter unauthorised or unintended access to the mineral workings and plant site. Warning signs shall be erected to clearly indicate working areas.

The Access Strategy shall comprise a plan and a written statement.

**Reason: to ensure the maximum opportunity for public access to areas non-worked and restored areas; to protect members of the public from exposure to risk from quarrying activities; in the interests of visual and public amenity; to protect and enhance public rights of way in accordance with the NPPF (paragraph 74) and Policy 74 of the St. Albans District Local Plan Review 1994.**

**Air Quality monitoring – baseline conditions**

28. Prior to the commencement of the development the mineral operator shall undertake a minimum of 6 months continuous air quality monitoring, in locations to be agreed with the local Environmental Health department, to measure existing baseline air quality. Air quality measurements shall be recorded for a minimum of 12 months following the commencement of sand and gravel export from the site. A report of air quality information gathered by the monitoring equipment shall be submitted to the Mineral Planning Authority for each day of the 12 month period

**Reason: to establish an accurate baseline reading of existing conditions, and demonstrate fluctuations in air borne particles related to vehicle emissions from the site in the interests of human health.**

**Noise monitoring**

29. Prior to the commencement of mineral extraction, and subsequently prior to mineral extraction in each phase of development, a noise management strategy shall be submitted to and agreed in writing by the Mineral Planning Authority. The strategy shall indicate locations for noise monitoring equipment on the site boundary nearest to sensitive receptors and include mitigation measures such as soil bunds and acoustic barriers as may be necessary to ensure compliance with maximum noise standards in the National Planning Practice Guidance. The strategy shall be implemented in full as approved for the lifetime of the development.

**Reason: to ensure compliance with accepted noise standards**

**Water Management Plan**

30. Prior to the commencement of mineral extraction in each Phase, a water management plan shall be submitted and approved in writing by the Mineral Planning Authority. The water management plan shall detail measures to manage water from the lagoons, including an exceedance route for discharge of water from the lagoons as surface water under exceptional circumstances, and include a mechanism for periodic

review. The management of water shall be carried out in accordance with the approved Plan, or as otherwise agreed by the Mineral Planning Authority under the periodic view process, for the lifetime of the development.

**Reason: to minimise the risk of surface water flooding and in the interests of water quality.**

**Landscape Management Plan**

31. Prior to the commencement of development a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- details extent and type of new planting
- details of maintenance regimes
- details of any new habitat created on site
- details of treatment of site boundaries and/or buffers around water bodies
- details of management responsibilities

**Reason: to contribute to enhancement of biodiversity by establishing ecological networks; to protect wildlife and their habitats and secure opportunities for the enhancement of the nature conservation value of the site (NPPF, paragraph 109); and to take the opportunities to incorporate biodiversity in and around developments (NPPF, paragraph 118).**

**Overburden handling - method statement**

32. Prior to the commencement of mineral extraction in each Phase, a method statement for the handling of overburden material shall be submitted to and approved in writing by the Mineral Planning Authority. The method statement shall include plans and cross sections as necessary showing the height and location of stockpiles, indicate the maximum duration for bunds and stockpiles to be retained in-situ, and provide for the removal of stockpiles upon completion of restoration in each Phase.

**Reason: to ensure the excavated volumes of material are managed effectively within the site and to in the interests of public and visual amenity.**

**Gas Pipeline – safeguarding**

33. Prior to the commencement of development a Gas Pipeline Management Plan shall be submitted to and agreed in writing by the Mineral Planning Authority to include plans and cross sections and clearly indicate minimum working distances between the haul road and mineral extraction areas and the gas pipeline. The minimum working distances, as agreed with energy infrastructure company (National Grid), shall be maintained at all times during the workings.

**Reason: to ensure the integrity of the energy infrastructure.**

**Controlled Access**

34. Prior to the commencement of development, including the works shown on drawing HQ 3/6 Initial Site Preparation Dec 2015, the Mineral Operator shall submit details of a barrier controlled access within 100m of the site access junction with the A1057, to include:

- weighbridge
- raised viewing platform to view loads;
- a double gate security system
- a loop route for vehicles to return to the public highway at the weighbridge
- gates to secure the site access outside operational hours;
- signage setting out conditions of entry
- advance signage to indicate when the site is open / closed

The Mineral Operator shall keep accurate records of each HGV entering the site to deposit waste, to include: the waste carrier licence; the type of waste; the origin of the waste, vehicle weight; registration of the vehicle, and company name, for each Phase for the lifetime of the development.

**Reason: in the interest of highway safety, condition of the highway and the free flow of traffic.**

**Wheel cleaning facilities – for construction vehicles**

35. Prior to the commencement of the works shown on drawing HQ 3/6 Initial Site Preparation Dec 201, and subsequently prior to the commencement of mineral extraction in each Phase of the development, wheel washing facilities shall be provided and maintained in a usable condition. HGVs shall not be permitted to exit the site until the wheels and chassis are free from mud and debris.

**Reason: To prevent mud and debris from the site being deposited on to the highway.**

## **TIME LIMITED CONDITIONS**

### **Landscaping scheme for restoration**

36. Within 12 months of the commencement of mineral extraction, a detailed landscaping scheme shall be submitted for approval; to include: a written statement and detailed illustrations for each phase of the mineral workings, illustrated as Phases A-G on the approved plans, to include the following information:
- a) The provision of woodland planting within the site in accordance with Landscape Management Document principles 20-30%;
  - b) the maintenance and defects liability period should be minimum five years;
  - c) details of removal / retention of tree planted mounds / buffer planting;
  - d) details of footpaths design to conserve and enhance the rural character and visual amenity;
  - e) clear strategy for the siting and design of interpretation boards;
  - f) siting and design of car park;
  - g) provision of security fencing;
  - h) details of the treatment of Nast Culvert;
  - i) timescales for implementation

The approved scheme shall be implemented within 12 months of soil placement in each phase.

**Reason: to provide for satisfactory landscaping of the site in accordance with best practice and in accordance with Minerals Policy 12 Landscaping.**

### **Phased restoration scheme**

37. Within six months of completion of mineral extraction in each Phase of the development, a detailed restoration scheme shall be submitted for approval to include:
- a) calculation of the volume of fill material required to complete restoration;
  - b) cross section drawing to show:
    - the depth of the mineral void; and
    - the depth and final levels of:
      - fill material
      - sub soil
      - topsoil
      - final restored contours

The scheme shall be approved in writing by the Mineral Planning Authority prior to the commencement of infilling. Each Phase of the

development shall be restored in accordance with the approved phased restoration scheme for that Phase.

**Reason: to ensure a satisfactory restoration is achieved.**

**Marker levels**

38. Prior to the infilling within 1m of the finish levels in each phase, marker levels shall be erected to show the final fill levels, sub soil and top soil levels. The site operator shall give the Minerals Planning Authority not less than 3 working days notice in writing that filling within any area of the site is approaching 1 metre of final levels.

**Reason: to ensure the restoration levels are suitable for the proposed restoration in accordance with the approved plan, and in accordance with Policies 13 (Reclamation Scheme) and 14 (Afteruse) of the Hertfordshire Minerals Local Plan Review 2007.**

**Restoration Programme & Monitoring**

39. Within 12 months of the commencement of mineral extraction in each Phase, the Mineral Operator shall submit a detailed restoration programme setting out:
- progress with restoration in each Phase;
  - progress with mineral extraction for the preceding six months;
  - groundwater monitoring
  - management of water storage volumes de-watering regime monitoring over the preceding six months;
  - proposals for de-watering in the following six months;
  - groundwater (levels and quality) from monitoring boreholes over the preceding six months;
  - surface water quality monitoring for the UMH/LMH lagoons;
  - proposals for biodiversity enhancements;
  - management of the restored land;
  - arrangements with the Ellenbrook Park Trust

The Mineral Operator shall provide a written report of the preceding 6 months monitoring, to include illustrations as appropriate, and proposals for the following six months.

The Mineral Planning Authority will provide an annual monitoring programme at the start of each calendar year and provide the Mineral Operator with a written report after each meeting setting out any agreements and actions for the following six months.

**Reason: to ensure a satisfactory programme of progressive restoration in each Phase and to provide for restoration and aftercare at the earliest opportunity to be carried out to high**

**environmental standards in accordance with the National Planning Policy Framework 2012 (paragraph 144) and in accordance with Minerals Policy 13 Restoration Scheme of the Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2007;**

**Aftercare**

40. Within six months of the date of this planning permission, and subsequently prior to the commencement of mineral extraction in any subsequent phase, an aftercare scheme requiring such steps as may be necessary to bring the land to the required standard suitable for the proposed conservation afteruses shall be submitted for the written approval of the Minerals Planning Authority. The scheme shall specify the steps as may be required to achieve and maintain the standards required for the proposed conservation afteruses:
- a) cover a five year period;
  - b) specify all practical steps and periods during which they are to be taken;
  - c) contain provision for the submission of an annual report to be submitted to the Minerals Planning Authority;
  - d) contain provision for site meetings on at least an annual basis with officers of the Minerals Planning Authority and any relevant consultee in order to assess the progress to date, any remedial action required, and the management of the site for the following year.

The approved aftercare scheme shall be implemented in full on completion of restoration or completion of restoration of any working phase, and shall be carried out for a period of ten years following restoration or restoration of each phase (as appropriate).

**Reason: to ensure the proposal meets the aftercare requirements set out in Policy 14 (Afteruse) of the Hertfordshire Minerals Local Plan Review 2007, and in particular (i) enhances the character of the local area ensure (ii) is a benefit to the local community (iii) provides for increased public access and (iv) enhances biodiversity.**

**Air quality monitoring scheme**

41. Prior to the commencement of soil stripping within each Phase, the mineral operator shall submit proposals comprising an air quality monitoring scheme to the Mineral Planning Authority for approval, to include:
- proposals for siting air quality monitoring equipment adjacent to the site boundary, including a plan showing their location
  - details of the type, make, model, and specification;

- a programme of monitoring air quality on a weekly and/or monthly basis;
- a monthly report of NOx and PM10 levels for each working day

The air quality monitoring scheme shall be approved in writing prior to the commencement of soil stripping in each Phase.

The air quality monitoring equipment shall be installed prior to the commencement of soil stripping in each Phase.

The monthly air quality monitoring report shall be submitted for each in accordance with a programme to be agreed with the Mineral Planning Authority.

**Reason: to assess real-time changes in air quality related to air borne dust emissions from the site in the interests of human health.**

#### **Archaeological works**

42. The development shall take place in accordance with the programme of archaeological works set out in the approved Written Scheme of Investigation. The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation within 12 months of the commencement of mineral extraction in each Phase. Provision shall be made for analysis and publication where appropriate.

**Reason: to ensure that adequate opportunity is provided for archaeological research on this likely historically important site; to comply with Policy 111 of the St. Albans District Local Plan Review 1994.**

#### **Tree and Hedge Removal**

43. No tree or hedge removal shall take place during the bird breeding season (March to August inclusive)

**Reason: to protect breeding birds, their nests, eggs and young.**

#### **Noise – maximum levels**

44. The maximum noise levels generated by the operations at the site shall not exceed 55dB LAeq (1 hour) measured at the boundaries of the site. During temporary operations, including soil stripping, bund construction, and soil placement, noise levels measured at the boundary of the site shall not exceed 70dB LAeq (1 hour). At all other times noise shall not exceed 10dB LAeq (1 hour) above the background levels measured at the nearest sensitive receptor.



**Reason: in the interests of residential amenity in line with Policy 70 of the St. Albans District Local Plan Review 1994; to comply with maximum noise levels specified in the National Planning Policy Guidance.**

**Noise - vehicle maintenance**

45. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers.

**Reason: in the interests of residential amenity.**

**Hours of operation**

46. The hours of operation of the site, where mineral extraction and processing is permitted are limited to:

- 07:00 to 18:00 hours Monday to Friday; and
- 07:00 to 13:00 hours on Saturdays

There shall be no operations, including the use of machinery, mineral processing and waste disposal outside of the above hours. No working is permitted on Sundays or Bank Holidays, unless otherwise agreed in writing by the Mineral Planning Authority under exceptional circumstances. For the purposes of this condition operations shall include vehicle movements connected with the importation of waste.

**Reason: to limit the disruption caused by mineral working and processing and HGV movements upon the local area; in the interests of residential amenity; to comply with Policy 70 of the St. Albans District Local Plan Review 1994.**

**HGV movements**

47. There shall be not more than 174 HGV movements (87 in, 87 out) on each day from Mondays to Fridays, and not more than 108 HGV movements (54 in, 54 out) on Saturdays unless otherwise agreed in writing in advance with the Mineral Planning Authority. The above maximum figures shall be applied to all operations at the site, to include all HGV movements related to:

- sand and gravel export,
- operation of the concrete batching plant, and
- waste importation.

The Mineral Operator shall keep written records of all HGVs entering and exiting the site for the lifetime of the development. The written

records shall be made available upon request for inspection by the Mineral Planning Authority.

**Reason: In the interests of highway safety and local amenity.**

**Single access**

48. Upon commencement of mineral extraction and thereafter at all times, HGVs shall enter / exit the site only via the approved access onto A1057 St Albans Road West, as indicated on drawing 402.01009.00064.14.H002 Revision R0. No other vehicular access shall be provided to the site.

**Reason: in the interest of highway safety**

**HGV routing**

49. The junction design shall include measures so that all HGVs exit the junction with Hatfield Road (A1057) left only (eastbound) and are routed to Comet Way (A1001). The junction design shall be implemented in accordance with the approved plans. The left only arrangement shall be maintained for the lifetime of the development.

**Reason: in the interests of highway safety and amenity.**

**Mud on highway**

50. The operator shall take steps to ensure that mud and debris is prevented from being carried out of the site and deposited onto the public highway. No Heavy Goods Vehicle shall exit the site and join the public highway unless and until their wheels and chassis have been thoroughly cleaned.

**Reason: to prevent the deposit of mud onto the road; in the interest of highway safety and amenity.**

**Extent of working**

51. With the exception of enabling works, including construction of the silt lagoons and ecological mitigation works, no mineral extraction shall take place -
- a) within the processing plant area, as shown on drawing Aggregate Processing Plant on drawing HQ 3/3 - Plant Site (Masterplan) - November 2015; and
  - b) outside the maximum extent of the mineral extraction area shown on drawing HQ 3/6 - Initial Site Preparation - December 2015.

**Reason: to minimise the environmental impacts of mineral working.**

**Mineral extraction method**

52. Unless otherwise agreed in writing mineral extraction shall take place in accordance with the methods proposed in the planning application based on the use of excavators and dumpers.

**Reason: to minimise the environmental impacts of mineral extraction.**

**Inert waste only**

53. No material shall be disposed of at the site other than inert waste within the waste types specified in the Environmental Permit issued by the Environment Agency.

**Reason: to minimise the risk of pollution to land and water and to ensure the material used in reclamation is appropriate for the proposed afteruse**

**Waste volumes**

54. The maximum volume of waste imported and disposed of at the site shall not exceed the volume necessary to achieve the approved restoration contours.

**Reason: to ensure the site is restored in accordance with the planning permission and to limit the impact to the highway network.**

**Weighbridge records**

55. The weighbridge shall be maintained in a working condition through the lifetime of the development. The mineral operator shall keep accurate weighbridge records of the volume of waste material imported to the site. All HGVs entering the site must be weighed on before entering the site and weighed off before exiting the site. The Mineral Operator shall keep daily records of the volumes of waste imported to the site during each phase of the restoration.

**Reason: to ensure the volume of waste imported and disposed of at the site is the minimum necessary to achieve the approved development.**

**Waste storage, sorting and processing**

56. With the exception of engineering material required for the construction of the landfill barrier/buttreass, no importation, storage, sorting, processing, or stockpiling of waste or other material is permitted at the site. No engineering material for use in the construction of the landfill barrier/ buttreass shall be imported or

stored on site until detailed plan(s) to show the volume, location and height of stockpiles has been submitted to and agreed in writing by the Mineral Planning Authority. Storage of engineering material shall only take place in accordance with the approved plan(s). On completion of restoration all engineering material shall be removed from site and the land restored in accordance with the approved restoration plans.

**Reason: in the interests of amenity and to maintain the purposes of the Green Belt.**

**Water resources and groundwater protection**

57. Operations shall not be carried out in such a way as to cause any adverse change in flows or levels in any rivers, streams, ditches, springs, lakes or ponds in the vicinity of the site.

**Reason: to avoid having an adverse impact on the water environment**

**Storage of liquid fuel, oil or chemicals**

58. All fuel, oil and other liquid chemicals used or stored on site shall be kept in bunded storage tanks or bowsters. No fuel, oil, or other chemical likely to cause pollution to surface or groundwater shall be deposited at the site.

**Reason: to minimise the risk of pollution of soils and groundwater.**

59. Any storage tank for oil or other potentially polluting liquid used on site shall be located on an impervious base and surrounded by oil tight bund walls or within another liquid container, which shall be capable of containing 110% of the volume of the storage tank and shall enclose all fill and draw pipes and sight gauges. The vent pipe shall be directed downwards into the bund.

**Reason: to contain any fuel spills minimise pollution risks**

**Chalk Aquifer protection**

60. No excavations shall take place at the base of the quarry within 1m of the chalk aquifer.

**Reason: to protect the aquifer and minimise the risk of groundwater contamination.**

**Groundwater protection**

61. No solid matter shall be deposited so that it passes or is likely to pass

into any watercourse. Reason: to prevent contamination of groundwater.

**Groundwater monitoring**

62. Real-time monitoring of groundwater levels in boreholes adjoining the mineral workings shall be undertaken at all times throughout the lifetime of the development. No dewatering of the mineral workings shall take place if the groundwater levels are within 0.5m of surface levels of the adjoining land. No de-watering of the mineral working shall take place unless and until it has been demonstrated that it would not increase the risks of groundwater flooding to areas adjoining the site, and where it has been agreed in writing by the Mineral Planning Authority.

**Reason: to minimise the risks associated with groundwater flooding.**

**Discharge of groundwater to surface water**

63. No water shall be discharged from the storage lagoons to other storage facilities, or to any ordinary watercourse, including The Ellenbrook and The Nast, unless otherwise agreed in writing by the Mineral Planning Authority.

**Reason: to ensure surface and ground waters are managed appropriately; in accordance with best practice for SuDS.**

**Minimum working distances to boundaries**

64. A minimum distance of 10m shall be maintained between the edge of perimeter bunds and the site boundary and no operations including mineral extraction shall take place within 10m of the site boundary.

**Reason: to protect the root systems and viability of established trees and hedgerows along the site boundary in compliance with Policy 18 (v) of the Minerals Local for Hertfordshire 2002-2016 adopted in November 2007.**

**Hedgerows**

65. All hedgerows removed as a result of the development shall be compensated for within the site through:
- advance screen planting, and
  - boundary hedge and tree planting, and
  - final restoration of the site

All new hedgerows shall:

- maximise the opportunities to create wildlife corridors;
- use appropriate native species and planting density;
- establish and define a pattern of enclosures within the site; and
- provide links to existing hedgerows and woodland adjoining the site.

All new hedgerows shall be planted in each Phase in accordance with the landscaping scheme approved under Condition 37.

**Reason: to ensure appropriate compensation and enhancement of habitats; to contribute to the establishment of coherent ecological networks which are more resilient to current and future pressures, and thereby halting the overall decline in biodiversity, in accordance with the NPPF (paragraph 109)**

**Soil stripping**

66. No soil stripping shall take place outside of the following times 01 March and 30 September in any calendar year without the prior written approval of the Mineral Planning Authority. Any request to strip soils between 01 March and 31 August shall be accompanied by a soil handling method statement

**Reason: to protect soil condition and minimise soil degradation.**

**Soil handling**

67. No indigenous soils (topsoil and subsoil) are to be removed from site or disposed as waste.

**Reason: to ensure that soil resources for use in restoration are managed and retained on site in an appropriate condition for use in restoration and aftercare in accordance with Mineral Policies 13 (Reclamation Scheme) and 14 (Afteruse) of the Hertfordshire Minerals Local Plan Review 2002-2016**

**Pre-settlement Levels**

68. On completion of all infilling the pre-settlement levels shall not exceed those shown on the approved Illustrative Restoration Concept drawing HQ 3/11A Aug 2016. After allowing for soil placement, the maximum height of the final landform shall not exceed 76 metres AOD.

**Reason: to ensure that the final levels are appropriate and comply with the planning permission; to minimise the impact of the development upon the openness of the Green Belt**

**Notice prior to soil placement**

69. The Mineral Operator shall provide the Minerals Planning Authority with

a minimum of seven days notice prior to the commencement of works involving the movement, replacement or cultivation of topsoil or subsoil resources.

**Reason: to ensure the Mineral Planning Authority has an opportunity to inspect the soil conditions and agree the method of working**

**Soils content for the 1m top layer of soils**

70. Upon completion of infilling operations to the levels shown on drawing HQ 3/11A the final (top) 1m of soils shall be kept free from any material which may damage cultivation machinery or interfere with the subsequent conservation uses. Prior to topsoiling, the area shall be thoroughly ripped with a winged subsoiler at a depth of 300mm at a tine spacing of no more than 450mm and then at a depth of 600mm. All rocks, stones and other solid objects in excess of 75mm diameter on the surface following ripping shall be removed.

**Reason: to ensure that soils are constituted of material suitable for the proposed afteruse.**

**Removal of permitted development rights**

71. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, replacing or re-enacting that Order, planning permission shall be obtained for the erection of any building, fixed plant, fixed machinery or fixed structures on the land and the written agreement of the Minerals Planning Authority shall be obtained prior to the placing on site of any buildings or structures in the nature of portable plant.

**Reason: in the interest of the openness of the Green Belt.**

**Public Right of Way**

72. Other than the works necessary to facilitate the upgrade and legal dedication of the new public rights of way as outlined above, all public right of way routes shall remain undisturbed and unobstructed at all times unless legally stopped up or diverted prior to the commencement of the development hereby permitted. The alignment of any public right of way shall be protected by temporary fencing/signing in accordance with details first submitted to, and approved in writing by, the Local Planning Authority throughout the course of the development.

**Reason: To safeguard the rights of the public and in the interest of pedestrian safety.**

Informatives

Section 278 Agreement (Highways Act)

- Any works within the highway boundary (including the proposed site access and removal of existing vegetation on highway land) will need to be secured and approved via a s278 Agreement with the HCC.
- A S278 Agreement will be required for improved pedestrian facilities along Hatfield Road (A1057) and for improved pedestrian links between the site and Alban Way.

S106 Agreement

- A s106 Agreement will be required to secure a Condition Survey prior to commencement of the use, in order to assess the condition of the highway within the vicinity of the site before the construction of the development and an updated version will be required at the completion stage. Where the development as a result of construction is likely to increase road degradation a highway bond of £30,000 should be secured via a Section 106 agreement prior to commencement on site.
- HCC will seek contributions via a S106 for improvements to both the Hatfield Road / Ellenbrook junction and the Hatfield Road / Comet Way junction. Contributions will be sought for an amount to be determined, based on Hertfordshire County Councils Planning Obligations Guidance Toolkit. The toolkit specifies that non-residential charges will be calculated at a rate of £1000 per one peak hour two-way trip. Based on 46 PCU's per peak hour, this equates to £46,000 towards the Hatfield Road / Ellenbrook junction and £46,000 towards the Hatfield Road / Comet Way junction. The financial contributions will need to be secured through a legal S106 agreement, with exact triggers for payment to be agreed between the parties.



## **11. Appendices**

- 1 – Committee report – January 2017
- 2 – Site location plan
- 3 – Site layout plan
- 4 – Phasing plan
- 5 – Site establishment works
- 6 – Environmental Permit
- 7 – Illustrative restoration plan
- 8 – Extensions to the rights of way network
- 9 – Inset Map No.6
- 10 – Revised Heads of Terms for the Ellenbrook Park Lease
- 11 – Lease Plan and model lease
- 12 - Draft Landscape Management Document
- 13 – Statutory consultation and third party representations
- 14 – Landscape Framework Document (Figure 7)
- 15 – Regional Bromate Plume (July 2014)

## **BACKGROUND INFORMATION**

Minerals Local Plan:

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/minerals-and-waste-planning/minerals-planning/minerals-planning.aspx>

Waste Core Strategy:

<https://www.hertfordshire.gov.uk/media-library/documents/environment-and-planning/planning/planning-in-hertfordshire/waste-local-plan/waste-core-strategy-and-development-management-policies-document.pdf>

Welwyn Hatfield District Plan:

<https://www.welhat.gov.uk/districtplan>

Item 1 Appendix 2a

St Albans District Plan:

<https://www.stalbans.gov.uk/planning/thelocalplan.aspx>

Hertfordshire Local Transport Plan:

<https://www.hertfordshire.gov.uk/about-the-council/consultations/transport-and-highways/proposal-to-introduce-local-transport-plan-ltp4.aspx>

Hatfield Aerodrome Supplementary Planning Guidance:

<https://www.welhat.gov.uk/article/8606/planning-guidance-documents>

Town and Country Planning Act 1990:

<https://www.legislation.gov.uk/ukpga/1990/8/contents>

# Item 1 Appendix 2B

Agenda No.

**1**

**HERTFORDSHIRE COUNTY COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE**

**25 JANUARY 2017 AT 10AM**

WELWYN HATFIELD BOROUGH &  
ST ALBANS CITY & DISTRICT

**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 REFERENCE 5/0394-16**

*Report of the Chief Executive & Director of Environment*

Contact: Chay Dempster Tel: 01992 556211

Local Member: Maureen Cook, Hatfield North  
Dreda Gordon, The Colneys  
Paul Zukowskyj, Hatfield South

## **1. Purpose of report**

- 1.1 To consider planning application referenced 5/0394-16 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.

## **2. Summary**

- 2.1 The application proposes the establishment of a new sand and gravel quarry with related processing plant, concrete batching plant and ancillary facilities at the former Hatfield Aerodrome site located between Hatfield and Smallford to the north of St Albans Road West. The site is shown on the Ordnance Survey map (Appendix I).
- 2.2 The applicant is Brett Aggregates, an established independent construction and building materials group providing a wide range of traditional and recycled products from 32 quarry sites and wharves in London, the South East and East of England.

- 2.3 The application proposes the extraction of some 8Mt of sand and gravel, which would be washed, graded and transported in bulk from the site to local markets and also used to make concrete.
- 2.4 The application proposes phased extraction and progressive restoration with each extraction phase backfilled using on-site material. In addition, a total of 2 Million cubic metres of inert waste (155,000 tonnes per annum for 32 years) would be imported to the site and deposited into the mineral void in order to restore the land close to existing levels.
- 2.5 The proposed development would generate 174 HGV movements (in and out) daily. The proposed vehicular access to the A1057 is approximately 100m east of Notcutts Nursery and 280m to the west of Popefield Farm.
- 2.6 The large part of the site is land designated as a Preferred Area 1 (PA1) for mineral working in the Hertfordshire Minerals Local Plan adopted in 2007 as shown on Inset Map 6 (Annex II). The extraction area extends beyond the PA1 boundary on the southern and western boundary of the site
- 2.7 The application is accompanied by an Environmental Statement (ES) in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The recommendation takes account of all environmental information submitted as part of the application.
- 2.8 The report concludes that planning permission should be granted, and that subject to the application being referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009 and the Secretary of State deciding not to call in the application for his determination, the Chief Executive and Director of Environment be authorised to grant planning permission subject to:
- A. the conditions set out in Appendix III of this report
  - B. the mineral operator and landowner entering into a new s106 legal agreement in relation to the mineral development, as set out in the draft Heads of Terms set out in Annex IV of this report;
  - C. the landowner enters into a deed of variation to the original s106 between the County Council, Welwyn Hatfield, and St Albans, with the effect that the Ellenbrook Park is formally established in accordance with the principles of the Hatfield Aerodrome SPG prior to the commencement of mineral workings; and
  - D. That the deed of variation be completed within 12 months of the resolution to grant planning permission, otherwise the matter be referred back to this committee for a decision how to proceed.

### **3.0 Background to the legal obligation(s)**

3.1 The Hatfield Aerodrome Supplementary Planning Guidance (SPG) was adopted by Welwyn Hatfield Borough Council in November 1999 to act as a guide for any development at the former Hatfield Aerodrome site.

3.2 In December 2000 planning permission was granted for the demolition of the existing (unlisted) buildings at the site and the removal of runway to make way for a mixed use development comprising residential, retail, office and warehouse development [Hatfield Business Park] and development of the University of Hertfordshire Campus.

3.3 The s106 agreement forming part of the planning permission provided for the establishment of Ellenbrook Park on a parcel of land extending to some 418 acres to the west of Hatfield Business Park.

3.4 The agreement required the following steps to be followed to deliver Ellenbrook Park –

- a) Implementation of 'Establishment Works' to create Ellenbrook Park;
- b) Formation of the Ellenbrook Park Trust;
- c) The landowner granting a lease to the Trust for the park land (418 acres) for a period of 125 years;
- d) The payment of the Ellenbrook Park Contribution (defined in the agreement as £1.36M index linked) by the landowner to the Trust for the management of Ellenbrook Park for the period of the lease.

3.5 The agreement placed a duty on the landowner to carry out the Establishment Works, defined in the agreement as –

*'those works of planting arboricultural woodland management landscaping ground modelling reshaping recontouring and regrading the landform laying out and construction of footpath/bridleways and footpath/cycleways landscape improvements and additions site security measures together with all other works to the Ellenbrook Park in broad accordance with the provisions of Section 2 "Landscape Treatment and Management" of the Landscape Framework Document*

3.6 The landowner has not fulfilled this part of the obligation to date. As a result Ellenbrook Park Trust has not been founded and nor has the lease or the financial contribution been delivered, albeit public access is permitted on an informal basis.

3.7 The establishment of Ellenbrook Park is a requirement of the original legal agreement that remains enforceable. The establishment of Ellenbrook Park is also an important component of the emerging local plans as part of the Green Infrastructure plans, which seek to provide an east to west arc of green space. The district and borough council's support the establishment of the country park at this time. The minerals application is seen as the best opportunity to establish the Ellenbrook Park.

- 3.8 The recommendation provides for a Deed of Variation to the original s106 agreement to be signed within 12 months of any resolution to grant planning permission for mineral extraction, in addition, a new s106 agreement will be required specifically for the mineral working.
- 3.9 In relation to the original agreement, the Deed of Variation shall provide for:
- a) the landowner to formally establish Ellenbrook Park and carry out the necessary Establishment Works (for the parts of the site outside of the mineral extraction area);
  - b) the Ellenbrook Park Trust to be established, and a steering group to be put in place until the Trust is formally established in order to represent the interests of the Trust;
  - c) the landowner to issue the lease to the Trust for the Ellenbrook Park area outside of the mineral extraction area with an option to the Trust for parcels of land released into aftercare; and
  - d) the payment of an agreed proportion of the Ellenbrook Park Contribution to the Trust for the parts of Ellenbrook Park within the Trust's care.
- 3.10 It will be necessary to put in place a target date of 12 months to complete negotiations for the Trust to be established, the lease to be issued and the Ellenbrook Park Contribution made. The Deed of Variation shall provide that no mineral extraction shall take place until the Deed of Variation is signed by the County Council.
- 3.11 The new s106 agreement for the minerals operation shall provide for:
- a) the mineral operator to submit a landscape management document (LMD) for the whole of the Ellenbrook Park area compatible with the Hatfield Aerodrome SPG principles;
  - b) the mineral operator to restore the site in accordance with the LMD for each phase of mineral working;
  - c) the mineral operator to provide appropriate financial contributions for:
    - (i) planned improvements to the Ellenbrook Lane/St Albans Road West junction; and
    - (ii) A1000 Comet roundabout capacity improvement works, and
    - (iii) improvements to the width, alignment and condition of the footway opposite the site; and
  - d) the landowner to provide extensions to the rights of way network within the application site
- 3.12 The provisions of the new agreement are set out in the draft Heads of Terms appended to this report (Annex IV) which have been agreed with the land owner and mineral operator.

#### **4. Site and surroundings**

- 4.1 The application site is located to the north west of Hatfield between Ellenbrook and Smallford. The site is within the Metropolitan Green Belt. The area of the application site is 87.1 hectares (215 acres).
- 4.2 The application site is bounded by:
- the A1057 (Hatfield Road/St Albans Road) to the south,
  - residential and commercial property to the west,
  - Hatfield Quarry to the north, and
  - Ellenbrook and the western fringes of Hatfield to the east.
- 4.4 Home Covert and Round Wood are situated in the north east corner of the site. Synmondshyde Great Wood, an area of ancient woodland, is located approximately 1.5km north of the site.
- 4.5 The application site is within the Metropolitan Green Belt. The application site area sits across the boundary of Welwyn Hatfield Borough and St Albans City and District administrative areas. The majority of the site falls within the St Albans district.
- 4.6 The nearest listed buildings are Popefield Farm and its two barns, and the Three Horseshoes Public House. Astwick Manor is situated approximately 850m north of the application site. There is a Grade II milestone situated 70m to the east of the Three Horseshoes. The Sleapshyde conservation area is approximately 1km south of the application site. There are no recorded scheduled monuments within 1km of the boundary of the application site.
- 4.7 The site is situated within Flood Zone 1, therefore at a low risk of surface water flooding from main rivers.

#### *Former Land Use - Hatfield Aerodrome*

- 4.8 The site was used as an aerodrome between the 1930s and 1990s for the construction of aircraft associated with the British Aerospace (BAe) up to the early 1990s. Aircraft developed or assembled at the site include the Comet, Trident, and 146. The BAe factory buildings were located on the east side of the site. The runway covered the western part of the site situated on an east west to east axis. The former use prior to the aerodrome was farmland.
- 4.9 Following the ending of aircraft production at the site in the early 1990s a masterplan was developed for the site culminating in the adoption of the document Hatfield Aerodrome Supplementary Planning Guidance 2000 by Welwyn Hatfield Borough Council.

### *Current Land use*

- 4.10 The application site corresponds with the western end of the former airfield. The main runway has been removed and only a 400m section of taxiway (Runway Rest) remains terminating at the centre of application site. The runway was last used in approximately 1993. The land was used as a film set location between 1996 and 2000. The site has been open to the public since approximately 2010.
- 4.11 The land has a derelict appearance and lacks any physical structures. The site is generally flat and open. The main visual influence is Hatfield Business Park in the east.
- 4.12 The current use of the land comprises a mixture of conservation cattle grazing and hay meadow. The majority of the site provides informal access and recreation opportunity via a network of permissive footpaths. Ellenbrook Fields is described on the Goodmans website as 'an area of private land open to the public for your enjoyment. A series of linking permissive footpaths, suitable for walkers and cyclists have been created through the areas of open grassland and cattle grazing'.

### *Topography*

- 4.13 The ground levels fall slightly to the north, east and south. The site is generally open with some areas enclosed by woodland planting and hedgerows. The site topography ranges from 79-78m AOD on the western boundary to 74m AOD in the south eastern corner adjoining the A1057. There are localised depressions and high points including a soil bund (83m AOD) around the former file set.

### *Landscape character*

- 4.14 The site is within the De Havilland Plateau Landscape Character Area, defined in the Hertfordshire Landscape Character Assessment as 'an area dominated and unified by the level topography yet with a diverse mix of uses and incoherent pattern. The disused Hatfield aerodrome and the new business park have visually dominant structures, together with areas of existing and redundant mineral extraction. There is generally poor access within and to the area.'

### *Geology*

- 4.15 The site falls within a wider area of sand and gravel deposits, referred to as the sand and gravel belt, which extends across the southern part of Hertfordshire between Bishops Stortford and Hemel Hempstead, which covers the entire areas of Three Rivers, Watford, Hertsmere, Welwyn Hatfield and Broxbourne, and large parts of St Albans City and District and East Hertfordshire.



- 4.16 Hertfordshire contains 11% of the permitted sand and gravel reserves in the East of England region. The construction industry is the largest consumer. Sand found in Hertfordshire is mostly sharp sand suitable for use in concrete.
- 4.17 The application includes borehole data for 30 boreholes across the site taken to a maximum depth 19m. The borehole data provides a picture of the geological strata in each individual borehole. The data from individual boreholes is used to build a picture of the depth and quality of the mineral deposit to illustrate:
- (a) relative depths;
  - (b) average depth and quality of the deposit, and
  - (c) relative depths of overburden and interburden across the site.
- 4.18 The borehole cross sections indicate the relative depth of each mineral horizon rises across the site.
- 4.19 The indicative borehole indicates relative depths as follows:
- 0.1 - 5.7m – overburden (clay)
  - 2.2 - 11.8m - Upper Mineral Horizon (slightly gravelly sand)
  - 6.2 - 14.2m - interburden (boulder clay);
  - 8 - 18.3m - Lower Mineral Horizon (sand and sandy gravels)
  - < 18m - lower chalk deposit (white chalk with flints)
- 4.20 The borehole data indicates that there is a good depth of sand and gravels in the Upper Mineral Horizon (2-6m on average) and the Lower Mineral Horizon (4-8m on average) separated by a layer of clay interburden (1 to 2m).
- 4.21 The UMH is situated between 70 and 76m AOD. The Lower Mineral Horizon is situated between 60 and 68m AOD. The upper chalk horizon occurs between 60m and 63m AOD. The maximum depth of the deposit is typically 15 - 16m below surface ground level, but in places up to 18m in depth.
- 4.22 The estimate of the size of the mineral deposit is up to 8M tonnes.

### *Ecology*

- 4.23 The main habitats types across the site are:
- Unmanaged neutral grassland
  - Species-poor semi-improved mown grassland
  - Grazed neutral grassland
  - Neutral to acidic grassland
  - Early succession communities with calcareous element
  - Tall ruderal
  - Hedgerows
  - Scattered / dense scrub

- Recent plantation
- 4.24 The application site also includes 9 water bodies comprising small ponds, watercourse and wet ditches which retain water for much of the year, comprising shallow depressions and steep sided ditches such as the course of the River Nast.
- 4.25 Surveys undertaken in 2010 for great crested newts, reptiles, breeding birds and water voles identified –
- a 'medium' population of great crested newts occupying ponds scattered across the airfield site and potentially linked to a wider metapopulation centred on the adjoining gravel pits to the north;
  - no reptiles, despite the availability of abundant suitable habitat;
  - a breeding bird assemblage assessed to be of 'importance in a local context' with high densities of skylark, meadow pipit and whitethroat and with cuckoo and barn owl also present;
  - no evidence of water voles;
  - the presence of badger setts
- 4.26 Further surveys undertaken in 2013 identify species-poor and locally species rich neutral, grasslands, and areas of rank grassland, scrub and ponds, and indicator species meeting the criteria for designation as a Local Wildlife Site.
- 4.27 In 2015 a great crested newt survey of 13 waterbodies within the northern part of Ellenbrook Fields identified GCN were present in 5 of the 13 ponds within or adjacent to the site. One of the ponds has existed for over 110 years. The other four ponds have been created between 2000 and 2005. The assessments indicate that the site supports a medium proportion of great crested newts.
- 4.28 The application site includes habitats for birds including Barn Owls, mammals and reptiles. The ES includes an evaluation of the existing habitats and populations and describes opportunities for creating new biodiversity and habitat networks. Surveys undertaken during wintering and bird breeding recorded a total of 57 bird species. The Barn Owl Trust recorded 2014 as an exceptional year for Barn Owls due to the larger number of mammal populations, the milder previous winter, and the dry spring and summer.

#### *Preferred Area for mineral working*

- 4.29 The site is identified in the Hertfordshire Minerals Local Plan 2002-2016 Adopted 2007 as Preferred Area 1: Land at former British Aerospace as shown on Inset Map 6 (Appendix II). The site was identified as a preferred area in the previous minerals local plan adopted in 1998.

#### *Other Mineral workings*

- 4.30 There are signs of former mineral workings at Smallford and Colney Heath. Mineral working at Hatfield Quarry is currently taking place north of Coopers Green Lane at land at Symondshyde Farm. The current planning permission

expires in 2020 when the site will be restored to agricultural use to a lower ground level. A planning application was received on 04<sup>th</sup> November 2016 for an extension of minerals workings at Hatfield Quarry until 2023 at land at Furze Field to the north of Coopers Green Lane. The site area of approximately 17ha would yield 450,000 tonnes of sand and gravel with restoration within three years using on-site material.

## **5. Planning History**

- 5.1 Planning permission (S6/1999/1064/OP) was granted in December 2000 for a mixed use development comprising residential, retail, office and warehouse development (Hatfield Business Park), new campus for University of Hertfordshire, two hotels, primary school and associated facilities; district centre, aviation heritage centre, landscaping and open space, diversion of Ellenbrook, and a legal agreement for the creation of a country park.
- 5.2 The permission is subject to a legal agreement which provides for –
- the land to be worked for mineral extraction; and
  - the establishment of a country park on land to the west of Ellenbrook;
  - the landowner to carry out the establishment works for the Fields Country Park; and
  - within 2 years of carrying out of Establishment Works -
    - the establishment of Ellenbrook Park Trust by the landowner,
    - the landowner to grant of a lease to the Ellenbrook Trust for over 400 acres of the site as Ellenbrook Country Park;
    - the landowner to pay the Ellenbrook Park Contribution of £1.39M to the Ellenbrook Park Trust.
- 5.3 The country park has not been provided in accordance with the original agreement and it will be necessary to require a Deed of Variation to the original legal agreement to secure new triggers for the provision of Ellenbrook Fields Country Park. Further discussions will be necessary with Welwyn Hatfield and St Albans Councils to ensure that the revised provisions are acceptable and consistent with the aims of the Hatfield Aerodrome SPG.
- 5.4 The funding for the country park is guaranteed under the original s106 agreement for the Ellenbrook Park Contribution. The district and borough have indicated their preference for this to remain until such time as an acceptable alternative can be negotiated. The landowner and mineral operator have provided assurances that the revenues from the mineral extraction will provide the mechanism to secure the necessary funding to fulfil the Ellenbrook Park Contribution.
- 5.5 The application includes a Statement of Community Involvement prepared by the applicant setting out the consultation they have undertaken prior to submitting the application, this includes–

- A public exhibition on Friday 28<sup>th</sup> October 2015 from 12pm to 7pm at St Albans Rugby Club, Oaklands Lane. The event was pre-advertised in the St Albans & Harpenden Review and the Welwyn & Hatfield Times on 14<sup>th</sup> October and 25<sup>th</sup> October 2015. In addition, a publicity flyer was delivered to 300 properties in the vicinity of the site and to businesses on the St Albans Road West – Notcutts Nursery, Three Horseshoes Public House, and Shell Petrol Station

## **6. Proposed development**

- 6.1 The proposed development comprises the winning and working, together with processing for sale, of some 8Mt of sand and gravel over a period of 30 years (based on an annual output of around 250,000tpa) with associated processing facilities and concrete batching plant located in the northern part of the application site.
- 6.2 The operational stage of the proposed development comprises the following:
- access (Hatfield Road)
  - extraction area (7 Phases A-G)
  - plant area (aggregate processing plant, concrete batching plant)
  - ancillary development:
    - 2 weighbridges
    - attendant office
    - office/welfare accommodation
    - substation
    - small store and maintenance building
    - freshwater and silt lagoons

### *Mineral extraction*

- 6.3 The mineral deposit comprises sand and gravels and fines. The proposal includes a wash plant to separate the sand, gravel and fines and screener to grade the product. Larger stones are crushed using a cone crusher and then re-screened.
- 6.4 The mineral deposit occurs in two distinct horizons separated by a clay layer (interburden). The indicative borehole data provided shows the upper mineral horizon comprising sand and gravel and a lower mineral horizon with higher proportions of sand and sandy gravel deposits.
- 6.5 Borehole logs are included in Appendix 6/1 of the Environmental Statement.

### *Initial site establishment*

- 6.6 The initial construction works (shown on drawing HQ 3/6) involve:
- establishment of a new site access road and internal road to the processing plant site;

- soil stripping from the plant site, freshwater and silt lagoons, haul roads and initial extraction area;
  - establishment of perimeter screening mounds;
  - initial landscaping works;
  - erection of processing and concrete batching plants; and
  - excavation of freshwater and silt lagoons.
- 6.7 The construction phase is expected to last from 12 to 18 months.

#### *Mineral extraction*

- 6.8 The mineral would be worked using a 360 degree hydraulic excavator and the mineral transport to a stock pile area for processing using an internal haul road and a fleet of 4 - 6 articulated dump trucks.

#### *Processing plant*

- 6.9 The plant site would include the site office, welfare facilities, workshops, weighbridge, fuel tank and containerised diesel power generation plant.
- 6.10 The processing plant would be static in nature and comprise primary and secondary screens, a washing plant, a sand classifier/hydra-sander, crushing plant and associated conveyors, and a concrete batching plant. The plant would be housed in buildings clad with plastic coated profiled sheeting. The primary screen, washing plant/main screens and cone crusher would be housed within individual buildings (referred to as 'houses'). The plant buildings would be connected by a series of inclined conveyors, housed within a steel gantry. The primary screen house would be 8m in height with a footprint of 5.4m by 8.4m. The main screen/wash house would be 8m in height with a footprint of 16.6m by 5.4m. The crusher house would also be 8m in height with a footprint 7.4m by 7.4m.
- 6.11 The concrete batching plant would be located at the south western corner of the plant site and 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. 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

#### *Access and Transport*

- 6.12 The proposal would generate the HGV movements of –
- 87 HGV trips per day; or
  - 174 HGV movements (in and out) daily.
- 6.13 In a ten hour day this equates to:
- 9 HGVs trips per hour;
  - 18 HGV movements (in/out) per hour; or
  - 1 HGV movement every 3.3 minutes

- 6.14 The new access proposed onto the A1057 would serve for export of processed aggregates and concrete and the import of cement and inert fill materials. A 1.16km internal road would be constructed to connect the proposed site access on the A1057 to the proposed processing plant running along the western boundary of the proposed quarry. HGVs would export processed aggregate and would be weighed on ingress and egress of the site.

#### *Phasing & restoration*

- 6.15 The quarry would be worked on a phased basis allowing for progressive restoration. Therefore alongside export of processed aggregates and concrete, waste material would be imported for restoration.
- 6.16 The overall phasing / general layout plan (HQ 3/1) shows each phase of mineral extraction, 7 in total (Phases A – G) each to be worked over 4 years in each phase, with an estimated annual rate of production of 250,000 tonnes.
- 6.17 The principles of the restoration are based on a phased extraction and progressive restoration. In summary, mineral extraction would last 4 years in each Phase followed by infilling. Each phase would be worked on a campaign basis. The processing plant includes an area for stockpiling up to 30,000 cubic metres of ballast to support this method of working.

#### *Method of working*

- 6.18 The proposed method of working comprises:
- Soils are stripped and placed in storage bunds;
  - The upper mineral horizon would be worked on a campaign basis and transported to a large storage area adjacent to the processing plant;
  - The interburden would be used to seal the boundary of the phase to prevent ingress of groundwater into the working area;
  - The sand and gravel would be worked in two distinct horizons and the two would be worked separately;
  - The upper mineral horizon is situated predominantly above the water table and may be dug in a dry condition;
  - Groundwater is present in the lower mineral horizon and therefore there is a requirement for limited de-watering in order to manage the levels of groundwater within the workings. Essentially the deposit in the lower horizon would be worked in a wet condition;
  - Groundwater from the excavation area would be pumped into a lagoon to re-charge levels in the adjoining area;
  - To prevent groundwater seepage back into the excavation area the phase boundary is lined using clay. This enables groundwater levels within the excavation to be carefully controlled and prevents any potential cross contamination between the groundwater in the lower and upper mineral horizons. This is an essential requirement of the scheme

in order to satisfy the Environment Agency that the likelihood of Bromate contamination that is known to be present in the lower horizon would not be transferred to the upper horizon;

- It is essential to prevent groundwater continuity between the LMH and the UMH. The interburden layer acts to separate groundwater in the two horizons.

#### *Infilling*

- 6.19 In parallel with the extraction the application includes the disposal of some 2 Million cubic metres of inert waste to infill the mineral workings. The volume of material imported to the site equates to approximately 155,000 tonnes per annum.
- 6.20 The imported material would comprise excavation waste from construction and engineering projects (i.e. soils, overburden, clays) within the region. The proposed form of the restoration would combine recreation and nature conservation uses to support a beneficial afteruse.
- 6.21 The application is proposed by Brett Aggregates. The landowner is Arlington Business Parks Ltd.

#### *Quarry operations*

- 6.22 The quarry would operate to the following hours:
- 0700 hours to 1800 hours Monday to Friday;
  - 0700 hours to 1300 hours Saturdays; and
  - No operations on Sundays or bank holidays except emergency repairs.
- 6.23 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 would be undertaken on a campaign basis. This would be over a temporary period. For the purposes of any impact assessment a workforce of 10 has been assumed.

### **7. Planning law, development plan and planning policies**

#### *Planning law*

- 7.1 Town and Country Planning Act 1990 section 70(2) –
- In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations
- 7.2 Planning Compulsory Purchase Act 2004 Section 38 (6) Development Plan

- If regard is to be had to the development plan for the purpose 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

### 7.3 Planning (Listed Buildings and Conservation Areas) Act 1990

- In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess (section 66(1)).

#### *Planning Policy*

### 7.4 National Planning Policy Framework (Paragraph 12)

- *The development plan is the starting point for decision making*

#### *Development Plan*

### 7.5 The Development Plan for the area comprises –

- The Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2007
- The Welwyn Hatfield Local Plan Adopted 2005
- The St Albans District Local Plan Adopted 1994
- Hertfordshire Waste Development Framework: Waste Core Strategy & Development Management Policies DPD 2011-2026 Adopted November 2012
- Hertfordshire Waste Development Framework: Waste Site Allocations DPD 2011 2026 Adopted July 2014;

#### *Development Plan Policies (Saved)*

### 7.6 The policies directly relevant to the determination of the application are.

*Hertfordshire Minerals Local Plan Review 2002-2016 adopted November 2007*

#### *Minerals Policies*

- 1 - Aggregates supply; 2 - Need for mineral working; 3 - Sites for sand and gravel extraction and the working of preferred areas; 4- Applications outside preferred areas; 5 - Mineral sterilisation; 7 - Secondary and recycled aggregates; 8 - Recycling facilities on mineral sites; 9 - Contribution to bio-diversity; 11 - Cumulative impact; 12 - Landscape; 13 - Reclamation scheme; 14 - Afteruse; 15 - Landfill; 16 - Transport; 17 - Criteria for the control of



mineral development to protected critical capital and other environmental assets; 18 - Operational criteria for the control of mineral development.

*Hertfordshire Waste Development Framework Waste Core Strategy & Development Management Policies: Adopted November 2012*

*Waste policies*

- 1 – Strategy for the provision of waste management facilities; 1A – Presumption in favour of Sustainable Development; 2 – Waste Prevention and Reduction; 4 – Landfill and Landraise; 6 – Green Belt; 7 – General Criteria for assessing planning applications outside of identified locations; 9 – Sustainable Transport; 10 – Climate Change; 11 – General Criteria for Assessing Waste Planning Applications; 12 – Sustainable Design, Construction and Demolition; 13 – Road Transport & Traffic; 14 – Buffer Zones; 15 – Rights of Way; 16 – Soil, Air and Water; 18 – Protection of Regional and Local designated sites and areas; 19 – Protection and mitigation

*Hertfordshire Waste Development Framework Waste Site Allocations Development Plan Document 2011 – 2026*

*Site Allocations Policies*

- 1A – Presumption in favour of Sustainable Development; 2 – Applications for Waste Management Development on Allocated Sites and Employment Land Areas of Search; Inset Map 07 – AS008 land off Birchall Lane, Cole Green.

*Welwyn Hatfield District Plan Adopted 2005 (saved policies)*

- SD1 - Sustainable Development; R2 - Contaminated Land; R5 - Waste Management; R7 - Protection of Ground and Surface Water; R11 - Biodiversity and Development; R17 - Trees, Woodland and Hedgerows; R18 - Air Quality; R19 - Noise and Vibration Pollution; R20 - Light Pollution; R29 - Archaeology; M2 - Transport Assessments; M5 - Pedestrian Facilities; M6 - Cycle Routes and Facilities; D1 - Quality of Design; D2 - Character and Context; D8 - Landscaping; HATAER1- Hatfield Aerodrome: Sustainable Development of the Site; HATAER3 - Hatfield Aerodrome: Requirement for a Master Plan; HATAER4 - Hatfield Aerodrome: Land Use Proposals; RA11 - Watling Chase Community Forest; RA25 - Public Rights of Way

*St Albans City & District Plan Adopted 1994 (saved policies)*

- 1 - Metropolitan Green Belt; 69 - General Design and Layout; 74 - Landscape and Tree Preservation; 86 - Buildings of Special Architectural or Historic Interest; 91 - Location of Leisure Facilities; 93 - New Areas of Public Open Space; 97 - Existing Footpaths, Bridleways and cycleways; 104 - Landscape Conservation; 106 Nature Conservation

7.7 *Emerging Development Plan Documents*

*Hertfordshire Minerals Local Plan Review*

- 7.8 The Minerals Local Plan was adopted in 2007 and covers the period 2002-2016. The Planning and Compulsory Purchase Act 2004 provides for the saving of policies in adopted local plans for a period of 3 years from the commencement date of the Act which was 28 September 2004. The Minerals Local Plan Review was adopted in March 2007 and the policies were immediately saved for three years.
- 7.9 Policies in adopted or approved plans were due to expire on 27 September 2007 unless the Secretary of State extended such policies beyond that date (Planning and Compulsory purchase Act 2004; Schedule 8 (1(3))). After this three year period an application was made to save the policies for a further period from March 2010 for development management purposes, until they are replaced with new minerals policies. The County Council received a direction from the Secretary of State to save all the minerals local plan policies beyond the three year period; until they are replaced. The extension of saved policies was to ensure continuity of the plan-led system and a stable planning framework locally. The list of 'saved' Minerals Local Plan policies are outlined in Appendix 2 of the adopted Minerals and Waste Development Scheme (MWDS).
- 7.10 The County Council is currently in the early stages of reviewing the adopted plan and has an adopted MWDS which sets out the proposed timetable for plan production. The progress of plan production against the adopted MWDS is monitored through the Authorities Monitoring Report which is published every year. The AMR also reports the status of each of the adopted policies, how the policies are to be replaced, merged or deleted as the plan develops.
- 7.11 The Minerals Planning Authority (MPA) has a statutory responsibility to prepare a Minerals Local Plan in line with national policy and regulations. National policy requires the MPA to identify/allocate sites for future mineral extraction to ensure there is a steady and adequate supply of minerals for Hertfordshire. The proposed site selection methodology for sand and gravel was presented to members in February 2016 following a formal consultation on the draft site selection methodology.

The NPPF (paragraph 145) requires mineral planning authorities to plan for a steady and adequate supply of mineral aggregates by preparing an Annual Aggregates Assessment. The LAA for Hertfordshire was presented to Environment, Planning and Transport Cabinet Panel on 02<sup>nd</sup> November 2016.

*St Albans City & District Local Plan*

- 7.12 The Council invited representations on the Strategic Local Plan Publication Draft between 8 January and 19 February 2016. The full wording of the

document and policies can be viewed at  
<http://www.stalbans.gov.uk/planning/Planningpolicy/local-plan.aspx>

- 7.13 The policies that are directly relevant to the proposed development include:
- SP1 – Spatial Strategy and Development Strategy; SLP2 – Metropolitan Green Belt; SLP3 – Historic Environment and Townscape Character; SLP25 – Transport Strategy; SLP26 Natural Environment; SLP27 Green Infrastructure
- 7.14 Ellenbrook Country Park is specifically mentioned in three sections of the emerging local plan in recognition of its strategic importance: 1 - Key Diagram (Figure 4); 2 - St Albans District Green Infrastructure Plan (Figure 14); 3 - Policy SLP27 (Green Infrastructure)

*Welwyn Hatfield District Plan*

- 7.15 The core strategy has been the subject of consultation. The borough is expecting to submit the plan to the Planning Inspectorate for examination in public during October 2016. The full policies can be viewed at  
<http://www.welhat.gov.uk/localplan>
- 7.16 Welwyn Hatfield Local Plan has been preparing a local plan for public consultation between 30 August and 24 October 2016. Submission for examination expected in Spring 2017.
- 7.17 The relevant policies of the emerging plan that relate directly to the proposal include:
- SP1 – Delivering sustainable development; SP4 - Transport and Travel; SADM2 - Highway Network and Safety; SADM3 - Sustainable Travel for All; SP8 – The Local Economy; SP9 – Space making and high quality design; SADM9 - Flood risk and Surface Water Management; SP11 - Protection and enhancement of critical environmental assets; SP12 - Strategic Green Infrastructure; SADM15 - Heritage; SADM16 - Ecology and landscape; SADM18 - Environmental Pollution

*Procedural matters*

- 7.18 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 require that that the Environmental Statement, together with any other relevant information which is relevant to the decision, comments and representations made on it must be taken into account in deciding whether to grant consent.

*Town and Country Planning (Development Management Procedure) (England) Order 2015 –*

- *Part 3 – Applications:* (7) General requirements for planning permission including outline planning permission; (11) General provisions relating to

- applications; (13) Notice of applications for planning permission; (15) Publicity for applications for planning permission; (17) Notice of reference of applications to the Secretary of State
- Part 4 – Consultation: (18) Consultations before the grant of planning permission; (24) Recommendations by district planning authority before determination of county matters application; (26) Notification of mineral applications
- Part 6 – Determination: (31) Directions by the Secretary of State; (32) Development not in accordance with the development plan; (33) Representations to be taken into account; (34) Time periods for decisions.

#### Relevant planning documents

- *Hatfield Aerodrome Supplementary Planning Guidance Adopted November 1999 - Section 9 – Overall Green Belt and Minerals Strategy/ Schedule 21*
- The Watling Chase Community Forest Plan 2001;
- The Hertfordshire Green Infrastructure Plan 2011.

#### Other policy considerations

##### *The National Planning Policy Framework 2012*

7.20 The following sections of the NPPF are relevant to the determination of the application.

- Achieving sustainable development
  - 1 – Building a strong and competitive economy
  - 9 – Protecting Green Belt land
  - 10 – Meeting the challenge of climate change, flooding and coastal change
  - 11 – Conserving and Enhancing the natural environment
  - 12 – Conserving and enhancing the historic environment
  - 13 – Facilitating the sustainable use of minerals
- Decision – taking: paragraphs 186 – 195
- Determining applications: paragraphs 196 – 198
- Tailoring planning controls to local circumstances: paragraphs 199 – 202
- Planning conditions and obligations: paragraphs 203 – 206

##### *National Planning Policy Guidance*

Minerals (ID: 27); Air quality (ID:32); Conserving and enhancing the historic environment (ID: 18a); Determining a planning application (ID: 21b)

## **8. Consultation**

### Statutory Consultation

8.1 Welwyn Hatfield Borough Council raises no objections

- The proposed mineral extraction site lies within a Preferred Area for mineral extraction, as identified in the Hertfordshire Minerals Local Plan (1998), and as such an application for the extraction of minerals has long been anticipated by WHBC.
- Policy HATAER3 of the Welwyn Hatfield District Plan 2005 contains the requirement for development at the former Hatfield Aerodrome site to proceed in accordance with a Masterplan. That Masterplan is contained within the Hatfield Aerodrome SPG, adopted in November 1999, which recognises mineral extraction from the Green Belt part of the Aerodrome site as a legitimate part of the site's future use (see Section 9 of the SPG). The guidance on mineral extraction within the SPG remains a material consideration.
- Accordingly, the principle of mineral extraction at the application site is accepted by WHBC, however this council is keen to ensure proper environmental safeguards during the periods of extraction and restoration, also that there is provision of a high quality scheme of restoration and after-use. This is particularly significant in that the site lies within the larger area of Ellenbrook Fields which is an informal country park established under the provisions of a Section 106 agreement dated 29<sup>th</sup> December 2000 and attached to the original outline permission for the redevelopment of the Aerodrome site (ref: S6/1999/1064/OP).
- Both the Hatfield Aerodrome SPG and the Section 106 agreement (especially at Schedule 21) contain details relevant to the restoration, landscape and after-use of the mineral extraction area. WHBC would encourage HCC to have regard to these in determining this application, also to the fact that WHBC is currently consulting on its Green Corridor Strategic Framework Plan Stage 1 Report [this can be accessed via the WHBC planning consultation portal at on the councils website. The application site forms an important part of this corridor.
- Recent discussions between the applicant, the County Council, WHBC and St Albans District Council have resulted in revised restoration and after-use proposals being submitted as part of the current application, and WHBC is broadly supportive of those proposals, which strike a balance between the needs of nature conservation and public recreational access. More detail of the restoration proposals and the landscape management and public access regimes to be applied both during and after extraction is required in the event of permission being granted, and WHBC anticipates that HCC will impose suitable planning conditions or enter into suitable planning obligations to this effect.
- As part of a recent submission of additional information for this application, the landowner Goodman has proposed arrangements for the creation and endowment of an Ellenbrook Park Trust, which are an amended version of the arrangements contained in the existing Section 106 Agreement dated 29<sup>th</sup> December 2000. WHBC would urge that the provisions of that agreement should not be amended as part of this minerals application, as the existing S106, and the Trust relate to a wider area. WHBC is however prepared to discuss with the landowner, HCC and St Albans District Council (as parties to the original S106) the implications of any minerals permission at this site for the wider Ellenbrook Park and to consider proposals for any amendments to the Trust arrangements on their merits.

- It may be appropriate for the proposed planting around the perimeter of the site to be put in place (and ideally allowed to mature a little) prior to any extraction taking place as this will provide an important landscape, noise and dust screen. Dense hedgerow planting and trees would be ideal.
- The phasing plans identify the Public Right of Way around the north and eastern sides of the site as permissive but given that this will not encroach on the operational area this should really be definitive. Making the path definitive will offer greater reassurance to local people and provide a basis for HCC management and maintenance.
- Subject to there being adequate parking controls in and around the Ellenbrook area, it may be worth exploring the option of a pedestrian/cycle only access point on the south eastern corner of the site to allow local residents easy access to the country Park.
- There is a concern regarding the location and size of the proposed visitor car park. The original S106 agreement (Schedule 21, 2.10) notes the potential for the Country Park to provide a small car park for up to 20 cars. The one proposed is much bigger and as an estimate, at the current size, would have the capacity to accommodate about 150 cars. This would encourage rather than discourage greater levels of car use and visitors from a wide area. WHBC is of the view that the restored land should provide a sustainable resource essentially for local people, as originally envisaged. The car park is also located in quite an isolated area away from natural surveillance. It has been noted that such car parks can sometimes be subject to fly tipping and anti-social behaviour. Locating them in an area that is more visible can help to discourage such activity. Barrier control at night may also be helpful here.
- The potential vehicle movements associated with mineral extraction operations at this site have given rise to concerns amongst local residents and councillors.

## 8.2 St Albans City & District Council raises no objections subject to conditions.

- The District Council raises no objections subject to a suitably worded legal agreement to secure the reversion to the agreement and provisions contained in the legal agreement attached to approval S6/1999/10640P to provide a country park following mineral extraction and that conditions are attached to any grant of planning permission:
- the site is within the Green Belt and the proximity of Popefield Farm which is a Grade II listed building;
- there is currently public access to the former Aerodrome site;
- the proposal involves mineral extraction over a significant scale and duration over a number of phases with progressive restoration
- outline planning permission (S6/1999/1064/0P) for the development of the former Hatfield Aerodrome site approved 29/12/00);
- the legal agreement provides for the creation of the Ellenbrook Park Trust, however the lease was never completed and Ellenbrook Park has not yet been established;
- NPPF provision for protection of the Green belt (paragraph 89) “other forms of development are also not inappropriate in Green Belt provided they

- preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt, including mineral extraction”;
- St Albans City & District Local Plan Review 1994 Policy 1 permission will not be given for development (within the Green Belt) for purposes other than that required for including mineral extraction;
- the application site forms part of Preferred Area 1 - Land at Former British Aerospace in the Hertfordshire Minerals Local Plan Review 2002-2016 (Adopted 2007) designated a number of Preferred Areas;
- The outline planning permission anticipated that mineral extraction would take place as part of implementation of the country park
- the proposed use of the site for mineral extraction would therefore be an appropriate form of development in principle in the Metropolitan Green Belt as it would comply with both national and local Green Belt policy.

8.3 The Highway Authority raises no objections on the basis the proposed development would have no unreasonable impacts upon the local highway network or the safety and operation on the highway network:

*Traffic generation*

- The current HGV flows on the A1057 Hatfield Road as a proportion of overall traffic is 5% (AM peak) and 3% (PM peak);
- The proposed change to traffic flows on Hatfield Road (based on 46 two-way peak movements) would represent a 2.5% increase (AM peak) and 2.3% (PM peak). This is considered to be minimal impact;
- The applicant has applied a growth factor to the observed traffic to account for any growth in background traffic that may occur between 2014 and 2023;
- The applicant has identified the CEMEX Site, Hatfield Quarry as a committed development (for the purposes of assessing cumulative impact);

*Routing*

- The applicant has stated that the majority of HGV movements will travel east and pass through Comet Way to connect to the A1 (see conditions);

*Junction*

- The applicant undertook a sensitivity test for the proposed junction which included 2022 traffic conditions combined with the proposed trip generation multiplied by a factor of ten. The results indicate that the proposed junction would operate within capacity;
- The application has undertaken a PICADY assessment of the proposed junction modelled to 2022; for weekdays (AM/PM peak) and Saturday (AM peak);
- The proposed new access on Hatfield Road has been the subject of a Stage 1 Road Safety Audit. The details raised in the Stage 1 Road Safety Audit can be dealt with at the detailed design stage;

*Pedestrian Access*

- A pedestrian crossing will be required from the existing footway on Hatfield Road into the proposed site access.

### *Conditions*

- St Albans road network west of the site has a weight restriction of 7.5 tonnes; therefore, a routing agreement (and monitoring) is required to ensure that HGV's are directed towards Comet Way and not to pass through St Albans, to be secured via condition;
- The HCC DM Implementation Team has been consulted and responded they have no issue with the design of the revised proposed access arrangement in principle. However, minor adjustments to the radii may be required to facilitate turning movements;
- The applicant has provided a visibility splay of 4.5m x 120m for the proposed access junction consistent with DMRB Standard for a 40mph road and is acceptable;
- The application provides no information on the provision of car parking, based on the proposal 10 full-time staff would be employed at the site and parking provision will be required in line with parking standards set out in the local plan;
- The applicant has not provided any detailed information on the internal layout of the development proposals. This will be secured via condition
- HCC request that a Banksman is at the gate to ensure the safe arrival and departure of the vehicles and this will be secured via condition;

### *Section 106*

- a condition survey and bond will be required to be secured via a S106 agreement;
- The HGV movements associated with the development will create long-term highway maintenance expense to the County Council. Therefore, a s106 Agreement will be required to secure a Condition Survey in order to assess the condition of the highway within the vicinity of the site before the construction of the development and an updated version will be required at the completion stage;
- Where the development as a result of construction is likely to increase road degradation a highway £30,000 bond should be secured via a Section 106 agreement prior to commencement on site;
- HCC will seek contributions via a S106 for improvements to both the Hatfield Road / Ellenbrook junction and the Hatfield Road / Comet Way junction;
- Contributions will be sought for an amount to be determined, based on Hertfordshire County Councils Planning Obligations Guidance Toolkit. The toolkit specifies that non-residential charges will be calculated at a rate of £1000 per one peak hour two-way trip. Based on 46 PCU's per peak hour, this equates to £46,000 towards the Hatfield Road / Ellenbrook junction and £46,000 towards the Hatfield Road / Comet Way junction. The financial contributions will need to be secured through a legal S106 agreement, with exact triggers for payment to be agreed between the parties;
- the footway located on the southern side of Hatfield Road will need to be a widened due to the increase HGV vehicle movements generated by the development;

### *Section 278*



Any works within the highway boundary (including alterations to the footway and the proposed site access) will need to be secured and approved via a s278 Agreement with HCC;

- A S278 Agreement will be required for improved pedestrian facilities along Hatfield Road (A1057) and for improved pedestrian links between the site and Alban Way;
- Any works within the highway boundary (including alterations to the footway and the proposed site access) will need to be secured and approved via a s278 Agreement with the HCC;
- The visibility splays includes some substantial highway trees that would need to be removed to be secured through a S278 agreement

8.4 Highways England raises no objection confirming 'Highways England was consulted about the application as a statutory consultee. 'Highways England reviewed the HGV trip generation towards the A1(M) and the forecast is that there will be 174 HGV trips per day. Based on the proposed working hours for the site this will result in 18 HGV's per hour going towards the A1(M). There would then be a spread of northbound and southbound trips. This level of increase is within the advisory thresholds classified as slight and in real terms is a minor increase.'

8.5 The Environment Agency response raises no objections, subject to conditions for:

(1) The submission of management plan providing:

- details of construction and water management during construction of the two infiltration lagoons.
- clarification of the restored site discharge point for the UML back-drain.
- a long-term groundwater monitoring plan to continue during and post the operational phase.

(2) The submission of a landscape management plan to include details of:

- the extent and type of new planting (NB planting to be of native species)
- maintenance regimes
- any new habitat created on site
- treatment of site boundaries and/or buffers around water bodies
- management responsibilities

*Advice*

- *Environmental Permitted (England and Wales) Regulations 2010 (as amended)* the development will be a waste disposal operation (landfill) based on the information provided, and would need to comply with the and will require an Environmental Permit to be issued by the Environment Agency;
- This development will also require a permit under from the Environment Agency for any proposed works or structure, in, under, over or within eight metres of the top of the bank of the River Nast, designated a 'main river'.

- *Extractive Waste (Mining Waste)* - The Operator must submit an Extractive Materials Management Statement (EMMS) to the Environment Agency for assessment.

8.6 The Lead Local Flood Authority raises no objections and comments:

- The proposed drainage strategy is based upon infiltration and infiltration tests have been carried out to ensure the feasibility of the proposed scheme. The access road will be constructed from gravel therefore it will drain freely. The remaining roads will be constructed of tarmac and will be drained via swales/ditches.
  - Complex works are proposed to the ordinary watercourses located on-site. This will require ordinary watercourse consent prior to any works beginning onsite. As details in relation to the work to the ordinary watercourses have yet to be provided, we recommend the following planning conditions to the LPA should planning permission be granted.
- (1) The development shall be carried out in accordance with the approved Flood Risk Assessment and the mitigation measures therein detailed:
    - a) limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
    - b) providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
    - c) implementing appropriate drainage strategy based on infiltration.
  - (2) The development shall not be commenced until the submission of a detailed surface water drainage scheme based on:
    - (a) the Drainage Strategy and sustainable drainage principles and
    - (b) an assessment of the hydrological and hydro geological context of the development
    - (c) demonstrate surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event.
  - (3) Submission of detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
    - a) detailed ground investigations and record the level of groundwater.
    - b) detailed surface water run-off and volume calculations to ensure that the site has the capacity to accommodate all rainfall events up to 1:100 year plus climate change
  - (4) The submission of a scheme of modifications to the ordinary water courses

8.7 The County Ecologist raises no objection:

- the Illustrative Restoration Concept would appear to be acceptable at this stage, subject to appropriate details being provided by condition;

- The site will be restored to provide a mix of habitats and amenity use, including lakes, ponds, open drains, marshy grassland scrapes, acid grassland, unimproved (neutral) grassland, wide hedgerow belts, scattered scrub and woodland blocks. This mixture of features will provide a diverse landscape and should encourage a range of biodiversity, although in places this will be tempered by the recreational use of the site;
- There will be a designated 'nature conservation area' to the north of the site and should provide an area of less disturbance where habitats could be created;
- There will be local biodiversity interest in the form of ponds, wetlands and unimproved grassland, which should have beneficial ecological gain, with one area is set aside for more sensitive species. The presentation of this approach needs to be improved.
- The overall approach to restoration and site function will reflect the likely reality and pressures of expected use of the site.
- The original intention for the Ellenbrook site was to create a more open parkland character to the north and more rural, pastoral landscape to the south, within which a more traditional countryside character and management could be developed in contrast to the more amenity driven land-use on the parkland;
- Ideally all open grassland areas should be grazed, there may be some conflict with the Country Park ethos where hay cutting or gang mowing might be favoured;
- The 'conservation area' must be grazed to provide for the full range of ecological benefits;
- More detail will be required on some of these aspects before a final plan can be implemented - regarding the nature of the habitats to be created, their seeding mixes and site infrastructure, as well as practical management proposals – such as any cutting or grazing regimes;
- Whilst essential, such details do not need to be determined at this stage as circumstances may change. However their consideration and implementation does remain fundamental to the successful restoration of the site in order to deliver the landscape, ecological and amenity benefits;
- It is also important to consider how some progressively restored areas are to be managed as the working quarry progresses around the site in Phases, particularly if some public access is proposed for these areas.
- Any interim management could seek to progressively establish and secure the habitats and site uses as proposed and if acceptable can be continued, but the current details are wholly insufficient to provide any such confidence or guidance that this will be achieved.
- There needs to be a mechanism whereby all of the final management principles for the whole site can be agreed as part of the planning process;
- A Management Plan document should be provided as a condition of approval and a Management Agreement as part of the s106 to enable the implementation;

8.8 The County Landscape Officer raises no objections, noting:

- the operational stage would result in adverse landscape and visual effects due to the introduction of an intrusive industrial activity;

- The proposed landscape and visual mitigation measures, such as phased operation and screening bunds, are fully supported;
- The proposed restoration strategy is fully supported and should conserve and enhance landscape character and visual amenity.
- The proposed restoration strategy is broadly consistent with the agreed principles as set out in the Section 106 Landscape Framework Document;
- The following issues should be addressed by condition as part of the provision of a Landscape Management Scheme:
  - increase provision of woodland planting within the site in accordance with Landscape Management Document principles 20-30%;
  - the maintenance and defects liability period should be minimum 5 years;
  - details of removal / retention of tree planted mounds / buffer planting;
  - details of footpaths design to conserve and enhance the rural character and visual amenity;
  - clear strategy for the siting and design of interpretation boards
  - siting and design of car park
  - provision of security fencing
  - details of the treatment of Nast Culvert
  - provision of advanced permanent woodland planting to south of plant area
- The site lies within the proposed 'Woodland Arc' and 'Reconnect' strategy areas of the Hertfordshire Strategic Green Infrastructure Plan.
- The site lies within the 'De Havilland Plain' landscape character area as defined within the current local Landscape Character Assessment.<sup>1</sup> where the strategy for managing change is to improve and restore.
- the 'illustrative restoration concept' (HQ3\11A) was updated and re-submitted for consultation following a stakeholder meeting in May 2016.
- The proposed restoration strategy is broadly consistent with the agreed principles as set out in the LFD and illustrated on the Ellenbrook Park-Framework Document, Agreed Key Drawing;

#### 8.9 The Countryside Access Officer comments -

- Further to discussion with our consultees and noting the detail of the Rights of Way Improvement Plan (ROWIP) we have identified the need for the following additional routes shown on the amended map attached:-
  - A to B from Hatfield Road to be dedicated as Definitive Footpath.
  - C to D (east of the lakes) to be dedicated as a new Definitive Bridleway.
  - E to F dedicated as a Definitive Bridleway to connect with Colney Heath Bridleway 62.
  - The remaining black dotted lines/ multi-purpose paths should be dedicated as at least Definitive Bridleways for now although our preference for the future would be for Definitive Restricted By status.
- We have consulted with the St Albans Access Forum (STAAF) which includes the British Horse Society, St Albans Cycle Campaign and the Ramblers as well as other groups including the Hertfordshire Association for

<sup>1</sup> Southern Hertfordshire, The Landscape Partnership 2001  
 Land at the Former Hatfield Aerodrome  
 5/0394-16 CM0961

the Disabled (HAD). Their preference is for Restricted By way status where possible to allow access to all non-motorised path users.

- For the Bridleway we would seek a dedicated minimum width of 5 meters with 2 meter surfaced in a granular stone.

8.10 The County Archaeologist raises no objections subject to conditions:

- A. that no development takes place until a written scheme of investigation is submitted and approved;
  - B. the development shall take place in accordance with the approved WSI;
  - C. the site investigation and post investigation assessment has been completed in accordance with the programme set out in the WSI.
- We have recommended and subsequently monitored a pre-determination archaeological trial trench evaluation of the site and are currently waiting for the applicant to submit a revised report of the archaeological investigations.
  - However we can say that these archaeological investigations have revealed that much of the site has been disturbed in the latter part of the 20<sup>th</sup> century, including activity connected with use as an airfield and also later filming on the site. This is likely to have been for the movie Saving Private Ryan.
  - There were three areas of archaeological interest. Two are likely to represent Iron Age and Roman activity nearby and the third was a trench containing pottery from the Anglo-Saxon period. Evidence for this period is rare in Hertfordshire so this may be significant.

8.11 WHBC Environmental Health Unit recommends refusal of planning permission on the following grounds:

*Noise from onsite operations*

- The ES report assessed noise levels using the standard comparison in terms of LA90 (BS4242:2014). With the likelihood of tonal emissions, impulsive noise and regular intermittency, there could be an argument for an additional correction of up to 9dB for impulsivity alone;
- If such a correction was for Popefield Farm the difference over background would be 7.3dB, applying any sort of correction would indicate that complaints would be likely. Experience has shown that complaints are sometimes received due to new noise sources when they are at background noise level. This highlights the importance of tonality and the character of the noise. These type of noise levels would amount to a loss of amenity and potentially a statutory nuisance;
- Under the NPPG up to 10dB over the background noise level would be seen as acceptable, however the long term nature of the site, along with it effectively being a new noise source, this level of increase would be seen as unacceptable.

*Noise from additional road traffic*

- HGV traffic - current average hourly movements on a weekday during peak times are around 55 per hour in the morning and 37 per hour in the evening and around 31 per hour on Saturdays.

- Around 18 new HGV movements are expected per hour, which is a large percentage increase, especially on a Saturday (over 50% more);
- this would be seen as an overall increase below 3dB L<sub>Eq</sub>, however this figure then ignores the impact of each single event.

#### *Contaminated Land*

- The reports shows the potential sources of contamination which may be of concern for workers at the proposed quarry;
- the previous use (aerospace) highlight the potential for contamination e.g. asbestos, chemicals, fuel etc.
- If the application were to be permitted, a phased risk assessment would need to be conducted.

#### *Air Quality*

- The report states that impacts from vehicle emissions will be negligible; however we consider that air quality will be affected by the traffic associated with the site and would ask that the applicant monitors air quality for a 12 month period prior to construction to provide a good evidence database of the impacts on air quality and to put in place appropriate mitigation.
- If the application is approved, we would want a condition put in place so that:
- *The applicant shall undertake or cause to be undertaken at least 12 months continuous monitoring of background air quality prior to development and continuous monitoring of air quality during the construction and operational phase using an air quality monitoring programme as agreed in writing with the LPA within 1 month of approval of the planning application.*
- As a minimum the programme should consist of an appropriate number of NO<sub>x</sub> tubes placed around the boundary of the site and at the boundaries of closest receptors with results independently analysed and the reports sent to WHBC quarterly and with a yearly total assessment

## **9. Third Party comments**

### *Advertisement of the application*

- 9.1 The application has been publicised in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 Parts 3 (Applications) and 15 (Publicity for applications for planning permission) as follows:
- (a) display of 6 no. site notices at the application site; and
  - (b) publishing a press notice in two local newspapers – i.e. Welwyn Hatfield Times & St Albans Review; and
  - (c) letters sent to 1,024 properties in the proximity of the site.
- 9.2 The application has been advertised as constituting EIA development affecting land in the Green Belt.

### *Further information*

- 9.3 Further environmental information submitted in August 2016 consisted of:

- new access arrangements including a right turn lane;
- Transport Assessment addendum assessing HGV numbers and impacts on key junctions;
- A revised restoration concept drawing;
- Details of the final three phases of mineral extraction

9.4 Further consultation was undertaken in September 2016 consisting of -

- (a) display of 6 no. site notices at the application site; and
- (b) press notice in Welwyn Hatfield Times and St Albans Review

9.5 The Town and Country Planning (Development Management Procedure) (England) Order 2015 Part 6 (33) states -

*A local planning authority must, in determining applications for planning permission, take into account any representations received in response to a site notice, or to a notice served on the owner or occupier of adjoining land, within 21 days, and for a press notice within 14 days beginning upon the date when the information was published.*

#### Consultation Responses

9.6 Anne Main MP for St Albans raised the following points –

*Many residents are concerned about HGV movements on a busy road, and the import of inert materials that may have a lasting damage to the site. Below is a list of concerns that residents have expressed to me:*

- *Loss of green belt land*
- *Loss of green open space*
- *Loss of footways and bridleways*
- *Damage to wildlife and the environment*
- *Traffic disruption and congestion*
- *Air pollution*

*I strongly believe that any extraction must come with a contract with the community to restore the land to its previous state, and in the meantime undertake any mitigation necessary in such circumstances. There needs to be a firm and binding commitment with the operator and the community.*

*I trust that any decision about this application will be weighed against resident's concerns, and will be fully considered.*

#### Comments from members of the public & interest groups

9.7 In response to the first and second consultation over 260 letters have been received from residents and members of the public raising a wide range of points. The main objections are summarised below.

#### *Traffic congestion, capacity and safety issues*

- The proposal would considerably increase traffic volumes by 174 HGV movements per day, 1 every three minutes, on an already congested single carriageway road;
- The application makes no provision for off-site infrastructure for the additional vehicular movements to and from the site;
- The existing road infrastructure is already inadequate and unable to cope;
- There are no proposals to upgrade the road network for additional traffic;
- The roads are too narrow and not designed for large lorries;
- The A1057 is a bus route unsuitable for such a large number of HGVs;
- The A1057 has bends, narrow pavements and bus stops and is on the edge of a residential area and is therefore unsuitable as a main route for HGVs;
- The proposal will increase the danger to pedestrians and cyclists;
- There are regularly long queues in and out of St Albans;
- Ellenbrook Lane is difficult to exit at peak times due to the constant traffic;
- Ellenbrook Lane / St Albans Road West roundabout is already dangerous;
- Additional traffic make congestion at Smallford roundabout worse;
- Smallford roundabout is too small to cope with HGVs;
- There is a 3.5T weight restriction on Station Road;
- Damage to road surfaces. HGVs do far more damage to roads than cars;
- The road is congested when the A414 or M25 is closed;
- The speed cameras are there because it is a dangerous section of road;
- The HGV estimates are questionable. The proposal is for 250,000 tonnes per annum. The proposal is 30M tonnes over 30 years which equates to 266,666tpa. This could add a further 7 lorry movements per day. HGV estimates do not account for compaction rates, clay is 1.75 tonnes per m<sup>3</sup>, sand and gravel is 2 tonnes per m<sup>3</sup>, if the same lorries are being used it could equate to 44 (22 in/22 out) additional HGV movements per day. The actual number of lorry movements could be 218 per day;
- The traffic survey was carried out in a single location over week in April / May 2015. This does not taken into account fluctuations in traffic;
- There is a weight restriction from the Comet roundabout to St Albans. Allowing almost 200 HGVs per day would be inconsistent with the weight restriction which would become unenforceable

#### *Access*

- The proposed access is in a dangerous location;
- The slowing down and turning of HGV's into the site (18 HGVs per hour ) would prejudice road safety and convenience for other road users;
- A normal junction will be dangerous - a roundabout would be more suitable;
- No consideration has been given to access from Hatfield Business Park;
- The HGVs travel via the A1(M) so why is the access nearly in St Albans;

#### *Cumulative*

- The application fails to consider the cumulative impact with Hatfield Quarry;
- The proposed 174 HGVs in combination with the 300 HGV movements associated with infilling at Hatfield Quarry would affect traffic flow;
- The planning application for hundreds of homes at Oaklands College has not been considered;



- The proposal should be considered in combination with all other developments at Hatfield Quarry; Chester Nursery; potential residential development at Radio Nursey; Glinwell Nursery.
- The development of the former Aerodrome site has added significantly to traffic using the A1057, A1000 and A1(M);

#### *Footpaths*

- The footpath along A1057 is very narrow and dangerous to walk along;
- The footpaths along St Albans Road are narrow and unsafe – the increase in HGVs would place pedestrians and cyclists at greater risk;

#### *Character, amenity, health and quality of life*

- The increase in HGV traffic would have a negative impact upon the rural character of the A1057 road.
- The number of lorry movements will affect peoples' quality of life in terms of noise and air quality, particularly those living along the A1057;
- The large section of hedgerow and mature trees that would need to be removed for the site access would change the character of the Hatfield – St Albans boundary;
- The large numbers of university students who walk or cycle along St Albans Road West would be exposed to air pollution and risk of collisions with HGVs
- The volume of traffic would bring mud residue on the road, the wash facilities would be able to cope however good they are and so the residual effect could not be completely mitigated;

#### *Green Belt*

- The quarry would industrialise Green Belt between Hatfield and St Albans;
- loss of a buffer (separation) between Hatfield and St Albans leading to coalescence of the two towns;
- valuable public open space for recreation would be lost for 30 years;
- The processing plant, bunds and haul roads are inappropriate development and harm openness;
- there are no very special circumstances;
- The development would encroach upon the houses on Oaklands Lane;
- The site would not be restored for 32 years which is too long;
- The recreational and wildlife value of the land would be lost ;
- The extraction would take place too close to houses on along the A1057;
- The proposed quarry would be obtrusive;
- The local area suffers from the effects of past quarry activities, at Suttons Farm (Phase 2) between Woodcock Hill and Symondshyde Lane where gravel extraction has long since ceased and land remains unrestored;
- The loss of Green Belt would be inconsistent with Policy CS19 of the Welwyn Hatfield Emerging Core Strategy which seeks to safeguard Ellenbrook Fields Country for high quality informal recreation and nature conservation as part of a wider green infrastructure belt;
- The St Albans Council corporate plan has stated they are committed to – protect the Green Belt, the District's environment and green spaces.
- Welwyn Hatfield Council, St Albans Council and the residents need to draw up a plan for the land between the two towns which is coming under constant pressure for development;

- the perimeter bunds adjoin the A1057 will affect strategic views onto the site contrary to the openness of the Green Belt;

#### *Ellenbrook Fields Country Park*

- The landowner should not be allowed to escape the obligation to provide the country park;
- the community were promised as country park as part of the aerodrome development;
- The country park is an essential space between Hatfield and St Albans.;
- The landowner now wants to develop the northern part of the country park for housing (Hat2), which would slice the park in half;
- If the housing and quarry go ahead Ellenbrook Fields will cease to exist;
- The excavation should over a smaller area to maintain public access to the majority of the, otherwise public access would be lost for 32 years;
- The public has been prevented from accessing the full extent of the country park due to the Ellenbrook Trust having not been formed;
- The lack of establishment works warrants investigation;
- The obligation to establish the country park should be concluded before the application is considered;
- The community should be involved in the future use of the land.
- The site is an important part of the Hertfordshire Green Infrastructure Plan;
- Welwyn and Hatfield and St Albans Councils rely on Ellenbrook Park in their emerging local plans;

#### *Noise*

- 174 per day would generate significant noise and vibration to the local environment and houses along the A1057;
- noise levels have already been affected by increased traffic levels on both the A1(M) and the A1057;
- Traffic noise is known to have an adverse effect on wellbeing;
- Noise from large machinery and HGV would impact quality of life;
- Adjacent areas of woodland would be adversely affected by noise and dust;
- The noise report says noise should be no material constraint up to 70dB, which would be unacceptable;
- The supporting documents for Noise (section 10) includes predictions based on 90% soft ground between sources and receptor locations, however the properties 389-403 St Albans Road have 24 – 37% of soft ground between them and the site boundary; the noise predictions need to be reconsidered to reflect the facts.

#### *Air Quality*

- The exhaust emissions from HGVs to the site (and to Hatfield Quarry) would adversely affect the quality of life of residents living along the A1057;
- dust from the quarry operations would impact wildlife
- The 'acceptable risk' conclusion in the Air Quality report is unconvincing;
- The effect on people's health and wellbeing would be unacceptable;
- There is insufficient evidence to show the impact would be acceptable;
- Diesel fuel particulates cause harm to human health;
- The operations would adversely affect the use of sports grounds;
- The background levels of air pollution from road traffic is significant;

- The quarry would create dust and debris;
- Concrete batching plants create air borne dust contamination;

#### *Proximity to housing*

- The haul road should be further away from houses and footpaths;
- large scale industrial operations should not be placed close to houses;
- The haul road will be a barrier to people wanting to access Ellenbrook Fields.
- The Hertfordshire Minerals Local Plan initial consultation document August 2016 gives only an amber classification to “sites that are adjacent or in close proximity to existing sites and within close proximity to the same settlement or sensitive receptors”

#### *Buffer Zones*

- Policy 18 of the adopted Hertfordshire Minerals Local Plan requires developments to ‘incorporate an appropriately defined buffer zone in order to safeguard sensitive land-uses’;
- The Hertfordshire Minerals Local Plan Aims and Objectives (Aim 3(9)) requires the impacts upon adjoining land uses, including residential areas, as a key constraint. The application site is larger than the preferred area which showed buffer zones to protect residential areas;
- The specific considerations for Preferred Area 1 refer to Appropriate buffer zones required to protect the amenity of residents at Ellenbrook, Smallford and Popefield Farm;
- Significant parts of the application site fall outside the Preferred Area 1 designation shown on Inset Map No6 – estimated to be 50% in Phase A;
- The site brief (Inset Map No.6) provides between 75m - 170m space between the Preferred Area 1 boundary and the properties on St Albans Road West. The actual distance proposed in the application is far less and similar requirements for Notcutts Nursery and Popefield Farm are ignored;

#### *Ecology*

- The restoration would not protect or enhance the local environment or provide any overall enhancement to local biodiversity required by Minerals Policy 9;
- The application does not make sufficient provision for enhancement of biodiversity over the 30 year lifetime of the project;
- The proposal would result in a loss of wildlife and habitat and loss of wildlife endangered species;
- The vibrations from operations and traffic and artificial lighting will all have a negative impact upon habitats and wildlife, particularly bats, and bird roosts anywhere within 500m of the workings;
- The wildlife habitats and movement of animals through the site has not been independently evaluated;
- The environmental statement only identifies further targeted work that is programmed. Further information should be required from the applicant prior to determination of the application. It is important that any important habitats are identified;
- habitats would be lost and access to protected woodland areas restricted;
- protected species at Cut Field which are potentially under threat;

- Such a large undisturbed area of grassland must be quite unusual in Hertfordshire and for that reason a valuable resource for wildlife;
- The land provides habitats for many species of many plants and animals;
- Mineral extraction pose a threat to local wildlife;
- Once extraction starts, whether in stages or not, we will lose endangered species such as barn owls and great crested newts.
- Local planning authorities must apply three tests –
  1. the activity must be for imperative reasons of overriding public interest or for public health and safety
  2. there must be no satisfactory alternative;
  3. favourable conservation status of the species must be maintained.

#### *Landscape/ visual*

- the application does not take account of landscape character nor maintain its distinctiveness, and would result in significant local landscape intrusion and loss of important landscapes or distinctive features. The proposal is contrary to Minerals Policy 12 (Landscape);
- Contrary to the aims of Minerals Policy 18; the proposals encroach within ten metres from the canopy spread of all periphery or other retained trees. The periphery bunds are placed within 5m of the boundary with St Albans Road West.
- There is no assessment of visual impact from properties along St Albans Road West which have open views over a flat plain to woodland beyond glimpsed through boundary vegetation. The placement of a 4m-5m high bund together with an industrial landscape for over 30 years would completely transform the landscape. The magnitude of visual change and the duration would be unacceptable;
- evergreen hedges and bushes should be placed between properties opposite Phase A and St Albans Road West service road;

#### *Need*

- There is no valid reason under Minerals Policy 3 and Mineral Policy 4 for a grant of planning permission outside of the preferred area as the Local Aggregate Assessment 2015 identifies 11.3 years of reserves, which is in excess of the 7 years recommended;
- There is a sufficient supply of minerals and no need for this site;
- The Minerals Local Plan 2007 (plan period 2002-2016) says the site should preferably be worked at an early stage of the plan period. The current proposal does not fulfil this requirement;
- There is no current need for the development – the permitted reserve is around 14.4Mt, the landbank 10.4 years. The landbank requirement will continue to be above the minimum requirement for years without the need for the minerals at the BAe site;
- If local sites are allocated for housing they could contain substantial reserves of sand and gravel which would need to be extracted before any permanent development in accordance with Minerals Policy 5 (Minerals sterilisation). If other medium size sites come forward in the local area to be considered under current Minerals Policy 5 (Minerals sterilisation) such as Hat1(north west Hatfield), Hat4 (South of Ellenbrook); HAT5 (North of Roehyde); Hat 15 (Symondshyde Village)

- The cumulative effects of multiple impacts from individual sites and/or from a number of sites in a locality need to be considered (NPPF, paragraph 144).
- The Environmental Statement fails to consider medium to large sites within a reasonable distance that may come forward under current Minerals Policy 5;
- The proposal does not fulfil Aim 3 of the Hertfordshire Mineral Local Plan document or follow the methodology outlined in the site selection methodology report;

#### *Review of the Minerals Local Plan*

- The suitability of the application site should be considered as part of the same process to assess the suitability of all the other potential sites as part of the new Minerals Local Plan;
- In the current circumstances an application should not be considered until there is a new Minerals Plan in place;
- The Hertfordshire Minerals Local Plan Adopted in 2007 is out of date and does not now represent the current site use and sensitivities;
- This area has changed beyond recognition since the last Mineral Plan was adopted and the site should be addressed against the new criteria taking into account the current surroundings, not out of date criteria and out of date evidence;
- The current Hertfordshire Minerals Local Plan is about to be superseded;
- The proposals are inconsistent with St Albans Core Strategic Objectives:
  - to seek to meet development needs;
  - (but only) in so far as is consistent with sustainable development, including maintaining effective Green Belt policy;
- Current local plans are out of date and draft local plans are still in consultation stage. The applicant should consider the plans once they are adopted;
- The proposal conflict with the Hertfordshire Minerals Local Plan Site Selection Methodology Reprint May 2015 (Criterion 4 – Local Nature Reserve) which says nature conservation and biodiversity loss, habitat loss and fragmentation of green infrastructure should be avoided.

#### *Alternatives*

- There is no need for the mineral from the site;
- there are alternative sites and sources of supply (e.g. recycled aggregates);
- there is no evidence provided the site is the most appropriate for a quarry;
- two other quarries on Hertfordshire have planning permission but are yet to commence which questions the commercial viability of the quarry and possible oversupply;
- Rickney's Quarry does not have as significant concerns with regard to archaeological and historic issues; district boundary/ green belt functions; coalition of settlements, loss recreation and wildlife, breaking a s106 legal agreement to establish Ellenbrook Park;
- We question the need for this quarry at this time and believe that there is currently a review of the Hertfordshire Minerals Plan the decision on this application should be delayed until the completion of that review;
- Extraction at Hatfield Quarry is due to cease in 2020, it should be possible to delay extraction and locate the new plant site at this location.

### *Flooding*

- The Hatfield Road at St Albans Road West is already to be a known flood risk area
- There is no provision for the stream running adjacent to Popefield Farm continues to flow or how it will be managed;

### *Groundwater*

- The site is affected by pollution by bromate in the groundwater;
- Washing the minerals risk pollution of drinking water supplies;
- The entire area is an aquifer / reservoir serving St Albans and London. We already have huge water shortages in this particular area of town. Destroying an aquifer will make this worse;
- The entire area is an aquifer serving St Albans and London. We already have huge water shortages in St Albans

### *Miscellaneous*

- The excavation, siting of plant and access road does not have sufficient regard to the proximity to National Grid Gas Pipeline (1200mm);
- risk of unexploded bombs from former use as a WW2 airfield;
- consultation has been unsatisfactory;
- there is no benefit to local communities from the quarry;
- proposal will be of no employment benefit to the local community;
- quarry would blight local people's lives for 30 years;
- duration of 32 years is excessive;
- The design of the plant and quarry workings will be intrusive;
- loss of footpaths and no suitable alternatives are proposed;
- Loss of footpaths, bridleways and wildlife enjoyed by local people;
- HCC should require the proposal to be considerably scaled back;
- hours of working - 7am to 6pm Monday to Friday and 7am to 1pm Saturdays, will be unfair to residents;
- no working should be allowed on Saturdays;
- lighting will be a nuisance and generate light pollution;
- site is contaminated with Japanese knotweed;
- proposed quarry would create negative perceptions of the area for potential University students;

9.8 The following objections have been received from interest groups:

9.9 Ellenbrook Residents Association submitted a petition against the proposal with over 900 names. The main points are as follows:

### *The transport infrastructure is inadequate*

- The area is already badly affected by congestion
- Highway capacity and access design in relation to Hatfield Road and Sandpit Lane is highlighted as a constraint any future development at Oaklands College;
- HGVs leaving Hatfield Quarry (CEMEX) early in the morning would combine with traffic from this site making conditions considerably worse; The suggestion that no congestions occurs during the weekday peak periods is incorrect;

- full transport infrastructure modelling should be undertaken taking account of all proposed developments in the area.

*The proposed site access is unsuitable*

- in a busy location close to Smallford roundabout and a number of businesses just before a series of bends in the road which create accident blackspots;

*St Albans Road West is unsuitable for additional HGV traffic*

- the speed cameras installed because of the sharp and unexpected bends;
- The footpath is poorly maintained, even though it is a busy route;
- increases in HGV traffic and change in traffic flows
- effect on the health and safety of our residents

*Local residents would suffer a significant loss of amenity in terms of the Country Park*

- Ellenbrook Park is important and well overdue
- The Park remains an integral part of realising the objectives of the Hatfield Aerodrome SPG;
- The land should not be used for extensive gravel extraction or to provide more housing.

*There has been inadequate consultation with local residents*

- The Ellenbrook area has over 500 dwellings but only a limited number of properties received a postcard on 19/20 October 2015 notifying them of the exhibition a week later and so very few local residents were able to attend;
- Any application should be preceded by a full consultation with local residents, through a series of workshops, exhibitions and public meetings.

*The application cannot be considered in isolation*

- The area is in the midst of Local Plan preparation, with proposals close to the quarry for
  - 1,100 new dwellings east of the application site (HAT2) at Ellenbrook Country Park;
  - 1,200 dwellings at Symondshyde Farm and 1,600 at Stanboroughbury (HAT1)
  - 1,000 dwellings at Oaklands Broad Location for development (SLP13d).
  - Cemex proposed infilling at Hatfield Quarry will generate up to 300 vehicles per day, and
  - Goodman is requesting a release of Green Belt land for a science and logistics park near the A1(M) / A414 junction.
- In total nearly 5,000 new dwellings plus nearly 500 lorry movements;
- The applicant reasons that because the precise detail of these developments are not currently known it is not possible to assess cumulative impacts – the uncertainty is reason enough to delay consideration of this application.

*Ellenbrook Country Park*

- All conditions relating to the establishment of the Country Park should be concluded before consideration of the Application.

- The Trust has not been set up and the £1.36M contribution has not been paid;
- it even more important that the Trust and funding are implemented as a matter of urgency.

*The Application should not be considered until the current review of the Minerals Plan is concluded*

- The initial consultation on the review of the Minerals Local Plan concluded in October 2015;
- The Local Aggregate Assessment 2015 states –
  - *The permitted reserves can supply aggregate for a period of 11.3 years based on Hertfordshire's apportionment of 1.39 million tonnes.*
- The reserves requirement is 7 years and so the requirement is met and there is no urgency for the mineral when the need is met from existing sources;
- The LAA 2015 says the deposit at BAe Preferred Area 1 will be considered as part of the site selection criteria / methodology in the Minerals Plan Review;
- Given this statement and the review of the Local Minerals Plan having already commenced, we would ask HCC to postpone the consideration of this Application;
- The site should be assessed under the methodologies and policies set out in the imminent Minerals Local Plan, using evidence regarding the current situation in the area, rather than the situation some 15 years ago.

9.10 The University of Hertfordshire has no objections but suggest a number of matters to be addressed by condition:

- Noise/ Visuals – the applicant has agreed to site the perimeter bund at least 5m from the sports pitch fences and provide additional netting. The University would request that the bund remains in place in the final restoration to provide wind shelter.
- Dust: human health – to ensure impacts are minimised it is anticipated the mineral company will be required to operate an appropriate dust management plan.
- Dust Impact on sports pitches – Brett Aggregates has agreed to meet the costs of initial and final tests, as well as yearly tests, to include the cost of washing the rubber crumb if the tests deem it necessary. If the pitches deteriorate at a rate that would require them being changed more often than once every seven years. We will need to see the detail of this commitment within the draft S106 Agreement.
- Water Supply – the applicant committed to install a pump and system to transfer clean water from the lagoon (when available) to the University's reservoir to irrigate the sports pitches. This commitment should be lodged as a sustainability benefit in your Report and captured within the S106.
- Car Park - we have requested that the University have access to a car park close to the Sports Village, to accommodate the overspill during big events. We would still like to explore how this could be incorporated within the restoration proposals.



- Provided the University is consulted on the draft conditions and S106 heads of terms to ensure the points are pulled through in to the final decision, the University would have no further grounds of objection.
- Bretts have agreed to work with the University on shared initiatives such as providing placements for students, scholarships and supporting sporting or cultural events. Perhaps this can be registered as a potential community benefit in support of the proposals.

- 9.11 St Albans and District Footpaths Society advise of the need to maintain suitable public access during each construction phase, and for definitive public footpaths to be designated *prior* to the quarry and reinstated following completion of the country park.
- 9.12 The Ramblers Association objects on the grounds that it would materially restrict existing use of the site by people living in area for a very long time. Whilst the intention to maintain public access during working is welcome, the scheme could be significantly improved upon. The provision of a car park on completion of restoration is welcome, however, proposals as drafted fail to provide for improved pedestrian access and fail to integrate with existing bridleways and footpaths.
- 9.13 Smallford Residents Association submitted a petition with over 90no. names. The grounds of objection are:
- loss of green belt, recreational land, wildlife and habitat, archaeology, aviation history;
  - noise, dust and light pollution, traffic congestion,
  - expansion and coalescence of between St. Albans and Hatfield,
  - no benefits for residents,
  - inadequate consultation,
  - excessively long period of extraction (30 years) and associated loss of recreational land use, resulting in loss of benefit to local people,
  - alternative sites have not been fully explored,
  - the workings will impact human ill health and lead to complaints;
  - bromate contamination of groundwater;
  - gas pipeline across the site;
  - the possibly of unexploded World War II ordnance
  - application and the application itself it untrustworthy and untenable
- 9.14 Hatfield Village Councillors – the principal concern shared by ward councillors relates to heavy goods vehicle movements, which are predicted to be in the region of 194 per day, for 30 years all of which would be routed via the A1057 east towards the Comet roundabout. This level of HGV traffic represents a very considerable impact upon a road with residential properties on the south side, and a road that is already busy. Even with HAT2 removed from the WHBC local plan, the St Albans' Local Plan envisages development at Smallford, which will place further traffic pressure on the A1057.

## **10. Planning Issues**

10.1 The main planning issues relevant to the consideration of the application relate to:

- The need for mineral working
- The principle of mineral working at the site
- Green Belt
- Ellenbrook Country Park
- Transport
- Noise
- Air Quality
- Cultural Heritage
- Amenity
- Landscape
- Water
- Ecology
- Rights of Way
- Cumulative impact

### **The need for mineral working**

10.2 The primary consideration is whether there is a current need for mineral working to meet the County's contribution to local, regional and national mineral supply. Following this, consideration should be given to the economic benefits of mineral extraction, including in supporting sustainable economic growth, and wider benefits of mineral extraction to the economy.

10.3 The most relevant policies are found in the Hertfordshire Minerals Local Plan Review 2007: Policies 1 (Aggregates Supply) and 2 (Need for Mineral Working); and in the NPPF (paragraphs 142-149).

#### **Minerals Policy 1 - Aggregate supply**

- Planning permission for the extraction of proven economic mineral reserves will only be granted where it is necessary to ensure that adequate supplies are available to meet the county's agreed apportionment of regional supply.
- The County Council will seek to maintain an appropriate landbank<sup>2</sup> of sand and gravel reserves in accordance with government guidance, throughout the Plan period, consistent with the above apportionment, to enable an appropriate contribution to be made to meet the region's varying needs.

#### **Minerals Policy 2 - Need**

When determining planning applications for mineral extraction the County Council will take into account the following factors:-

- the existing quantity of permitted reserves of the mineral;

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<sup>2</sup> Landbank: A stock of planning permissions for the winning and working of minerals

- the rate at which, and the proposed timescale over which it is expected that those permitted reserves will be worked;
- the proposed rate and timescale in the application for working the mineral deposit;
- the existence of resources of the mineral which are identified as Preferred Areas within the Plan and which are shown as being desirably worked at an early stage of the Plan period; and
- the particular nature and qualities of the mineral deposit concerned, such as the suitability for a particular end use not met by other available sources in the area or region.

#### 10.4 The NPPF provides a framework for decision making:

- Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs (paragraph 142)
- When determining planning applications, local planning authorities should give great weight to the benefits of the mineral extraction, including to the economy (paragraph 144)
- Minerals planning authorities should plan for a steady and adequate supply of aggregates (paragraph 145) by:
  - preparing an annual Local Aggregate Assessment based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);
  - using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;
  - making provision for the maintenance of landbanks of at least 7 years for sand and gravel. Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites; and
  - ensuring that large landbanks bound up in very few sites do not stifle competition

#### Landbank

- #### 10.5
- The stock of mineral planning permissions for the winning and working of minerals is an important consideration in determining whether there is an urgent current need for minerals, or whether there is sufficient supply of minerals in the medium term. The NPPF (paragraph 145) identifies that mineral planning authorities should maintain a minimum 7 year supply of planning permissions for mineral working. The NPPG says that landbanks of aggregate supply should be used as an indicator of the security of future supply and to inform decisions as to whether to initiate a review of a minerals plan document, where the landbank falls below the minimum requirement.

10.6 The Minerals Plan acknowledges that ‘all mineral extraction will involve disturbance and harm to the area in which it takes place. Therefore, a primary consideration will be whether or not there is a need for extraction to take place in order to meet the County Council’s supply policy (paragraph 3.3.1). The County Council will consider the adequacy of the landbank in relation to the quantity and quality of the mineral in the context of Minerals Policy 2 (paragraph 3.3.2).

10.7 The landbank of permitted reserves in Hertfordshire in December 2015 was:

		Million tonnes
A	Permitted reserves (total)	13.22
B	Apportionment figure	1.39
C	Landbank years equivalent (A ÷ B)	9.5

10.8 The current landbank (9.5 years) is therefore sufficient to meet the minimum requirement for a 7 year landbank.

10.9 Sales of sand and gravel in 2015 were as follows:

	Million tonnes
Average 10 year sales	1.16
Rolling 3 year average sales <sup>3</sup>	1.19
Secondary aggregates produced in Hertfordshire	0.362

10.10 The sites that contribute to the landbank are the sites with planning permission for mineral working that are active and are referred to as specific sites. The five specific sites that contribute to the landbank supply are:

<u>Site</u>	<u>Completion date</u>
Panshanger Quarry, Hertingfordbury	2032
Tyttenhanger Quarry, Coursers Road, Colney Heath	2030
Westmill Quarry, A602 Westmill Road, Ware	2017
Hatfield Quarry (Symondshyde), Oaklands Lane	2020
Rickneys Quarry <sup>4</sup> , near Hertford (currently inactive)	2020

<sup>3</sup> Mineral Planning Authorities should also look at average sales over the last three years in particular to identify the general trend of demand as part of the consideration of whether it might be appropriate to increase supply NPPG paragraph 064 (Reference ID: 27-064-20140306).

- 10.11 Other sites that contribute to the landbank are Thorley Hall Farm (500,000 tonnes) and Waterhall (50,000 tonnes).

*Preferred Areas*

- 10.12 The current Minerals Local Plan identifies three preferred areas for mineral working on the basis that the County Council would not rely on a single site for meeting the future need. Preferred Areas are defined in the Plan as the locations favoured for the mineral working needed to meet the Plan's requirements.

- 10.13 Following a site selection process the three preferred areas identified were:

<u>Preferred Area</u>	<u>Size of deposit</u>
1 – Land at former British Aerospace	8 Mt
2 – Rickneys Quarry	5 – 6 Mt
3 – Tyttenhanger Quarry (Coursers Road)	4.5
Total	17.5 – 18.5 Mt

- 10.14 The application site falls largely within Preferred Area 1, as shown on Inset Map 6 of the Minerals Local Plan.

- 10.15 The Minerals Local Plan (paragraph 3.4.1) defines the purposes of selecting preferred areas as:

- to identify those sites that have least environmental impact and represent the most sustainable option through the Plan period;
- to give clear guidance as to where permission is likely to be forthcoming, and where permission is unlikely to be granted during the plan period; and
- to limit the extent of disturbance caused by mineral working (for this reason the County Council would be unlikely to grant permission for mineral extraction greatly in excess of that required to maintain an adequate and steady supply of minerals (Hertfordshire Minerals Local Plan, paragraph 3.4.1)).

- 10.16 The County Council intends that all new workings during the Plan period will take place within the specific sites and preferred areas identified in Minerals Policy 3.

Minerals Policy 3 – Sites for sand and gravel extraction and the working of preferred areas

Specific Sites for sand and gravel extraction are identified on the Proposals Map and listed at Appendix 5. These are:

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<sup>4</sup> There is a resolution to grant planning permission for an extension to Rickneys Quarry for 1.24 million tonnes. The planning permission is subject to a s106. The Mineral Operator (Hanson) has indicated its intention to recommence extraction during 2017.  
Land at the Former Hatfield Aerodrome  
5/0394-16 CM0961

- sites which have a valid planning permission for mineral extraction including active sites with unworked permitted reserves and sites on which extraction has not commenced; and
- sites which are subject to a resolution of the County Council to grant planning permission.

The following sites as defined on the Proposals and Inset Maps are identified as Preferred Areas for future mineral working:

- Preferred Area 1: Land at former British Aerospace, Hatfield
- Preferred Area 2: Land adjoining Rickneys Quarry, near Hertford
- Preferred Area 3: Land at Coursers Road, near London Colney

Proposed mineral working within the Preferred Areas defined in this Plan will be permitted only when:

- they contribute to maintaining the County's appropriate contribution to local, regional and national aggregate needs, including the maintenance of a landbank in accordance with Mineral Policy 1; and
- the application satisfactorily fulfils the requirements of the Proposals for that Preferred Area as identified with the Inset Maps.

#### Evaluation of the need for mineral working

- 10.17 Minerals are essential to support sustainable economic growth and quality of life and therefore it is important to ensure there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs (NPPF, paragraph 142). The Government requires mineral planning authorities to give great weight to the benefits of the mineral extraction when determining planning applications (NPPF, paragraph 144).
- 10.18 The current landbank is 13.22 million tonnes, equivalent to 9.5 years. The minimum requirement is 7 years (NPPF, paragraph 145). On this basis there is no immediate need, however there is a medium and longer term need to maintain a stock of planning permissions in order to meet future needs.
- 10.19 The minimum landbank under the current Minerals Plan is 9.73 million tonnes based on a 7 year landbank at 1.39mtpa. The current landbank (13.22mt) is therefore 3.49 million tonnes above the minimum requirement. This equates to less than three years worth of sales at 1.19mtpa. Therefore, in less than three years the landbank would fall below the minimum 7 year landbank, unless supplemented by further planning permissions for mineral extraction.
- 10.20 Of the four producing sites which contribute to the landbank (paragraph 10.10) two are scheduled to cease production within the next 3 years (Westmill in 2017 and Hatfield in 2020) by which time the landbank would have reduced to below 7 years, unless supplemented by further planning permissions. There is the potential extension to Rickneys Quarry within this time frame, however this source of supply would sustain for only three years and as such would be a fairly short term contribution to the landbank.

- 10.21 After 2020 the only producing sites would be Tyttenhanger & Panshanger quarries both operated by Tarmac<sup>5</sup>.
- 10.22 It is unlikely that extensions to existing quarries would be sufficient to meet the requirement level of supply. Therefore, new quarry sites will be required to be granted planning permission within the next three years in order to maintain the landbank above the minimum 7 years.
- 10.23 The application site could contribute 8 million tonnes to the landbank and provide a 30 year supply at 250,000tpa. The proposed campaign method of working should ensure that minerals remain available for use at all times.
- 10.24 The mineral from the site could provide a long term source of supply and contribute towards the maintenance of the landbank over the 15 year duration of the Plan.
- 10.25 The application site would add to the range of sites contributing to the landbank, and thereby assist in maintaining a steady and adequate supply of sand and gravel.
- 10.26 The long lead in time to establish a new quarry is a material consideration. The application site would not yield any supplies of sand and gravel during the first 18 months, by which time the landbank would be reduced to the equivalent of 8.2 years (based on the annual apportionment of 1.39mtpa) unless supplemented by further planning permissions for mineral extraction
- 10.27 The long term demand for sand and gravel tends to be cyclical reflecting changes in the economy. The 10 year average sales data for Hertfordshire has remained steady at around 1.16 mtpa over a period including a significant economic recession and contracted growth. The 3-year rolling sales show a period of steady growth in demand.
- 10.28 The future demand for sand and gravel within the region is likely to be influenced by expected growth in economic activity and housing growth that is being identified in emerging local plans. Subject to these plans being adopted in their current form, a significant proportion of which could take place during the early stages of the period of the Minerals Local Plan.

#### *Preferred Areas*

- 10.29 The application site falls within Preferred Area 1 (Land at the former British Aerospace). The status of the application site as PA1 demonstrates that the site was tested against a range of environmental criteria as part of the evidence base for the adoption of the current Minerals Local Plan and was found to be among the three most sustainable locations for mineral working within the County in order to meet the needs of the Plan.

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<sup>5</sup> The NPPF seeks to ensure that large landbanks bound up in very few sites do not stifle competition (paragraph 145).

- 10.30 The proposals for mineral extraction from within the preferred area boundary accord with Minerals Policy 3 on the basis that there is a long term need for mineral working in order to meet the County's appropriate contribution to local, regional and national aggregate needs, including the maintenance of a landbank in accordance with Mineral Policy 1.

### **The principle of mineral working at the site**

- 10.31 The Hatfield Aerodrome SPG supports the principle of mineral working within the Ellenbrook Park area in order to make proper provision for the extraction of minerals in the interests of achieving a sustainable approach towards the long term development of the site (paragraph 9.19).
- 10.32 The Hatfield Aerodrome SPG identifies the principles to be taken into account when considering proposals for mineral working, which includes:
- a) appropriate buffer zones, normally at least 60 metres in width, on all boundaries where adjoining land uses would be adversely affected;
  - b) sufficient landscape planting and contouring between [Salisbury Village] and the boundary with the Green Belt prior to the extraction of minerals to protect the amenity of existing and potential occupiers from minerals extraction;
  - c) working the mineral reserve at a reasonable rate to avoid a prolonged period of extraction that allows restoration to keep pace [reserves on the eastern side of the preferred area should be worked first];
  - d) location of the site access to provide as direct a route as possible to the trunk road network and to minimise disturbance to local residents;
  - e) consideration of the location of haul routes and access arrangements as part of the phasing plans;
  - f) provision of a haul route to provide access to Hatfield Road would be acceptable if suitable controls are provided;
  - g) the processing plant is likely to be significant in terms of its size and therefore should be appropriately sited and in particular should be:
    - be well screened visually
    - be well screened for noise
    - minimise dust emissions
    - minimise impact on sensitive surrounding occupiers, through careful attention to details of siting, design and hours of operation
  - h) the setting of the Grade II listed buildings at Astwick Manor and Popefield Farm should be respected and safeguarded in considering future detailed proposals for mineral extraction;
  - i) environmental sensitive areas of the Green Belt, including areas of archaeological importance and ecologically valuable sites, to be respected and safeguarded where appropriate in considering proposals for future mineral extraction.

- 10.33 Taking each point in turn –

- 10.34 The proposal would retain a 75m buffer from the edge of the extraction area and the boundary with Popefield Farm. The proposals involve the construction



- of a screen bund on three sides of the boundary with Popefield Farm. Taking into consideration the area of land occupied by the footprint of the bund, a minimum distance of 60m would be maintained from the outer edge of the bund to the boundary with Popefield Farm. The intervening space would be planted with native woodland species prior to the commencement of mineral extraction in order to establish effective noise attenuation and a landscape buffer.
- 10.35 On the south east boundary of the site a buffer of approximately 30m is proposed with St Albans Road West. Although short of the 60m buffer suggested in the Hatfield Aerodrome SPG the distance is considered acceptable in this location because the road forms a less sensitive boundary and a distance of between 60 to 70m would be maintained from the edge of the extraction area to residential properties opposite e.g. 403 St Albans Road West, reducing to approximately 50m for The Lodge.
- 10.36 On the south west boundary of the site a buffer of 30m is proposed to the boundary which adjoins a public footpath (Colney Heath 015), and approximately 140m from a new development at Ellenbrook Fields. Further detail is required to show that an appropriate buffer will be provided in this area. The condition recommends that no mineral extraction shall take place within 75m of the western boundary until such time as a detailed scheme has been submitted and agreed.
- 10.37 The proposal would maintain a distance of 450m from residential properties at Salisbury Village. The visual impact of mineral working will be considerably reduced by the distance involved and the 3m high bund proposed on the eastern side of the application site, and therefore further landscape planting along this boundary would not be necessary.
- 10.38 The duration of mineral extraction is 30 years producing 250,000 tonnes of sand and gravel in each year. Mineral extraction for each of the 7 phases would last 4 years followed by progressive restoration. This rate of working is considered reasonable and would enable restoration to keep pace with mineral extraction.
- 10.39 The phased working will require the establishment of temporary haul roads for each new Phase of working. These should be designed to minimise impacts on residential properties, footpaths, and visual and landscape. If necessary haul roads may need to be excavated to run partly below the surface level with bunds alongside to minimise the visual impact of haulage movements and reduce the harm to the Green Belt. The details will be required as part of the phasing plans.
- 10.40 The main access road would be located between Notcutts Nursery and Popefield Farm which is the only realistic option. Alternative routes from the east would take HGV traffic through residential areas, and an access in the north via Coopers Green Lane would not be acceptable from a highway safety perspective.

- 10.41 HGVs would exit the site in an eastbound direction towards the A1(M). A routing will form part of the s106 agreement. The proposed routing agreement would minimise the number of residential properties that HGVs pass between the A1(M) and the site entrance.
- 10.42 The processing plant is located in the northern part of the site as far as possible from existing residential areas. A bund is proposed around three sides of the processing plant (north, east and west) to screen views of the operation and provide noise attenuation. The County Landscape Officer recommends that a further bund (with landscape planting) should be constructed on the southern side of the processing plant to restrict views of the operation from the south. The landscaping condition will reflect this.
- 10.43 With regards to noise and dust, the bunds should provide effective noise attenuation. The distances between the operation and sensitive receptors, notwithstanding the proximity to the footpath, will help to reduce the impact. Dust mitigation measures will be required. The processing operation involves a wet process to screen the mineral which will reduce airborne dust to a minimum level. The use of a truck mounted bowser will be required to prevent dust generated by vehicles using haul roads. The proposed hours of operation are 07.00 to 18.00 hours Monday to Friday and 07.00 to 13.00 hours on Saturdays. The restriction of operational hours will limit the duration and extent of the impact to an acceptable level.
- 10.44 The proposals will respect the setting of Grade II listed buildings at Astwick Manor and Popefield Farm. The proposals would maintain a distance of 75m to the boundary with the group of listed buildings at Popefield Farm which will be landscaped to provide an acceptable separation buffer. The operations are temporary, albeit for 30 years, and the site will be restored to a country park which will enhance the setting of Popefield Farm in the long term.
- 10.45 The mineral extraction area is approximately 850m from the Astwick Manor. The mineral workings would be screened by bunds and an area of woodland (Home Cover). At this distance, and with the existing and proposed screening, there should be no significant impact upon the setting of Astwick Manor.
- 10.46 With regards to the impact on areas of Green Belt, the entire site is Green Belt and it would not be possible to mitigate all of the impacts of mineral working. The proposed bunds and landscaping would reduce as far as possible any negative impacts upon openness.
- 10.47 The application includes an Archaeological Assessment which indicates limited potential archaeological interest. Soil stripping in areas of interest will be required to be undertaken in the presence of a qualified Archaeologist.
- 10.48 There are no ecologically sensitive areas within the site. Home Covert is an area of woodland and a County Wildlife Site adjoining the northern site boundary. Restoration of Hatfield Quarry site on land immediately adjoining the application site has a strong nature conservation emphasis. The proposals include a nature conservation area in the northern part of the site alongside

similar areas within Hatfield Quarry with the aim to provide a contiguous nature conservation area.

10.49 The principle of mineral working at the site is therefore considered acceptable for the following reasons:

- the development proposals respect the principles set out in the Hatfield Aerodrome SP;
- the site is largely within a preferred area for mineral working in the adopted Minerals Local Plan,
- mineral working in the Green Belt is not inappropriate development

*Working outside of preferred areas*

10.50 The Minerals Plan intends that all new workings during the Plan period will take place within the specific sites and preferred areas identified in Minerals Policy 3, because allowing other sites for aggregate extraction could undermine the strategic objectives of the plan. Therefore, unless exceptional circumstances indicate otherwise, the county's needs for land-won aggregate will be met from the sites identified in Minerals Policy 3.

10.51 The large majority of the application site falls within Preferred Area 1. Therefore the application is largely compliant with Minerals Policy 3. However, in three areas working is proposed on the outside of the PA1 boundary at the outer edge of the application site. These are:

- opposite 399-409 St Albans Road West;
- adjacent to Popefield Farm; and
- adjacent to Notcutts Nursery

10.52 The combined area of the three parcels of land falling outside the PA1 boundary is approximately 7.5ha, which equates to less than 9% of the total area of the application site (87ha). The total area of PA1 (shown on Appendix II) is approximately 144ha. In this context the area of working proposed outside of the PA1 boundary is fairly modest.

10.53 The Minerals Plan requires proposals for working outside of preferred areas to be considered against Minerals Policy 4, which states

Mineral working outside of preferred areas will not be permitted unless:

- the landbank is below the required level and there is a need for the proposal to maintain the County's appropriate contribution to local, regional and national need that cannot be met from the identified areas; and
- it can be demonstrated that the proposals would not prejudice the timely working of Preferred areas; or
- the sterilisation of resources will otherwise occur

10.54 It is acknowledged that proposals for working outside the PA1 boundary do not comply with Minerals Policy 4. However, the proposal is considered to be an allowable exception to this Policy 4 for the following reasons:

- the areas outside of the PA1 boundary comprise relatively small areas (less than 10% of the application site);
- the areas outside of the PA1 boundary are located on the edges of a much larger site which would be worked as a whole. The majority of the site (over 90%) falls within the PA1 boundary;
- each area outside of PA1 would be worked as a contiguous part of the adjoining Phase as part of an overall phasing plan;
- working the areas outside of PA1 would not prejudice the timely working of the preferred area;
- working outside of the PA1 boundary would occur for a relatively short period at the start (Phase A) and at the end (Phase G) of development, therefore the duration of impact would be relatively short;
- allowing limited areas of working outside of the PA1 boundary would not undermine the strategic objectives of the Plan;
- The proposal would maintain acceptable working distances from adjoining residential properties to protect the amenity of adjoining occupiers;
- The application strikes an acceptable balance of total costs and benefits of the development, including the environmental costs and benefits, avoiding mineral sterilisation and protecting amenity.

*Mineral sterilisation*

10.55 Minerals Policy 5 encourages mineral extraction prior to other development taking place where any significant mineral resource would otherwise be sterilised, or where despoiled land would be improved following restoration.

11.56 The application site covers approximately 60% of PA1 and excludes approximately 57ha of land which falls within the PA1 designation to the north of the application site.

11.57 The borehole data submitted with the application covers the entire area of PA1. The borehole cross sections indicate the most economically viable deposits are located in the southern part of PA1. The deposit in the northern part of the site is generally of a lesser quality and quality by comparison.

10.59 The development of the site would produce up to 8 million tonnes of sand and gravel. This is the same volume estimated for the whole of PA1.

10.60 The reasons given for not working the mineral deposit in the northern part of PA1 are:

- the quality and quantity of the mineral deposit is lesser in that area; and
- the presence of Bromate contamination in the groundwater in the northern part of the site;

- 10.61 There needs to be a balance between maximising the use of available minerals and avoiding sterilisation. The application is considered to provide an acceptable balance, given the environmental constraints of the site and the 8 million tonnes estimated in the Minerals Plan would be attainable.
- 10.62 The landowner is promoting the land the northern part of PA1 for housing in the emerging Welwyn Hatfield Local Plan (referred to as site HAT2). If applications for housing development come forward for land within HAT2 the County Council would need to consider whether to maintain an objection on grounds of sterilisation, and may require any applicant to demonstrate that it would not be economically viable or sustainable to work the mineral deposit as part of the development that is proposed.

### *Infilling*

- 10.63 Working the mineral deposit to a significant depth (18m) will require the importation of over 2 Million tonnes of inert waste to backfill the mineral void, necessary to produce an acceptable restoration. The alternative restoration option i.e. not importing material, would result in a large expanse of open (deep) water. However, this option would not be compatible with the long term restoration to a country park, given the reduction in usable site area and the associated safety risks.
- 10.64 The Minerals Plan identifies that the availability of sufficient quality restoration material may be constraint on timely restoration. The current rate of development suggests that the supply of inert waste is likely to be maintained at a high level for the foreseeable future. It is therefore anticipated that sufficient quality excavation material will be available for the lifetime of the project and restoration should not be delayed as a result of insufficient material.
- 10.65 The risk of pollution has been assessed by the Environment Agency as acceptable, subject to a detailed water management plan being agreed with the mineral operator prior to commencement.

### **Green Belt**

- 10.66 The NPPF (paragraph 87) states 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt (paragraph 88). Certain forms of development, including mineral extraction, are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt (paragraph 90).

- 10.67 The main elements of the proposal development which are considered to be inappropriate development and would potentially have a negative impact upon the Green Belt relate to:
- the construction of the new access onto the public highway;
  - the construction of temporary internal haul roads;
  - the construction and operation of a minerals processing plant, stockpiling area, weighbridges, concrete batching plant, ancillary facilities and a site office;
  - the construction of peripheral screening mounds; and
  - the haulage of sand and gravel using dumper trucks from the extraction site to the processing plant for an extended period;
  - the transport of waste material for infilling the mineral void for an extended period.
- 10.68 Taking each point in turn –
- 10.69 The construction of a new road access for the site would have a negative impact upon openness associated with the removal of a section of hedgerow and three large trees to create the new site entrance, in addition to the additional traffic generated by the site.
- 10.70 The construction of a new access is essential because there is no alternative transport option available at the site. It has been suggested that the processing could take place at the existing processing plant at Hatfield Quarry, however the two mineral operators are in competition and there is no prospect of a joint venture. If a shared processing plant had been negotiated it would mean all quarry traffic using Oaklands Lane, which would be unacceptable for residents. The access has been safety audited and found to be compliant. There is no highway objection to a new access because this is the only realistic option for this site.
- 10.71 The visual impact of the new access would be mitigated by planting a new hedgerow alongside the new visibility splays and new boundary trees. It is acknowledged that there would be a negative impact upon openness from the new access and HGV traffic, however the impact has been mitigated as far as possible (and there is no realistic alternative option). The impact would be for a temporary period and the openness of the Green Belt would be restored on completion of mineral extraction.
- 10.72 The main access road from the site entrance to the processing plant would be sited close to the western boundary and screened by bunds and landscaping which would minimise the impact upon openness. The number of other haul roads should be kept to a minimum. The alternative to haulage would be the use of a conveyor line, as deployed at Hatfield Quarry, however the hydrological conditions at the site dictate the campaign method of working and stockpiling mineral. A conveyor system would not be ideally suited to this method of working.

- 10.73 On site processing is an essential part of a mineral operation on this scale. It would not be practical to transport such a large volume of raw material to an alternative processing site. Concrete batching plants are also a common feature on mineral sites, including at the adjoining Hatfield Quarry site. The design for the processing plant has been planned to minimise the visual impact and will include bunds on all sides of the plant site, which will be planted with native woodland species. The NPPF (paragraph 143) requires existing, planned and potential concrete batching plants to be safeguarded to reflect the need for such facilities in supporting the economy.
- 10.74 The perimeter bunds are essential to minimise the visual impact of workings from outside of the site and the minimum necessary for this purpose. The bunds would be removed upon completion and openness restored.
- 10.75 The visual impact of haulage vehicles trafficking mineral would be mitigated through the careful siting and design of internal haul roads, which could include sinking haul roads below the surface of adjoining land if necessary. A detailed design will be necessary as part of the phasing plans, informed by a strategy to minimise the harm to the Green Belt in each Phase of extraction.
- 10.76 Notwithstanding the harm to the Green Belt as a result of the inappropriate development and the substantial weight that must be attached to any such harm, the inappropriate development forms an essential part of a mineral operation on this scale, and the operation has been planned to minimise and mitigate any potential harm to the Green Belt as far as possible.
- 10.77 The inappropriate development would be removed upon completion of mineral extraction and the land reinstated. The restoration of the site to a country park would enhance the Green Belt in the long term, including encouraging public access to the countryside. The restoration proposals are consistent with the objectives for the Green Belt in the NPPF (paragraph 81) that local planning authorities should plan positively to enhance the beneficial use of the Green Belt, including opportunities for access and recreation, to enhance landscape, visual amenity and biodiversity, and to improve damaged or derelict land.

### **Ellenbrook Country Park**

- 10.78 The s106 legal agreement for the Hatfield Aerodrome development provides for the creation of a country park on 418 acres of land to the west of Hatfield Business Park, the establishment of a Trust to manage the park, and for the landowner to grant the Trust a lease on the land for a period of 125 years. The agreement does allow for the land to be worked for minerals.
- 10.79 The creation of a country park in accordance with the aims of the Hatfield Aerodrome SPG is a priority for the authorities. This is given greater emphasis in policy terms because the land forms part of the Green Infrastructure Plan for Hertfordshire and is identified as part of the Green Infrastructure strategies of both the district and borough councils.

- 10.80 The common view of the authorities is that the original agreement remains enforceable if necessary, however officers believe that it would be better to work towards a Deed of Variation to the original agreement to allow for mineral extraction to take place, and the establishment of a country park. The consultation responses from the borough and district authorities indicate their preference is for the main control to remain within the original agreement
- 10.81 There is still a need to vary the original agreement because the Establishment Works have not taken place, and could not take place in the way they were described in the original agreement if the mineral development goes ahead.
- 10.82 There is common ground that Ellenbrook Park should be formally established at the earliest opportunity and the minerals application is seen as the opportunity to deliver this objective. This will be provided for by a Deed of Variation to the original agreement, as well as a new s106 agreement to put in place appropriate controls over the mineral development.
- 10.83 The new s106 agreement will provide for a Landscape Management Document for the entire 418 acres of land to reflect the aims of the original agreement. The plans and documents should clearly show how each part of the country park will be managed, including public access in each Phase of the development, and set out roles and responsibilities for the landowner, mineral operator and the Trust.
- 10.84 Subject to the Deed of Variation being concluded within 12 months of the resolution to grant planning permission for mineral extraction there should be no prejudice to the establishment of the country park.

### **Transport**

- 10.85 The strategic aim of the Hertfordshire Minerals Local Plan is to ensure that the adverse impacts on the environment and people caused by mineral operations and the transport of minerals are kept, as far as possible, to an acceptable minimum.
- 10.86 The Minerals Local Plan recognises that one of the most obvious effects of mineral workings on an area is the amount of heavy lorry traffic generated and provides that the County Council expects the transportation of material from the quarry to the processing plant to be kept off public roads using internal haul routes or preferably conveyor belts. Internal haul routes need careful design and landscaping (paragraph 4.6.1). The use of main distributor roads by HGVs is accepted in principle, although there is a presumption against the use of significant lengths of local roads to gain access to a site from the major road network (MLP, paragraph, 4.6.3). The impact of mineral related traffic on areas of residential development should be minimised as far as possible, balanced with the fact that minerals can only be worked where they occur naturally. The proposal would avoid HGV traffic passing through large residential areas and is considered to be the



route that would have the least impact Minerals Local Plan (paragraph 4.6.4).

10.87 Minerals Policy 16 states –

Mineral development will only be permitted when the provision for vehicle movement within the site, the access to the site, and the conditions of the local highways network are such that the traffic movements likely to be generated by the development including the proposed afteruse would not have an unacceptable impact on highway safety, the effective operation of the road network, residential amenity or the local environment.

In assessing the likely impact of traffic movements, account will be taken of any highway improvements, traffic management or other mitigating measures that may be provided in association with the development.

Planning permission will normally only be granted for the extraction of minerals which are capable of being transported from sites via Primary and Distributor Roads (as defined in the County Council's Local Transport Plan).

10.88 The Local Transport Plan 3 aims to discourage through traffic using rural Main Distributor Roads, and not allow new access except where special circumstances can be demonstrated.

10.89 The NPPF (paragraph 32) requires planning decisions to:

- ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised; and
- take account of whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development; and
- development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

*Additional information*

10.90 The Highway Authority requested justification for the new access as an exception to Local Transport Plan policy for new accesses on main distributor roads, and clarification of HGV movements to the site. The justification provided was on the basis of the lack of any reasonable alternative and a new access in this location is allowed by the Minerals Plan. The application confirmed that the 174 HGV movements per day consisted of 116 movements for mineral export and 58 movements for waste material.

10.91 The Highway Authority requested information on the impact on 3 junctions:

- the Comet Way / Hatfield Road junction;
- Albatross Way/Hatfield Road/Ellenbrook Lane; and
- Mosquito Way/ Hatfield Road;

- 10.92 The applicant discussed the impacts with HCC Highways and Operation Strategy Team who considered that the principle of the development to be acceptable having regards to the A-class status of the road, the existing volume of traffic, and the change in HGV movements would be well within normal daily fluctuations.
- 10.93 To mitigate the impact upon these junctions, the mineral operator agreed to make a reasonable contribution for local highway improvements in accordance with HCs toolkit for financial contributions.
- 10.94 The applicant also agreed that a lorry routing scheme will be prepared for the approval of the planning authority. The mineral operation will ensure that this is enforced throughout the life of the site.

*Use of A1057 by quarry traffic*

- 10.95 The use of the A1057 for HGV traffic is considered acceptable as a Main Distributor Road. The site brief in the Minerals Local Plan allows for a new access in this location. The road is subject to a 40mph speed limit and a weight restriction which extends as far as the junction with the A1000. The route is not open to through traffic, however HGVs accessing the proposed quarry site and the existing Hatfield Quarry site and other businesses in the weight restricted area are permitted to use this section of the A1057.

*Evaluation of Impact*

- 10.96 The application includes a an automatic traffic count (ATC) undertaken from 25<sup>th</sup> April 2015 to 1<sup>st</sup> May 2015, which would have included existing HGV traffic from Hatfield Quarry. The recorded average weekday traffic movements for this section of the A1057 is 15,420 vehicles (two-way) for vehicles of all sizes. The AM and PM peak are shown in the table below.

Direction	Eastbound		Westbound	
	Total	HGV	Total	HGV
AM Peak (0800 – 900Hrs)	479	22	620	33
PM Peak (1700-1800Hrs)	572	15	639	22
Saturday Peak (1200-1300Hrs)	549	18	725	13

- 10.97 The development would contribute an additional 18 HGV movements per hour over a 10 hour day. The Highway Authority accepts that the change in the peak levels of traffic generated by the quarry would be minimal and would be well within the normal daily fluctuations. The proposed development would not result in any significant effect on the operation of the highway or congestion.

### *Access and routing agreement*

- 10.98 The Highway Authority confirms that the provision of a new right turn lane will allow a number of HGVs to enter the site safely without affecting the free flow of traffic of traffic. The use of a right turn lane is favoured because of the high volumes of existing traffic using this section of road and because nearly all vehicles associated with the development are HGVs.
- 10.99 The junction arrangement has been the subject of a Stage 1 safety audit which has demonstrated that the junction would operate safely. The junction has been sensitivity tested to model an increase in traffic flow on the A1057 taking account of existing traffic flows and proposed traffic from Hatfield Quarry as part of cumulative modelling.
- 10.100 The mineral operator has agreed to a routing plan so that all HGVs exit the site left only and accept responsibility for enforcing this arrangement through the contractual arrangements with their waste contractor over the life time of the development.

### *Section 106 contributions*

- 10.101 The Highway Authority has identified the need for capacity improvements at junctions between the site entrance and the A1(M) and the following specific works:
- Ellenbrook Lane/A1057 roundabout planned signalisation works;
  - Footway widening/ improvements opposite the site;
  - Rights of way improvements within the site.
- 10.102 The level of contribution will be based on the level of contribution required under the highways toolkit and are justified on the basis that the level of contribution is proportionate to the level of impact. The applicant has indicated a willingness to make a reasonable contribution towards the needed highway improvements commensurate with the additional traffic generation. The details are set out in the draft Heads of Terms (Annex IV of this report). An appropriate level of financial contribution is justified in this case to mitigate the impact of the development and it is consistent with the aims of the Minerals Local Plan (paragraph 4.6.8) which says 'where the proposed development would have an adverse impact on the highway network, the operator will be invited to enter into legal agreements with the County Council to cover the costs of improvements to highways, maintenance of road surfaces, safety measures, landscaping of accesses and possibly also lorry routing'.
- 10.103 The Highway Authority considers that as a result of the proposed development there would be no significant impact upon the operation of the highway and safety. The cumulative residual impact of development would not be severe so as to justify refusal of planning permission.

## Noise

- 10.104 The strategic aim of the Hertfordshire Minerals Local Plan is to ensure that the adverse impacts on the environment and people caused by mineral operations and the transport of minerals are kept to an acceptable minimum by protecting residents from noise, dust, visual intrusion and other amenity effects of mineral extraction.
- 10.105 Minerals Policy 18 requires 'all proposals for mineral extraction and related development to demonstrate that no significant noise intrusion will arise from the development'.
- 10.106 The NPPF (paragraph 144) requires that in determining applications local planning authorities should ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties.
- 10.107 The NPPG provides that:

Proposals should carry out a noise impact assessment in order to identify all sources of noise and, for each source, take account of the noise emission, its characteristics, the proposed operating locations, procedures, schedules and duration of work for the life of the operation, and its likely impact on the surrounding neighbourhood

Proposals for the control or mitigation of noise emissions should:

- consider the main characteristics of the production process and its environs, including the location of noise-sensitive properties and sensitive environmental sites;
- assess the existing acoustic environment around the site of the proposed operations, including background noise levels at nearby noise-sensitive properties;
- estimate the likely future noise from the development and its impact on the neighbourhood of the proposed operations;
- identify proposals to minimise, mitigate or remove noise emissions at source;
- monitor the resulting noise to check compliance with any proposed or imposed conditions

Mineral planning authorities should take account of the prevailing acoustic environment and in doing so consider whether or not noise from the proposed operations would:

- give rise to a significant effect
- give rise to an adverse effect; and
- enable a good standard of amenity to be achieved

Mineral planning authorities to aim to establish a noise limit, using planning conditions, so that noise should not exceed the background noise level (LA90, 1h) at the noise-sensitive property that by more than –

- 10dB(A) during normal working hours (0700-1900); noting, where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit should be as near that level as practicable; total noise from operations should not exceed 55dB(A) LAeq, 1h (free field) in any event.
- 55dB(A) LAeq, 1hr (free field) in the evening 1900-2200;
- 70dB(A) LAeq, 1h (free field) (maximum eight weeks per year) for essential activities to allow for soil stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, and the construction of new permanent landforms and aspects of site road construction and maintenance.

10.108 The Environmental Statement (ES) includes a noise assessment using British Standard BS: 5228-1: *Code of practice for noise and vibration control at construction sites and operations* - including quarrying, mining, demolition and construction engineering works – which states:

Noise levels, between say 07.00 and 19.00 hours, outside the nearest window of the occupied room closest to the site boundary should not exceed:

- 70 decibels (dBA) in rural, suburban areas away from main road traffic and industrial noise;
- 75 decibels (dBA) in urban areas near main roads in heavy industrial areas.

These limits are for daytime working outside living rooms and offices.

#### *Evaluation of noise impacts*

10.109 The nearest residential properties to the edge of the extraction are:

- North - 700m at Beech Farm
- East - 330m at Nimrod Drive
- South - 75m at 303-403 St Albans Road  
- 100m at Popefield Farm
- West - 85m at 614 & 616 St Albans Road  
- 275m at 7 & 11 Pastures View

10.110 Officers commissioned an independent noise assessment (by Acoustic Associates) to measure the existing conditions and produce a model of the predicted impacts. As part of the assessment noise measurements were taken over a representative period in three locations around the edges of the site:

- i. Ellenbrook Meadows (Chester Nursery) - east of the application site
- ii. Popefield Farm (adjoining large barn); and

iii. land west of Ellenbrook

10.111 The model took account of:

- i. operations proposed in each phase of the proposed development,
- ii. sound power levels of machinery, and
- iii. proposed mitigation.

10.112 The Acoustic Associates report concluded -

- (a) an acceptable noise situation should occur for residents of all of the nearby residential dwellings during the construction phase of the proposed sand and gravel quarry, when assessed in accordance with British Standard BS: 5528-1;
- (b) [provided the noise mitigation measures are implemented] an acceptable noise situation should occur for residents of all nearby residential dwellings during the operational phase of the proposed sand and gravel quarry, when assessed in accordance with NPPG; and
- (c) [provided the noise mitigation measures are implemented] an acceptable noise situation should occur for residents of all nearby residential dwellings when assessing the cumulative impacts of the proposed site operations in accordance with the Guidelines for Environmental Noise Impact Assessment.

10.113 The Acoustic Associates report also recommends -

- (d) construction of the proposed earth bund as designed; and
- (e) construction of an additional section of earth bund on the western side of the site between Phase G and Ellenbrook Meadows west of the proposed site. The suggested dimensions are 4m in height plus a 3m high close boarded fence on top.

10.114 The mineral operator has confirmed that they will provide all necessary mitigation as part of the site establishment works, including the provision of an additional section of soil bund on the western side of the site to include woodland planting to provide a landscape buffer.

10.115 In order to provide space for the construction of the bund the access road will be re-aligned to move slightly further away from the boundary, although the location of the site entrance would remain unchanged.

10.116 The need for a fence on top of the bund will be determined on the basis of further noise monitoring during mineral extraction. It is unlikely that a fence would be required (if at all) until the mineral extraction is closer to the boundary in Phase G. The condition provides for periodic noise monitoring during mineral extraction.

10.117 Whilst the main noise attenuation is provided for through the construction of the perimeter soil bunds additional mitigation is provided for in the method working, for example:

- (a) when machinery is working below the level of adjoining land the quarry face will provide mitigation;
- (b) the transport of mineral using ADTs could be mitigated by constructing the haul roads at slightly below the level of adjoining land and by using the excavated material to construct bunds alongside the haul road;
- (c) the elements of the processing plant which generate noise are housed in steel clad buildings which provide mitigation;
- (d) the entire processing plant would be enclosed by bunds. The use of attenuation barriers close to the sources of noise provides the most effective mitigation; and
- (e) noise generated by the site will be subject to periodic monitoring and review and any necessary steps will be taken to ensure that the site complies with current standards set in the national policy guidance.

10.118 The site is predicted to operate within the standards for mineral sites provided for in the NPPG. Noise from the site will continue to be assessed periodically during each Phase of the development and further mitigation provided as required. The mitigation shall be removed at the end of the development as part of the restoration.

### **Air Quality**

10.119 Minerals Policy 18 requires all proposals for mineral extraction and related development to demonstrate that no significant degradation of the air (particularly from dust and emissions) will occur.

10.120 The NPPF (paragraph 109) requires the planning system to contribute to and enhance the natural and local environment by preventing new and existing development from being put at unacceptable risk from by unacceptable levels of air pollution. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan (paragraph 124).

10.121 The NPPG advises 'Whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. When deciding whether air quality is relevant to a planning application, considerations could include whether the development would:

- (a) significantly affect traffic in the immediate vicinity of the proposed development site (or further afield) generating or increasing traffic congestion; significantly changing traffic volumes, vehicle speed (or both); or significantly altering the traffic composition on local roads; and construction sites that generate large HGV flows over a period of a year or more.
- (b) introduce a new point sources of air pollution, such as fuel burning plants within or close to an air quality management area;
- (c) expose people to existing sources of air pollutants, such as building new homes, workplaces or other development in places with poor air quality.
- (d) give rise to potentially unacceptable impact, such as dust, during construction for nearby sensitive locations.

- (e) affect biodiversity – by deposition or concentration of pollutants that significantly affect a European-designated wildlife site (or otherwise affect biodiversity), particularly designated wildlife sites.

10.122 The potential sources of emissions to air are from:

- (a) mineral extraction - dust from soil stripping, construction of bunds; use of haul road; and
- (b) HGV exhaust emissions

*Mineral working*

10.123 The main sources of dust during construction and operations relate to soil stripping and vehicles traffic on haul roads. The soil stripping operations would take place at the beginning of each Phase. Soil stripped from the subsequent phase would be used in the restoration of the preceding phase. Soil stripping is a temporary operation which typically lasts for a limited number of weeks in each year. On mineral sites dust is managed by only stripping soils when they are in a dry and friable condition. Truck mounted water bowzers are used to dampen haul roads. Soil bunds are grass seeded to prevent wind erosion.

10.124 The working of the mineral deposit at the quarry face would not be expected to generate dust due to the mineral being damp in its natural state. The operation of the processing plant would be unlikely to generate dust because the operation uses water to separate sand and gravels from the silt. Sand and gravel from mineral workings does not become airborne other than in conditions of exceptionally high wind. The plant site would be sheltered by a bund and an area of adjoining woodland. The condition requires the submission of a detailed dust mitigation scheme, which will include measures to use water to dampen haul roads and stockpiles, and to cease working of the strength of the prevailing winds are likely to generate dust that could affect adjoining land uses.

*Vehicle emissions*

10.125 With regards to air quality from vehicle exhaust emissions, the number of HGV movements (174 per day) to and from the site is low compared to the overall level of traffic using the A1057 and therefore the potential impacts, explained in the Environmental Statement, are also limited.

10.126 The Air Quality Assessment states 'the proposed development would not increase the number of days of PM10 concentrations greater than 50 µg/m<sup>3</sup> by more than 1 day at assessed receptors. The number of predicted 24-hour mean PM10 exceedances are within the number permitted (35-exceedences per year are allowed). Predicted impacts on 24-Hour Mean PM10 concentrations are 'imperceptible' resulting in a 'negligible' significance of impact at all assessed receptors.



- 10.127 The proposal would be unlikely to significantly affect traffic in the vicinity of the site (or further afield), and would not significantly change traffic volumes or result in traffic congestion. The proposal would not introduce significant new sources of air pollution and would be unlikely to expose the local population to significant changes in the baseline local air quality. Dust from construction and operation would be controlled at source.
- 10.128 With regards to the concerns raised by the local Environmental Health Team, and specifically the suggested 12 month period for baseline monitoring prior to the commencement of development, this is not considered to be proportionate to the level of impact. The recommended condition will require a 6 month period of background monitoring at the entrance to the site prior to commencement, and air quality monitoring equipment to be retained in place throughout the development to measure: (a) air quality at the entrance to the site adjoining the A1057; and (b) on the edges of the mineral operations in each working Phase and at the processing plant to monitor dust emissions.
- 10.129 The applicant has agreed to contribute towards air quality monitoring based on the increase in HGV numbers for a 6 month period. The monitoring data will be made available to the local Environmental Health Team.

### **Buffers zones**

- 10.130 Minerals Policy 18 requires all proposals for mineral extraction to make provision for appropriate stability buffer zones where the boundary adjoins public highways and rights of way, and incorporate appropriately defined buffer zones in order to safeguard sensitive land-uses, taking into account: site topography, natural and manmade features, such as roads, which may reduce the impact of development, the direction of the prevailing wind; the proximity to sensitive land-uses such as dwellings; the duration and direction of the proposed working; and location of plant and other ancillary development.
- 10.131 The Hatfield Aerodrome SPG suggests 'appropriate' buffer zones, normally of at least 60 metres in width, should be provided on all boundaries where adjoining land uses would be adversely affected, taking account of the need to strike a balance between maximising the use of mineral resource and protecting the amenity of existing residents at Ellenbrook and Smallford.
- 10.132 The mineral extraction would maintain minimum distances in the following locations:
- 70 – 80m from facades of properties on St Albans Road West;
  - 70 m from the boundary with Popefield Farm;
  - 60m from Notcutts Nursery;
  - 150m from the new houses at Ellenbrook Fields; and
  - 320m from properties at Pastures View.

- 10.133 The proposals therefore meet the minimum suggested distance in the Hatfield Aerodrome SPG to the boundary of the site, except for the houses on St Albans Road West and The Lodge.
- 10.134 In context, these properties are located on a busy road carrying in excess of 15,000 vehicles per day, where the dominant noise source is road traffic. The bunds proposed on the site boundary would significantly reduce noise and visual impact from the mineral site.
- 10.135 The noise assessments indicate that the proposed mineral extraction would not have an unacceptable impact upon adjoining land uses. The proposal is considered to strike an acceptable balance between maximising the use of mineral resource with protecting the amenity of existing residents at Ellenbrook and Smallford.

### **Cultural Heritage**

- 10.136 The strategic aim of the Minerals Local Plan is to preserve or enhance the overall quality of the environment and promote biodiversity, including protecting the County's cultural heritage by ensuring sensitive working, reclamation and aftercare practices.
- 10.137 The Environmental Statement includes an assessment of the impact upon Cultural Heritage (Chapter 12) describing the significance of the heritage assets with reference to the Historic Environment Record.
- 10.138 The NPPF requires: (a) the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting (paragraph 128); and (b) local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (paragraph 129)
- 10.139 The Hatfield Aerodrome SPG identifies two listed buildings may be affected by mineral extraction (1) Popefield Farm (2) Astwick Manor.
- 10.140 The greatest potential impact is upon Popefield Farm due to the potential impact of the proposed mineral working is the effect upon the setting of the listed building, which although for a temporary period would be for an extended period for 30 years. The potential impact upon Astwick Manor is negligible due to the distance between the listed building and the mineral workings (in excess of 850m).

#### *Popefield Farm*

- 10.141 The Heritage Assessment identifies Popefield Farm as the only heritage asset that could experience an adverse effect of any magnitude. Popefield Farm comprises a group of buildings consisting of the farmhouse and the three timber barns. The farmhouse dates from the mid-17<sup>th</sup> century. The front elevation faces west toward St Albans. The larger barn dates from the late 17<sup>th</sup> century and encloses the northern side of the courtyard. The

Granary barn dates from the late 17<sup>th</sup> century and encloses the southern side of the courtyard.

- 10.142 The historic map from 1883 shows the land close to the house on all sides surrounded by orchards. By 1899 most of the orchards had been removed other than the area adjoining Hatfield Road. In other respects the configuration of land around Popefield Farm is largely unchanged from its current layout. The major change was between the 1930s and 1990s due to the presence of the aerodrome.
- 10.143 The Environmental Statement included an assessment of the visual impact of mineral working during the operational phase and restoration phase. Two viewpoints were assessed -
- Viewpoint 1: approaching the house (buildings viewed as one); and
  - Viewpoint 2: looking north-east from the house towards Phase A.
- 10.144 The assessment reports as follows –
- 10.145 Viewpoint 1: during the operational phase, the value/importance of the view 1 is described as “moderate” The magnitude of change is described as ‘low adverse’ because the ‘listed buildings create a courtyard which prevent views to the north and east’. Views to the north-west and west are described as ‘largely unobstructed’, although mitigated to some extent by the peripheral bund’. The greatest adverse effect would be likely to occur whilst perimeter storage bunds are being constructed. These works occur over a short duration as part of the initial site set up works. The bunds are between 3m and 5m in height and would restrict views of the extraction area.
- 10.146 In Phases A, D and F the mineral workings would be between 75m and 100m of Popefield Farm. In Phase A the views from the farmhouse towards the application site would be partly screened by trees. In Phases D and F, views north from the farmhouse would largely be blocked by the timber frame barn. Views of the most southern end of Phase F are likely to be unobstructed.
- 10.147 Viewpoint 2: The magnitude of the change is described as “medium adverse” because some filtering of views is provided by trees. There would be clear views to the application site, particularly from upstairs windows. However, the clearer views would be oblique. The effect upon the view is therefore described as “minor adverse”.
- 10.148 The applicant had agreed not to undertaken any mineral extraction within 75m of the boundary with Popefield Farm and to provide woodland planting of bunds and the intervening space between the outer edge of the bund and the boundary with Popefield Farm in order to provide an appropriate buffer and landscape setting.
- 10.149 Post restoration, the character and appearance of Ellenbrook Fields would be restored and enhanced with a broad area of conservation grassland divided by hedgerows, and wetland pond features. The proposed hedge

planting and open ditches or swales correspond with the 1888 historic field pattern which existed prior to the establishment of the aerodrome. The restoration would reinstate the wider landscape setting as it relates to Popefield Farm and would create potential linkages with the existing hedgerows, woodland and tree belts around the perimeter of the application site.

- 10.150 The magnitude of change is described as ‘low beneficial’, defined as development which “enhances to a minor extent the heritage values of the heritage assets in the view, or the view as a whole, or the ability to appreciate those values.” The effect on Viewpoint 1 is calculated to be “minor beneficial”.

#### *Archaeology*

- 10.151 The application includes a desk based assessment by accordance with the NPPF (paragraph 129).
- 10.152 The desk based assessment records that the Historic Environment Record indicates the site has potential to contain archaeological remains. Geophysical surveys have been undertaken over 11.5 hectares of the site and a total of 204 trial trenches were dug across the site in December 2015 (each 25m x 2m). The trial trenching found no ancient archaeological features, although a range of post-medieval features were identified, including evidence of ditches marking historic field boundaries. The lack of ancient archaeology is possibly explained by the former aerodrome use and the significant disturbance associated with use of parts of the site as a film set. The archaeological investigations revealed no remains pre-dating the post-medieval period, however there is still potential for remains to be present, particularly in areas undisturbed by the airfield and film making. The assessment concludes that the effects upon archaeology would be negative, however, taking into account the proposed mitigation measures, and lack of archaeological evidence to date, the effects are not significant.
- 10.153 The County Archaeologist confirms the scope of works that have been undertaken to date is proportionate to the significance of the potential remains and raises no objections, subject to the recommended conditions:
- a) a watching brief during soil stripping with any archaeological features being identified, recorded and excavated, appropriate to their significance, and subsequent analysis and publication of the results to ensure appropriate recovery of archaeological information for the application site.
  - b) submission of a scope of work [prior to commencement of development] to Hertfordshire County Council, in the form of a Written Scheme of Investigation, and subject to a planning condition requiring its implementation.
- 10.154 The application has adequately described the significance of the heritage assets affected, including any contribution made by their setting in a level of detail proportionate to the assets’ importance, and consulted the relevant

historic environment record, and identified the potential for the site to include archaeological interest.

- 10.155 The desk-based assessment includes proposals for watching a written scheme of investigation to be implemented by planning condition; and necessary field evaluation
- 10.156 For Popefield Farm, consideration has been given to the significance of the group of buildings, including the potential impact upon their setting. The proposals for mineral working maintain a distance of approximately 100m from the mineral working to the nearest façade of the listed buildings, and no mineral extraction would take place within 75m of the boundary with Popefield Farm. The space between the mineral working and the boundary would be planted with appropriate woodland trees. The distance and proposed landscaping would provide an appropriate buffer for the listed buildings during the operational phase of development. Upon restoration the reinstatement of the land and restoration to a country park would enhance views of the site to/from the listed buildings. There would be no significant long term effect upon the setting of the heritage asset. The County Council has paid special regard to the desirability of preserving the building, its setting or features of special architectural or historic interest which it possess.

### **Landscape**

- 10.157 The strategic aim of the Minerals Local Plan is to ensure sensitive working, reclamation and aftercare practices so as to preserve or enhance the overall quality of the environment and promote biodiversity by protecting and enhancing the County's landscape quality and seeking landscape improvements from extraction and restoration.
- 10.158 Minerals Policy 9 requires all proposals for mineral extraction and related development to take account of existing and, where appropriate, historic landscape character and maintain its distinctiveness. Planning applications may be refused where there is significant local landscape intrusion and loss of important landscapes or distinctive landscape features. Development proposals will be expected to:
- respect landscape character both during operations and in proposals for reclamation;
  - ensure that any distinctive landscape features are protected from the impact of development;
  - be accompanied by landscape conservation, design and management measures that both strengthen the character and enhance the condition of the landscape.
- 10.159 The Hatfield Aerodrome SPG aims to—
- encourage open uses and informal recreation
  - phase in public access

- improve environmental quality and landscape character
- encourage community forest planting
- enhance ecological/ nature value

10.160 The Hatfield Aerodrome SPG seeks the following measures to be in place:

- provision of public access to selected areas of the site such as the Ellenbrook park.
- establishment of key pedestrian and cycle links, in particular linking to existing footpaths.
- interim management of other areas e.g. mowing of open land etc.
- landscaping and provision of buffers in order to mitigate the effects of the mineral extraction
- selective opening of areas to public access, as mineral restoration is completed and suitable periods of aftercare undertaken.
- opportunities for interpretation facilities in association with the mineral extraction.
- establishment of a community based charitable management trust, to take over the maintenance and management of the open areas.
- phased handover of the land and facilities to the Management Trust.
- establishment of an endowment to facilitate the long term financial viability of the Trust
- completion of pedestrian and cycle links and opening up of remaining areas to public access.

10.161 The application includes an illustrative restoration concept for the mineral extraction area as shown on drawing (HQ 33\11A). The main features of interest include:

- multi-purpose paths (forming a loop) and providing links to adjoining land;
- other paths crossing the site allowing access;
- interpretation boards which to provide information on aspects such as restoration, nature conservation and the previous uses of the site (regulated through a suitably worded planning condition);
- a 'causeway' footpath over the main water body;
- increased amounts of woodland/scrub planting around the periphery of the site to increase green corridors and habitat connectivity, whilst maintaining and open aspect to the central parts of the site;
- relocation of the car park; and
- an area for more structured nature conservation use

10.162 The indicative restoration scheme has been developed following meetings with stakeholders from the district and borough councils and colleagues in ecology, landscape and rights of way.

10.163 The illustrative restoration concept is considered to be acceptable, however the drawing does not show how the landscaping proposals relate to adjoining land. In order to deliver the aims of the Hatfield Aerodrome SPG the recommended condition will require a detailed landscaping scheme, including detailed drawing and plans and a landscape management

document, for the entire area of Country Park showing how the landscape proposals will be integrated the adjoining land.

10.164 The County Landscape Officer raises concerns with regards to the negative landscape and visual impacts from introducing an industrial process in to a semi-rural location for a period of 30 years, and the removal of a section of hedgerow (150m) and three large trees to create the new access. The measures to minimise the impact including phasing and screening bunds are fully supported. Further mitigation is recommended south of the plant site and at the site entrance. The proposed restoration strategy is supported and should conserve and enhance landscape character and visual amenity. The proposed restoration strategy is broadly consistent with the agreed principles as set out in the Section 106 Landscape Framework Document. The detailed Landscape Management Document should address the following:

- increase in woodland planting within the site (20 -30% of the site)
- details of trees to be retained and buffer planting
- details of the design of footpaths to conserve and enhance the rural character and visual amenity
- siting and design of interpretation boards set out in a clear strategy
- siting and design of car park and landscape scheme
- provision of security fencing
- treatment of Nast Culvert
- permanent woodland planting to south of plant area

10.165 The illustrative plans show some additional advance planting on bunds near to the University playing fields and a small area of advance tree and hedge planting in the north-west corner of the site, adjacent to the processing plant. These measures will provide some degree of visual screening and ecological corridor to link with wildlife conservation areas to the north at Hatfield Quarry. In addition, further planting will be required in the following locations in order to screen views of the processing plant:

- south of the plant area;
- at the entrance to the site; and
- the west of the haul road
- around Popefield Farm.

10.166 The provision of a minimum 20% tree cover would reflect the aims of the Watling Chase Community Forest Plan to substantially increase woodland planting across the area, which is supported by the NPPF (paragraph 92) as Community Forests offer valuable opportunities for improving the environment around towns, by upgrading the landscape and providing for recreation and wildlife. An approved Community Forest plan may be a material consideration in preparing development plans and in deciding planning applications.

10.167 In terms of mitigation, the substantial new planting proposed including blocks around the periphery of the site should be planted at the outset of the development. In terms of compensatory tree planting, substantial areas of

woodland planting would be introduced as part of the overall landscaping scheme for the site as part of the detailed Landscape Management Document.

- 10.168 The application proposes advance screen planting of soil bunds on the east side of the site with the University playing fields, on the southern side of the site with Popefield Farm and the site entrance, and on the western side of the site with Notcutts Nursery and Ellenbrook Meadows. The additional planting should mitigate the negative landscape impacts as far as possible. The application provides for restoration to a country park in the longer term which is consistent with the aims of the original s106 agreement and would have a beneficial landscape impact and provide access to the countryside.
- 10.169 After restoration, the site would continue to retain a largely 'open and flat character with views across the wider landscape with the majority of the areas retained as it is i.e. open grassland, and a reasonably good balance of deciduous woodland / copses and grass to secure the aims of the Landscape Management Document
- 10.170 The phasing plans shall secure appropriate planting as each phase is restored within the first available planting season. The proposals for restoration should aim to enhance landscape, visual amenity and biodiversity in accordance with NPPF (paragraph 118). The opportunity for planting of at least 20% of the land area with woodland is consistent with the Hatfield Aerodrome SPG and would contribute to achieving the long term objectives for the Watling Chase Community Forest in accordance with Policy 12(viii) of the Minerals Local Plan.
- 10.171 The phasing plans show permissive routes available to the public in each phase of the workings, which provide a good level of public access during the operational phase.

### **Restoration and Afteruse**

- 10.172 The strategic aim of the Hertfordshire Minerals Local Plan 2007 is to ensure sensitive working, reclamation and aftercare practices so as to preserve or enhance the overall quality of the environment and promote biodiversity where appropriate by:
- ensuring best practice at all times in the working and restoration of mineral sites
  - securing the prompt restoration of mineral extraction sites to suitable beneficial afteruses;
  - seeking appropriate environmental improvements from mineral working and restoration;
  - safeguarding valuable landscapes, protecting and enhancing landscape quality, seeking landscape improvements from extraction and restoration;
  - facilitating the improvement of derelict land or land previously worked for minerals; and
  - increasing public access (where appropriate), sensitive restoration and



enhancing the amenity value of the land.

10.173 In the achievement of these aims:

- landscape character must be taken into account in selecting sites and in determining appropriate restoration land uses; and
- landscaping should be considered as an integral part of any scheme for mineral working and restoration;
- In designing final restoration schemes account should be taken of the current and any historic landscape character.

10.174 Minerals Policy 13 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 must be integral with the design of the proposed workings as a whole, irrespective of the proposed afteruse.

10.175 The County Council will refuse applications for mineral working if:

- i) there are no proposals for restoration, afteruse and a programme for aftercare covering a five year period; or
- ii) the proposed form of restoration or afteruse is inconsistent with the landscape character of the area or would involve detrimental environmental impact, including the impact on the highway network; or
- iii) the proposals, although feasible, are considered unlikely to occur within a reasonable timescale; or
- iv) the details of the proposal for restoration (and, where appropriate, aftercare) are considered to be inadequate; or
- v) satisfactory arrangements have not been concluded by the applicant to secure effective control over the site for restoration and aftercare purposes
- vi) the applicant is not able to demonstrate that the site will be satisfactorily reinstated.

10.176 The site brief for Preferred Area 1 identifies a number of considerations for the restoration of the land –

- 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.
- The River Nast currently runs in a culvert through the preferred area. It may be acceptable to temporarily divert this culverted watercourse during the operational phase but on final restoration the watercourse should be reinstated in open channel through the site and appropriate buffer strips defined on each side of the watercourse.
- 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

- 10.177 The site would be worked over 7 phases (A-G) and it would take approximately four years to extract the mineral from each phase. The working scheme would require the construction of temporary haul road in each Phase using on-site granular material (hogging or ballast). Further details of the phasing scheme, including cross section drawings, are required by condition to pick up the detail of the position and height of bunds, and the location of haul roads etc, in the interest of residential amenity.
- 10.178 The reclamation of the mineral void would use the overburdens and interburden (clays) to place into the lower mineral void. In order to maintain percolation in the lower mineral horizon granular material would be used from in-situ material and rejected mineral wastes. The upper mineral horizon would be restored using imported waste. The restoration would require the importation of 155,000 tonnes of inert waste per annum for the 32 year duration of the restoration. The original soils, stripped and placed in perimeter storage bunds prior to extraction, would be replaced.
- 10.179 The application proposes a campaign method of working whereby each Phase is worked continuously with mineral being transported to the processing plant by ADTs. The processing plant includes an area for stockpiling up to 30,000 cubic metres of ballast to support this method of working. The infilling operation would be taking place in the preceding phase to ensure a progressive restoration. The benefits of the method of mineral extraction and restoration are that it would provide a steady supply of sand and gravel to supply the market; and deliver large parcels of restored land on a 4 year cycle.
- 10.180 The restoration scheme is based on a progressive release of land, with each Phase of restored land being released to the Trust every 4 years to be used as a country park. The method of restoration will be integral to the design of the afteruse.
- 10.181 The proposed restoration would re-create the flat landform and improve the landuse by adding woodland planting, water bodies and formed pathways to encourage public access to support the afteruse as a country park.
- 10.182 The principle of the proposed afteruse to a country park is considered the most appropriate option and consistent with terms of the original s106 agreement. The proposal would underpin the aims of the Hertfordshire Green Infrastructure Plan for created a 'green arc' or 'wooded arc' extending between Panshanger Park and Ellenbrook Field Park. The district and borough council make provision for significant green infrastructure land uses and that will require project support to achieve these aims. The restoration of the former Hatfield Aerodrome to a country park would support these policies.

- 10.183 The restoration proposals are sufficiently detailed to determine the application, but given the importance of achieving a high quality restoration to enable the country park afteruse, further details of the phasing and working scheme will be required by condition prior to the commencement of mineral extraction ion Phase A. The condition will ensure that the land does not become derelict or remain out of beneficial afteruse for an extended period. If for any reasons the mineral extraction should cease for a period of over 18 months the mineral operator will be required to submit an alternative restoration scheme as a safeguard against the land becoming derelict.
- 10.184 The proposed restoration will ensure restoration is achieved at the earliest opportunity to high environmental standards in accordance with the objectives of the NPPF (paragraph 144) and policies of the Hertfordshire Minerals Local Plan 2007. The restoration and afteruse will be secured by the use of conditions.

#### *Infilling*

- 10.185 The Minerals Local Plan allows for some mineral extraction sites to be restored to (or close to) pre-existing land levels. The final land level of a site will be dependent on a combination of factors, including the initial overburden, any quarry waste, the amount of material imported onto the site in order to fill the void left by extraction and the depth of working. Infilling operations must be carefully managed to prevent unnecessarily prolonged activities disposal. The County Council will wish to be satisfied that an operator is able to ensure a satisfactory supply of fill material is available within a reasonable time period (paragraph 4.5.8).
- 10.186 Based on the current availability of infill material within the market, and the levels of housing growth being planned for in the emerging local plans, the availability of suitable restoration material is unlikely to affect the timescale or environmental quality of the restoration for the foreseeable future.
- 10.187 The mineral operator has committed to working with a main waste contractor to manage the infilling operation with the ability to source sufficient good quality material. The need for a steady supply of suitable material would likely draw construction and demolition waste from within the sub-region and from sites in London. The proximity of the site the main road network provided and the availability of both north-to-south and east-to-west connections provided and A1(M) A414 are likely to influence the origin of material.
- 10.188 The number of HGV movements to achieve the restoration is limited (58 movements per day) and would access the site using a main distributor road using a road junction that has been specifically designed to cope with HGVs, and has been shown to be capable of operating safely. The numbers of HGV movements are essential to achieve the restoration that is integral to the proposed afteruse.

- 10.189 Overall the proposed restoration is appropriate, consistent with landscape character, would enhance landscape and land use, and would not have a detrimental impact on the highway network. The restoration proposals are consistent with Policy 13 (Reclamation Scheme) of the Hertfordshire Minerals Local Plan 2007.

### **Water**

- 10.190 The application site is situated within Flood Zone 1, therefore at a low risk of flooding from main rivers. The site is within Groundwater Protection Zone 1 and 2 and consideration should be given to the potential impact upon the public drinking water supply.
- 10.191 The site has a complex hydrogeology. The main risks relate to potential groundwater contamination from existing sources of bromate in the groundwater, and potential for the development to contribute to groundwater flooding. Groundwater requires careful management during the extraction phase.

### *Operational Phase*

- 10.192 There is potential for construction and mineral extraction to impact groundwater levels and flow direction. These include:
- construction of two recharge lagoons;
  - installation of perimeter bunds in the upper mineral horizon (UMH) in each Phase;
  - installation of back-drain to reduce maximum water levels behind the bund;
  - dewatering of the UMH so it can be worked dry; and
  - limited dewatering of the lower mineral horizon (LMH) to facilitate the excavation of the interburden.
- 10.193 The lagoons are required to balance groundwater pumped from the extraction area and provide storage and an infiltration route for water from the workings to re-enter groundwater. Temporary dewatering of the UMH would be required during the construction and operational phases and limited dewatering of the LMH at various stages and times of the year.
- 10.194 The edge of each extraction phase would be progressively lined using clay material to limit backflow or groundwater into the mineral working. A bund would be constructed to isolate the groundwater in the mineral in the UMH. A back-drain would be installed behind the bund to reduce the groundwater levels. The UMH would be dewatered and worked dry. The interburden would be used to create a platform to wet dig the LMH.
- 10.195 This method of working may cause groundwater levels to rise and alter the flow direction locally. The Environmental Statement indicates there is a 'moderate' risk of water in the UMH causing local groundwater flooding. Therefore mitigation will be required. The mitigation is provided by a back-

drain to enable groundwater flows to be managed between the extraction area and the lagoons.

10.196 In response to concerns raised with regards potential groundwater flooding, further clarification was requested concerning the operation of the back-drain and to demonstrate how the method of working would minimise the associated risks. The applicant provided the following summary:

- the back-drain would be situated 1m below the maximum groundwater level to maintain stability of the bund prior to restoration and maintain a path for natural groundwater flow. The back drain would only intercept groundwaters and flow during wet periods and would only intercept natural groundwater flows;
- During the operational phase the back-drain is likely to comprise a perforated pipe in a gravel filled trench and would discharge to the infiltration lagoons; when the site is finally restored the back drain to Phases E and G would be retained as a 500mm deep open channel to intercept groundwater that exceeds the maximum level recorded in February 2014;
- The back-drain would discharge to swales on the restored site and to the infiltration lagoons. This would prevent groundwater levels rising above historically recorded levels and may actually reduce levels to those prior to the development;
- When groundwater is high in the upper aquifer (Dec-May) then there is a possibility that infiltration will be slow – one way to cope is to have large lagoons (water storage) but also it has been Brett's intention to stop works if groundwater levels become too high, if pumping rates become too great and if infiltration rates cannot cope with the discharge. This would be made possible as Brett would stockpile mineral during favourable groundwater/pumping conditions then stop until water levels subside.
- The infiltration tests for groundwater boreholes generally worked quite well. Ultimately, it's the capacity of the aquifers (upper and lower) to dissipate the infiltrating water;
- The allowance for flow into the Ellenbrook was seen as only ever an overflow situation and one we cannot predict being necessary. The Ellenbrook flows in an ephemeral manner when the Nast flows which is groundwater fed from Dec to May. Outside of this time it is dry because groundwater levels drop below the base level of the Nast.
- Brett would commit to stop pumping when the recharge ponds are full. Although we proposed a high level overflow from the recharge ponds it was envisaged that this would be needed to convey natural groundwater flows only, in exceptionally wet conditions. It was not designed as an overflow to allow Brett to pump even when the recharge ponds are full due to high regional groundwater levels.

10.197 As a result of these clarifications the Lead local Flood Authority is satisfied that these matters can be dealt with by condition.

### *Restoration Phase*

- 10.198 Following the removal of the mineral from the LMH the void would be backfilled with onsite material comprising the overburden and interburden material and an engineered geological barrier with a minimum thickness of 1m would be formed from site derived clay and keyed into the remaining overburden/ phase perimeter bunds. The remaining void would be restored using imported material typically comprising excavation wastes from construction and engineering projects (soils, overburden, clays etc.) within the region.
- 10.199 The restoration operations would be operated under an Environmental Permit that would ensure activities do not pollute the water environment. A hydrogeological risk assessment has been undertaken as part of the application for an Environmental Permit to demonstrate the installation will comply with the Environmental Permitting Regulations 2010.

### *Groundwater quality*

- 10.200 Borehole data from within the site shows groundwater quality is typically good with a few single exceptions in the UMH. Groundwater in the LMH is also typically good with higher concentrations of metals in one single borehole. Bromate has been detected above UK drinking water standards in a number of boreholes outside of the site. The Environment Agency response identifies the potential for the development to affect groundwater quality. The operational phases will need to be carefully assessed and the risks managed appropriately.

### *Surface Water Flow Regime*

- 10.201 The restoration involving backfilling the mineral void with inert materials has the potential to increase the rate and volume of surface water. The potential effects are considered to be 'moderate' and further mitigation is required. To address this, The Nast would be diverted along the northern perimeter of the working areas to enable construction of the proposed processing plant. It is proposed that flow in the Nast would discharge into the proposed back-drain during the operational phase. The flow conveyed along the Nast is expected to be low.

### *Proposed mitigation*

- 10.202 The proposed mitigation to minimise the potential risks to ground and surface water include:
- use of best working practices and measures to protect the water environment, based on the Environment Agency's Pollution Prevention Guidance (PPG1);
  - bunding of all above ground on-site fuel and chemical storage;
  - maintain emergency spill response kit on site;

- a vehicle management system to reduce the potential conflicts between vehicles;
- use of speed limits to reduce the likelihood and significance of any collisions;
- the proposed restoration scheme would be subject to an Environmental Permit, to include appropriate measures to avoid unacceptable impact on the environment including water;
- surface water runoff would be contained within the excavation areas and all water would be discharged to a recharge lagoon; and
- a detailed water management plan would be prepared and agreed with the Environment Agency prior to work commencing at the site

## **Ecology**

- 10.203 Minerals Policy 9 requires proposals for mineral development to provide opportunities to contribute to the delivery of the national, regional, and local biodiversity action plan targets. The minerals planning authority will seek long-term overall enhancement to local biodiversity through restoration or by other means such as by the attachment of conditions or planning obligations.
- 10.204 The NPPF (paragraph 109) states ‘The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 10.205 The NPPF (paragraph 114) requires local planning authorities to ‘set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure’. The proposals for Green Infrastructure that form part of the emerging plans for the borough and district councils provide an opportunity to develop habitat corridors in places along this ‘green arc’.
- 10.206 The NPPF (paragraph 118) requires local planning authorities to aim to conserve and enhance biodiversity when determining planning applications, by applying the following principles:
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
  - development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
  - opportunities to incorporate biodiversity in and around developments should be encouraged
- 10.207 The Local Biodiversity Action Plan (BAP) for the County sets out action plans for managing the priority habitats and species in the county, and includes (a) Habitat Action Plans prepared for woodlands, wetlands, heathland and acid

grassland, neutral grassland, chalk grassland, farmland and urban areas, and (b) Species Action Plans for 17 species of flora and fauna.

- 10.208 The BAP also identifies 30 potential High Biodiversity Areas where there are concentrations of important habitats and species. The benefit of concentrating on these areas is that they represent an opportunity to maintain and enhance large areas of linked habitats (MLP, paragraph A4.14, Page 54).
- 10.209 In terms of the short term impacts, the existing habitats of the site, which largely comprise large areas of managed and unmanaged grasslands, would be significantly adversely affected. Many of the short term impacts are unavoidable if the development is to go ahead. Mineral deposits can only be worked where they are located so looking for alternatives is not practical in this case. Alternative sites may be less favoured on the basis that the site is designated as a preferred area for mineral working. There are no known alternative sites which would provide the same volume of mineral resource which would result in less harmful impacts.
- 10.210 The short term loss of habitat would be off-set in the medium and long term by the habitat creation that is proposed as part of the restoration of the site, which includes an area of habitat conservation would more than adequately compensate the loss in the long term. Areas of restored land would provide opportunities for habitat creation as part of the afteruse proposals, Phase A would be restored the first 8 years and there would be further opportunities as each subsequent phase is restored on a 4 year cycle.
- 10.211 The long term restoration of the site to a country park with a significant coverage of woodland and habitat conservation areas would meet the objectives in the NPPF to encourage opportunities to incorporate biodiversity in and around developments, and to support proposals that conserve or enhance biodiversity as a primary objective.
- 10.212 The site represents a rare opportunity to provide significant biodiversity enhancements across a wide area as part of the restoration of the site to a country park. The importance of the site for wildlife and the potential for habitat creation is emphasised by the site forming part of the Hertfordshire Green Infrastructure Plan and the potential for a wildlife corridor to be created across a significant part of the central belt of the county. The conservation based restoration proposals on the adjoining land at Hatfield Quarry represent a significant gain in biodiversity and habitat terms.
- 10.213 The restoration of the site, including significant areas of native woodland planting and an area of nature conservation, is highly likely to deliver biodiversity enhancements in the long term. The proposed restoration would be consistent with the aims of the NPPF (paragraphs 109, 114, 118) and Minerals Policy 9 with regards to long-term overall enhancement to local biodiversity through restoration. The proposed afteruse should enhance national, regional and local biodiversity and contribute to achieving



Biodiversity Action Plan Targets in accordance with the aims of Minerals Policy 14 (Afteruse). The long term overall enhancement to local biodiversity through restoration of the site will be secured via planning conditions and planning obligations

- 10.214 The Herts and Middlesex Wildlife Trust are broadly supportive of the proposals in principles but emphasise the need for further details to be obtained as a condition of planning and the importance of management and maintenance to ensure that the benefits for wildlife are secured.

### **Rights of Way**

- 10.215 The indicative restoration plan shows a circular walking route around the restored site. The phasing plans show where the public will be allowed access to parts of the site not currently being worked and to parcels of restored land.
- 10.216 The Rights of Way Improvement Plan (RoWIP) for the area identifies the desire to create an east to west link to improve links between new housing areas in Hatfield and Smallford linking to the existing network to connect with St Albans. The desire for a walking route away from traffic will become more important as traffic levels rise on the A1057 as expected as part of future traffic growth generally.
- 10.217 The site is acknowledged as being part of the Hertfordshire Green Infrastructure Plan which will provide an east to west green corridor of open space, with an emphasis on biodiversity and the potential for a sustainable transport corridor. The demand for walking, cycling and bridleway connections will rise with housing and traffic growth.
- 10.218 The Rights of Way Team has held a meeting with the mineral operator and landowner who have agreed to provide the circular route as a dedicated extension to the Rights of Way network as a bridleway. In addition the Rights of Way Team has agreed links to the existing bridleways and footpaths, and to link with planned future extensions to the network north of the application site. These routes will be added to the Definitive Map as dedicated extensions to the network. These additions have been also agreed with the landowner and form part of the s106 agreement.
- 10.219 The rights of way extensions will match the offer made by Cemex on the adjoining Hatfield Quarry site as part of restoration proposals of that site. Together these sites will provide an extensive network of new routes to be added to the network for the public benefit
- 10.220 The rights of way proposals are justified under Minerals Policy 18, which requires proposals for mineral extraction to 'enhance the public rights of way network through the creation of new rights of way and/or open space, or the improvement of public access.

- 10.221 The provision of a network of new dedicated footpaths is also supported by the original s106 agreement (Appendix 10) which includes provision for new rights of way in the Landscape Framework Document (LFD) which includes a plan (Plan A) showing the general routing in the Landscape Key Diagram comprising:
- a north south surfaced pathway linking St Albans Road and Coopers Green Lane (adjacent to Astwick Manor) via Ellenbrook. This will be designated public right of way. Connections to future adjacent development will be made by the relevant developer and subject to future planning applications
  - a circular permissive surfaced pathway as shown on Plan A linking to adjacent footpaths, Colney Heath 14 and 15; and
  - adjacent mown bridleways
- 10.222 The proposals will fulfil the objectives of the Landscape Framework Document and Minerals Policy in respect of rights of way

### **Cumulative impact**

- 10.223 The application includes an assessment of cumulative impacts. These are defined as the potential impacts which may be acceptable in isolation, but when considered in the context of other developments in the immediate vicinity, may become more significant.
- 10.224 The NPPG confirms that the cumulative impact of mineral development is capable of being a material consideration when determining individual planning applications; mineral planning authorities should include appropriate policies in their minerals local plan, where appropriate, to ensure that the cumulative impact of a proposed mineral development on the community and the environment will be acceptable (Paragraph 016).
- 10.225 The planning statement identifies the potential cumulative impacts that may arise from a number of situations, including:
- the interaction or proximity of two or more current quarries or developments of a similar nature;
  - the continuation of a particular working over time through successive extensions;
  - the interaction or accumulation of different impacts at one site, affecting a range of sensitive receptors; and
  - a combination of the above scenarios
- 10.226 The application refers to operations at Hatfield Quarry within close proximity to the site. The traffic assessment takes account of the maximum limit of 250 HGV movements permitted for Hatfield Quarry for quarrying, sand bagging and ready mix operations. Hatfield Quarry is due to complete by 2020. The mineral operator (Cemex) recently submitted an application to extend the working area by 17ha to allow mineral extraction to continue until 2013. The application confirms the total number of HGV movements related to quarrying, sand bagging and ready mix operations would be 166 two-way

(83 in/ 83 out). In addition, the infilling of Cutfield lagoon will generate 72 daily HGV movements (36 in/ 36 out). The total activity at Hatfield Quarry would be 238 HGV movements (119 in/ 119 out) up to 2023 if the other application is permitted.

10.227 The current application proposes 174 HGV movements for quarry and waste importation. Therefore, the cumulative HGV movements generated by both the operation of the proposed quarry and Hatfield Quarry would be 412 HGV movements (174 + 238) which would be less than 5% of the total traffic using the A1057 (15,420 vehicles (two-way) for vehicles of all sizes).

10.228 In regard to the water environment, the assessments of potential impacts upon ground water / surface water quantity and quality indicate that no significant adverse effects are predicted. Groundwater pumped from the workings would be recharged to the aquifer. Clay from the extraction would be used to 'seal' the edges of the workings in the Upper Mineral Horizon to minimise the risk of groundwater contamination between the lower and upper mineral horizon. No significant adverse effects are predicted in isolation and with other developments.

10.229 In respect of landscape impacts, mineral workings (ongoing and restored) are one of the key characteristics of the De Havilland Plain landscape character area. The addition of the proposed development, together with the ongoing operations at Hatfield Quarry, is not predicted to give rise to changes in landscape character. The workings at Hatfield are nearing an end and the land is due to be restored by 2020 with the removal of the plant site, fencing, bunds and conveyor line. Any cumulative impact would be for a limited time duration.

10.230 In terms of Air Quality impacts, the air quality assessment records that emissions of dust from operations (extraction, processing, restoration, haulage) would mostly be deposited within 100m of the source, however particles between >10µm and <30µm have the potential to travel between 250m and 500m from the working areas. The potential for cumulative dust impacts are limited because of the separation distance between the proposed plant site and the existing operational areas at the adjoining Hatfield Quarry. The mineral is damp in nature and wet processing and washing methods are deployed which will significantly limit dust. With mitigation, no significant adverse effect is predicted. With regards to emissions from HGV traffic, the likely increase above the current baseline, including traffic from Hatfield Quarry, have been assessed and predicated to be negligible at all assessed receptors. Therefore no significant adverse effect is predicted cumulatively with other developments.

10.231 In terms of noise impact, the assessments are based on measured data, which includes the operation of Hatfield Quarry, found the potential increase in ambient levels due operational noise (worst case scenario) would be slight for two receptors but not significant at the remainder of the nearby noise-sensitive receptors.

- 10.232 With regards to ecology, the development would result in loss of habitat in the short term during the operation of the workings, however the site will be progressively restored with significant additional planting and habitat created. It is predicted that there will be biodiversity enhancements in the long term as part of the restoration of the site to a country park. The restoration of the adjoining Hatfield Quarry will provide a habitat resource with linkages to nearby areas of woodland, for example at Symondshyde Great Wood.

## **11. Conclusion**

- 11.1 This planning application seeks planning permission for the establishment of a new quarry, 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 restoration. The application proposes the extraction of 8 Million tonnes of sand and gravel over 30 years.
- 11.2 The NPPF (paragraph 142) states minerals are essential to support sustainable economic growth and our quality of life and it is important that there is sufficient supply of material to provide for infrastructure, buildings, energy and goods that the country needs. Therefore in determining planning applications, local planning authorities should give great weight to the benefits of the mineral extraction, including to the economy.
- 11.3 The NPPF requires that mineral planning authorities provide for a steady and adequate supply of sand and gravel by ensuring the maintenance of a landbank for sand and gravel equivalent to at least 7 years. The current landbank of sand and gravel in Hertfordshire is currently 13.22 million, equivalent to 9.5 years, and there is not an immediate need for additional new resources to maintain the landbank above the minimum level. However, average annual sales for sand and gravel within Hertfordshire over the last three years are 1.19 million tonnes per annum. Therefore in less than three years the landbank would fall below the minimum requirement unless additional stocks are added through the grant of planning permission. The site would contribute to the supply of sand and gravel over the medium to long term and thereby contribute to requirement for the County to maintain an appropriate landbank.
- 11.4 The application site is identified as Preferred Area 1 in the Hertfordshire Minerals Local Plan demonstrating that the site that has been through a rigorous site selection process and examination measured against a series of environmental criteria. The site has been selected as one of the three most sustainable sites for mineral workings to meet the County's need for minerals over the Plan period.
- 11.5 The effect of the mineral operation on the environment in terms of noise, air quality, traffic and groundwater would be limited and where there are impacts it is possible to mitigate them by the use of planning conditions.

- 11.6 There would be adverse landscape impacts during the mineral operation in the medium term, however there would be beneficial impacts in the long term from the restoration of the site to a country park.
- 11.7 There would be minor adverse impacts upon views from Popefield Farm during the initial site establishments works and for the duration of operations. The negative impacts would be mitigated as far as possible by soil bunds and woodland planting which would reduce any minor adverse impacts upon the setting of the listed buildings in the short and medium term. In the long term the restoration to a country park would result in minor beneficial effects upon the setting.
- 11.8 The proposed restoration and afteruse would be suitable to provide a country park as envisaged in the section 106 agreement for the original development of Hatfield Aerodrome. The mineral development is the opportunity to bring about the formal establishment of the country park and the Trust to manage the park in the long term.
- 11.9 The application site is situated within the Green Belt. Mineral extraction is not inappropriate development in the Green Belt, although some aspects of the development, including the operation of the processing and concrete plants and screening bunds are considered to be inappropriate development, they are all essential parts of a modern mineral working. The harm to the openness of the Green Belt is reduced as far as possible by mitigation and would be fully reinstated upon restoration of the site. The benefits of mineral extraction in supporting economic growth are considered to clearly outweigh the limited harm to the Green Belt, including to the landscape, visual amenity, and setting of listed buildings, which constitute the very special circumstances which justify the granting of planning permission for mineral extraction.
- 11.8 For the reasons set out above and in the main body of the report it is recommended that, subject to the application being referred to the Secretary of State and him not wanting to call in the application, that the Chief Executive and Director of Environment be authorised to grant planning permission for the development proposed in the application forms, accompanying documents and Environmental Statement subject to the conditions in Appendix III and the Heads of Terms in Appendix IV of this report.

*Documents referred to preparing this report*

- The planning application documents and Environmental Statement;
- The Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2007
- The Welwyn Hatfield Local Plan Adopted 2005
- The St Albans District Local Plan Adopted 1994
- Hertfordshire Waste Core Strategy & Development Management Policies DPD 2011-2026 Adopted November 2012
- Hertfordshire Waste Site Allocations DPD 2011 2026 Adopted July 2014
- Town and Country Planning (Environmental Impact Assessment) Regulations 2011
- Town and Country Planning (Development Management Procedure) (England) Order 2015

- Hatfield Aerodrome Supplementary Planning Guidance Adopted November 1999  
The Watling Chase Community Forest Plan 2001;
- The Hertfordshire Green Infrastructure Plan 2011.

## **Item 1 Appendix 3 – Conditions**

### Time limit for implementation

1. The development hereby permitted shall be commenced within three years of the date of the date of this notice.

Reason: to comply with the terms of the Town and Country Planning Act.

### Notice of commencement

2. Not less than 21 days prior to the commencement of development<sup>1</sup> the Mineral Operator shall write to the Mineral Planning Authority stating the intended start date. The development shall not commence until the Mineral Planning Authority has confirmed in writing that all of the pre-commencements requirements set out in conditions 8 – 36 below have been complied with.

Reason: to ensure all matters that require attention prior to the commencement of development have been carried out in order to comply with the planning permission.

### Time limit for completion

3. The development hereby permitted shall be completed<sup>2</sup> not later than 32 years from the commencement of development under Condition 2, and shall include restoration, soil placement, cultivation, seeding, and any other land management necessary to restore the land in accordance with the approved restoration scheme to an appropriate condition to enter aftercare.

Reason: to ensure that the development is completed in accordance with the expected timescales specified in the application, to comply with the aims, objectives and policies of the Hertfordshire Minerals Local Plan 2007.

### Removal of quarry infrastructure

4. The quarry use shall be discontinued not later than 32 years following the commencement of development, as specified in Condition 2, and the land shall be restored in accordance with the approved plans pursuant to Condition 5. All plant, machinery, buildings, waste material and hardstanding areas shall be removed and the land reinstated in accordance with the approved restoration plan and provision shall be made for an access road and car park to serve the use of the land as a Park in accordance with the indicative restoration plan.

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<sup>1</sup> For the purpose of Condition 2, the commencement of development will include any part of the works shown on drawing HQ 3/6 Initial Site Preparation Dec 2015

<sup>2</sup> For the purpose of Condition 3, completion of development shall include mineral extraction and restoration, but not aftercare

Reason: to ensure the land is restored to the proposed afteruse at the earliest opportunity and to high environmental standards, in accordance with Minerals Policies 13 (Reclamation) and 14 (Afteruse) of the Hertfordshire Minerals Local Plan Review 2007 and the NPPF 2019 (paragraphs 204 and 205)

#### Approved plans

5. The development is restricted to the development shown on the plans, drawings, and documents listed in the schedule of approved drawings below, or as may be subsequently amended under section 73 or 96A or the Town and Country Planning act 1990. The development shall be carried out in accordance with the planning conditions set out in this notice:

#### Plans

HQ 2/1	Site Location Plan	Nov 2015
HQ 2/3	Topographic Survey	Nov 2015
HQ 3/1	Overall Phasing/General Layout	Nov 2015
HQ 3/2	Entrance Design	Nov 2015
HQ 3/3	Plant Site (Masterplan)	Nov 2015
HQ 3/4	Processing Plant Detail	Nov 2015
HQ 3/5	Plant Elevations	Nov 2015
HQ 2/2	Application Site Layout	Nov 2015
HQ 3/6	Initial Site Preparation	Dec 2015
HQ 3/7	Phase A – Illustration	Dec 2015
HQ 3/8	Phase B – Illustration	Dec 2015
HQ 3/9	Phase C – Illustration	Dec 2015
HQ 3/10	Phase E – Illustration	Dec 2015
HQ 3/11A	Illustrative Restoration Concept	Aug 2016
HQ 3/12	Illustrative Sections	Dec 2015
HQ 3/13	Phase D – Illustration	Aug 2016
HQ 3/14	Phase F – Illustration	Aug 2016
HQ 3/15	Phase G – Illustration	Aug 2016

#### Documents

Environmental Statement	Feb 2015
Transport Chapter Addendum	Aug 2016

Reason: (1) to ensure the development complies with the planning application, (2) to ensure effective monitoring progress of mineral extraction and restoration in accordance with the timescales set out in the application, and (3) to comply with section 96A of the Town and Country Planning Act 1990.



#### Processing plant and buildings

6. Prior to the commencement of mineral extraction, fully specified drawings of the processing plant and buildings, to include cross section drawings, shall be submitted to and approved in writing by the Mineral Planning Authority. The cross section drawing shall clearly show proposed site levels for all plant, machinery and buildings, including:
- maximum height of footings level (finish floor level)
  - maximum height of all plant, machinery and buildings
  - the maximum depth of excavations for the lagoons.

The maximum height of plant and buildings for the processing plant and concrete batching plant shall not exceed 14 metres.

Reason: to minimise the visual impact of the development and in the interests of the openness of the Green Belt

#### Storage bunds and stockpiles

7. The maximum heights of storage bunds and stockpiles shall not exceed:
- 3m - top soil
  - 4m - sub soil
  - 5m – stockpiles (minerals)

Reason: in the interests of visual amenity and the openness of the Green Belt.

#### Details of additional bunding and landscaping

8. Prior to the commencement of mineral extraction full details of additional bunding and landscaping shall be submitted to and agreed in writing by the Mineral Planning Authority for the following locations:
- (i) adjacent to Popefield Farm;
  - (ii) on the western boundary and
  - (iii) immediately to the south of the processing plant

Full details shall be provided of the height, grading and relationship with adjoining land levels/ contours and existing vegetation on the boundary of the site. Development shall be carried out in accordance with the approved details.

Reason: in the interests of appropriate landscaping of the site and to protect exiting trees, in the interests of residential amenity, and to protect the setting of Popefield Farm; in accordance with Minerals Policy 12 (Landscape) and 13 (Reclamation) of the Hertfordshire Minerals Local Plan Review 2007, and Policies 70 and 74 of the St. Albans District Local Plan Review 1994.

### Phasing plans

9. Prior to the commencement of mineral extraction in each Phase, a detailed working plan shall be submitted to show:
- (a) the extent of the extraction area
  - (b) the location of screen bunds
  - (c) the location of soil stockpiles
  - (d) identification of top soil and sub soil storage areas
  - (e) description and illustration of measures for noise and dust mitigation
  - (f) the location of haul roads

The mineral extraction in each Phase shall take place in accordance with the plans submitted with the application listed in Condition 5 unless otherwise agreed under the terms of this condition.

The detailed restoration works shall be carried out in accordance with the programme agreed with the Mineral Planning Authority.

Reason: to ensure the extraction is carried out on a phased basis to ensure the land is restored at the earliest opportunity to high environmental standards in accordance with Policies 13 (Reclamation) and 14 (Afteruse) of the Hertfordshire Minerals Local Plan Review 2007 and the NPPF 2019 (paragraphs 204 and 205)

### Construction Management Plan

10. Prior to the commencement of development, including the works shown on drawing HQ 3/6 Initial Site Preparation Dec 2015, a detailed construction management plan shall be submitted to and agreed in writing by the Mineral Planning Authority, to include details of:
- vehicle routing
  - phasing - including timescales
  - construction of the access ramp
  - noise and dust mitigation measures

The Construction Management Plan shall be implemented as agreed in full for each Phase for the duration of the development.

Reason: to ensure any adverse impacts of development are mitigated

#### Access – enabling works

11. Prior to the commencement of the development hereby permitted detailed drawings to show the proposed means of access during the site enabling works, as indicated on drawing HQ 3/6 Initial Site Preparation Dec 2015, shall be submitted to and approved in writing by the Mineral Planning Authority. The site shall be accessed via the approved means of access only throughout the period of the enabling works, unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: in the interests of highway safety and residential amenity

#### New access

12. Prior to the commencement of mineral extraction, the site access onto the A1057, as indicated on drawing 402.01009.00064.14.H002 R4, shall be provided in accordance with the technical approval of the Highway Authority. The approved means of access shall be the only means of access for the purposes of mineral extraction and infilling for the duration of the development.

Reason: To ensure the provision of safe access in the interest of highway safety and amenity.

#### Visibility splays

13. Prior to the commencement of the site preparation works, as shown on drawing HQ 3/6 Initial Site Preparation Dec 2015, visibility splays measuring 4.5 x 120 metres shall be provided on both sides of the proposed site access on Hatfield Road where it meets the highway. The visibility splays shall be maintained free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway at all times.

Reason: In the interests of highway safety.

#### HGV routing

14. Prior to the commencement of mineral extraction, an HGV Routing Plan shall be submitted to and approved in writing with the Mineral Planning Authority. The HGV Routing Plan shall include:
  - a plan illustrating the route between the site and Comet Way/ A1(M) via the A1057
  - measures to ensure all vehicles exit the site left only and travel eastbound on the A1057/Comet Way (A1001)/A1(M);
  - means to ensure compliance with the routing plan; and
  - enforcement measures

On exiting the site all HGVs shall turn left only throughout the development.

Reason: In the interests of highway safety and amenity.

Traffic Management Scheme

15. Prior to the commencement of the development, as shown on drawing HQ 3/6 Initial Site Preparation Dec 2015, a Traffic Management Scheme shall be submitted and approved in writing, to include:
- a detailed plan to show the site layout between the junction with the public highway and the weighbridge to, include sufficient provision for queuing vehicles to stand clear of the highway and a loop road to return HGVs to the public highway
  - a clear protocol for managing HGV arrivals and departures at peak times, including a managed system for HGV arriving at the site;
  - haul road signage
  - schedule of cleaning and maintenance of the haul road;
  - operation of a wheel washing facility

The approved Traffic Management Scheme shall be implemented and operated in throughout each phase of the mineral working

Reason: In the interests of maintaining highway efficiency and safety.

Public highway - condition survey

16. Prior to the commencement of mineral extraction, and subsequently for each calendar year over the lifetime of the development, the mineral operator shall carry out a condition survey of the section of public highway between the site access and the access to Popefield Farm. The condition survey shall assess any abnormal wear and include proposals to remedy any damage to the highway surface, as may be necessary. The condition survey shall be carried out by a highway engineer and submitted in accordance with a timetable to be agreed with the Mineral Planning Authority. Any works necessary to remedy abnormal wear and tear identified by the condition survey shall be remedied as soon as possible in accordance with a timetable to be agreed with the Mineral Planning Authority.

Reason: in the interest of highway safety.

Provision of parking and servicing areas

17. Prior to the commencement of mineral extraction, sufficient space shall be provided within the site to enable HGVs to park, turn and re-enter the highway in a forward gear. A detailed scheme showing the levels, surfacing and drainage of these areas shall be submitted to and approved in writing by the Mineral Planning Authority. The parking and turning space within the site shall be provided in accordance with the approved scheme and maintained for the lifetime of the development.

Reason: In the interests of satisfactory development and highway safety

### Right of Ways – detailed plans

18. Prior to the commencement of mineral extraction, detailed plans to include cross section drawings to show the detailed design and construction for public rights of way shall be submitted to and approved in writing by the Mineral Planning Authority. The details plans shall indicate:
- i. Proposed improvements to the width and surfacing of the footpath opposite the site access between nos. 403 and 616 St Albans Road West;
  - ii. upgrading / surfacing for the new public bridleways, in accordance with the Rights of Way Good Practice Guide Surfacing Specifications for Hertfordshire;
  - iii. provision of safe and level access, width and design suitable for wheelchair users, cyclists and horse riders for new public bridleways within the site.

The surfacing, drainage and sign posting of the public rights of way shown on Rights of Way Plan in the section 106 agreement shall be implemented in accordance with the Good Practice Guide for Rights of Way Hertfordshire as part of the approved restoration as shown on the phasing and restoration plan(s) approved under Condition 9.

Reason: In the interests of sustainable travel, to ensure that all pedestrians and cyclists can conveniently travel to and from the development.

### Archaeology

19. Prior to the commencement of the works shown on drawing HQ 3/6 Initial Site Preparation Dec 2015, the mineral operator shall submit an Archaeological Written Scheme of Investigation for approval in writing by the Mineral Planning Authority. The scheme shall include an assessment of archaeological significance and research questions; and:
- i. The programme and methodology of site investigation and recording;
  - ii. The programme and methodology of site investigation and recording as suggested by further archaeological evaluation;
  - iii. The programme for post investigation assessment;
  - iv. Provision to be made for analysis of the site investigation and recording;
  - v. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - vi. Provision to be made for archive deposition of the analysis and records of the site investigation;
  - vii. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: to ensure that adequate opportunity is provided for archaeological research on this likely historically important site.

#### Dust suppression scheme

20. Prior to the commencement of mineral extraction, the mineral operator shall submit a dust suppression scheme to demonstrate how dust will be controlled at source during each Phase and for the duration of the development. The scheme shall provide measures aimed at removing and reducing dust emissions at source, and appropriate mitigation measures, to include (but not limited to):
- the use of water to dampen haul roads and stockpiles,
  - installation of air quality monitoring equipment in locations to be agreed as part of the approved scheme;
  - review of air quality monitoring data by an air quality monitoring professional;
  - action plan for managing dust; including a protocol for restricted working when the wind speed/direction may result in dust being carried from the site affecting nearby properties
  - The measures comprising the scheme shall be fully implemented at all times when the site is operational.

Reason: in the interest of public amenity; to protect the living conditions of the neighbouring properties; to ensure that the development does not have an adverse impact upon human health; and to comply with the NPPF 2019 (paragraph 204) and Policy 70 of the St. Albans District Local Plan Review 1994.

#### Landscaping and planting scheme

21. Prior to the commencement of mineral extraction, a detailed landscaping scheme for advance planting within the site and on site boundaries shall be submitted to and approved in writing by the Minerals Planning Authority. The scheme shall include:
- a) provision of permanent woodland planting south of the plant area;
  - b) plant specifications, species, size, spacing and number of trees and shrubs to be planted and measures to protect and maintain the trees and shrubs in accordance with good practice;
  - c) plans to show the position, species type and size of all existing trees, shrubs and hedgerows to be retained, and the proposals for their protection throughout the operations;
  - d) details of hard landscaping, entrances gates other means to secure the site, to include the location, type and height of proposed fencing to prevent public access to operational areas;
  - e) a programme to implement the scheme

The approved scheme shall be implemented in full within the first available planting season for each phase of the restoration in accordance with British Standards.

Reason: to provide for appropriate landscaping of the site in accordance with Policy 12 (Landscape) of the Hertfordshire Minerals Local Plan Review 2007

Ecology - Biodiversity and Habitat Management Plan

22. Prior to the commencement of enabling works, as shown on drawing HQ 3/6 Initial Site Preparation Dec 2015, a Biodiversity and Habitat Management Plan shall be submitted to the Mineral Planning Authority. The Plan shall include detailed proposals to achieve a net enhancement to biodiversity during mineral extraction and restoration and upon completion of the development. The Plan shall include a schedule of management proposals and long term biodiversity objectives, and set out responsibilities and mechanisms to achieve the long term objectives

Reason: to ensure appropriate compensation and enhancement of habitats in accordance with the NPPF (paragraph 109)

Ecology - Habitat Management Plan – Great Crested Newts

23. Prior to the commencement of mineral extraction a Habitat Management Plan for Great Crested Newt populations within the site shall be submitted to and approved in writing by the Mineral Planning Authority, to include habitat areas on adjoining land at Home Covert, and measures to safeguard populations of Great Crested Newts during mineral extraction through safeguarding areas and exclusion fencing, and measures to translocation populations on a phased basis. The measures contained within the Plan shall be implemented prior to the commencement of development.

Reason: to ensure the favourable conservation status of the species is maintained.

Ecology - habitat licence

24. Prior to the commencement of the enabling works shown on drawing HQ 3/6 Initial Site Preparation Dec 2015, the necessary licences required under the Wildlife Acts and Habitats Directive shall be obtained.

Reason: to ensure that any works having the potential to affect protected species are carried out under the appropriate licence to maintain the favourable conservation status of the species.

Ecology - mitigation

25. Prior to the commencement of the enabling works shown on drawing HQ 3/6 Initial Site Preparation Dec 2015, and subsequently prior to soil stripping in each Phase, the mitigation measures detailed in the ecological survey shall be carried out in accordance with a programme to be agreed in writing with the Mineral Planning Authority.

Reason: to mitigate the impact on habitats and protected species and to provide appropriate contribution of nature conservation; in accordance with the NPPF (paragraph 109) and Policies 74 and 106 of the St. Albans District Local Plan Review 1994.

#### Groundwater Management Plan

26. The development hereby permitted shall not commence until a Water Monitoring & Management Plan, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.
- 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

The Water Monitoring and Management Plan 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.
4. a mechanism for periodic review.

The plan should include monitoring and reporting programs, location of monitoring points including additional monitoring boreholes particularly in the vicinity of the infiltration lagoons, analytical suites, limits of detection and groundwater level monitoring. Details of contingency actions in the event of impact shall also be included.

The two infiltration lagoons and back drain shall be constructed in accordance with the approved Groundwater Management Plan prior to the commencement of mineral extraction.

Groundwater monitoring shall be conducted by the Mineral Operator in accordance with the long-term groundwater monitoring plan for the lifetime of the development. Prior to mineral extraction in each Phase, the Groundwater Management plan shall be reviewed and an updated plan submitted and approved in writing by the Mineral Planning Authority.

The management of water shall be carried out in accordance with the approved Plan, or as otherwise agreed by the Mineral Planning Authority under the periodic review process, for the lifetime of the development.



Reasons:

To protect controlled waters throughout the mineral extraction phasing, ensuring

To ensure there is 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.

Public access strategy

27. Prior to the commencement of mineral extraction, and subsequently prior to mineral extraction in each Phase, detailed proposals for managed public access shall be submitted to and approved in writing by the Mineral Planning Authority.

The proposals shall clearly define areas where public access is allowed and exclusion zones for each Phase. The Access Strategy shall provide an appropriate level of public access to un-worked and restored areas of the site during the lifetime of the quarry. Footpaths shall be clearly sign posted. Fencing of an appropriate height and design shall be provided to deter unauthorised or unintended access to the mineral workings and plant site. Warning signs shall be erected to clearly indicate working areas.

The Access Strategy shall comprise a plan and a written statement.

Reason: to ensure the maximum opportunity for public access to areas non-worked and restored areas; to protect members of the public from exposure to risk from quarrying activities; in the interests of visual and public amenity; to protect and enhance public rights of way in accordance with the NPPF (paragraph 74) and Policy 74 of the St. Albans District Local Plan Review 1994.

Air Quality monitoring – baseline conditions

28. Prior to the commencement of the development the mineral operator shall undertake a minimum of 6 months continuous air quality monitoring, in locations to be agreed with the local Environmental Health department, to measure existing baseline air quality. Air quality measurements shall be recorded for a minimum of 12 months following the commencement of sand and gravel export from the site. A report of air quality information gathered by the monitoring equipment shall be submitted to the Mineral Planning Authority for each day of the 12 month period

Reason: to establish an accurate baseline reading of existing conditions, and demonstrate fluctuations in air borne particles related to vehicle emissions from the site in the interests of human health.

#### Noise monitoring

29. Prior to the commencement of mineral extraction, and subsequently prior to mineral extraction in each phase of development, a noise management strategy shall be submitted to and agreed in writing by the Mineral Planning Authority. The strategy shall indicate locations for noise monitoring equipment on the site boundary nearest to sensitive receptors and include mitigation measures such as soil bunds and acoustic barriers as may be necessary to ensure compliance with maximum noise standards in the National Planning Practice Guidance. The strategy shall be implemented in full as approved for the lifetime of the development.

Reason: to ensure compliance with accepted noise standards

#### Water Management Plan

30. Prior to the commencement of mineral extraction in each Phase, a water management plan shall be submitted and approved in writing by the Mineral Planning Authority. The water management plan shall detail measures to manage water from the lagoons, including an exceedance route for discharge of water from the lagoons as surface water under exceptional circumstances, and include a mechanism for periodic review. The management of water shall be carried out in accordance with the approved Plan, or as otherwise agreed by the Mineral Planning Authority under the periodic view process, for the lifetime of the development.

Reason: to minimise the risk of surface water flooding and in the interests of water quality.

#### Landscape Management Plan

31. Prior to the commencement of development a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- details extent and type of new planting
- details of maintenance regimes
- details of any new habitat created on site
- details of treatment of site boundaries and/or buffers around water bodies
- details of management responsibilities

Reason: to contribute to enhancement of biodiversity by establishing ecological networks; to protect wildlife and their habitats and secure opportunities for the enhancement of the nature conservation value of the site (NPPF, paragraph 109); and to take the opportunities to incorporate biodiversity in and around developments (NPPF, paragraph 118).

#### Overburden handling - method statement

32. Prior to the commencement of mineral extraction in each Phase, a method statement for the handling of overburden material shall be submitted to and approved in writing by the Mineral Planning Authority. The method statement shall include plans and cross sections as necessary showing the height and location of stockpiles, indicate the maximum duration for bunds and stockpiles to be retained in-situ, and provide for the removal of stockpiles upon completion of restoration in each Phase.

Reason: to ensure the excavated volumes of material are managed effectively within the site and to in the interests of public and visual amenity.

#### Gas Pipeline – safeguarding

33. Prior to the commencement of development a Gas Pipeline Management Plan shall be submitted to and agreed in writing by the Mineral Planning Authority to include plans and cross sections and clearly indicate minimum working distances between the haul road and mineral extraction areas and the gas pipeline. The minimum working distances, as agreed with energy infrastructure company (National Grid), shall be maintained at all times during the workings.

Reason: to ensure the integrity of the energy infrastructure.

#### Controlled Access

34. Prior to the commencement of development, including the works shown on drawing HQ 3/6 Initial Site Preparation Dec 2015, the Mineral Operator shall submit details of a barrier controlled access within 100m of the site access junction with the A1057, to include:

- weighbridge
- raised viewing platform to view loads;
- a double gate security system
- a loop route for vehicles to return to the public highway at the weighbridge
- gates to secure the site access outside operational hours;
- signage setting out conditions of entry
- advance signage to indicate when the site is open / closed

The Mineral Operator shall keep accurate records of each HGV entering the site to deposit waste, to include: the waste carrier licence; the type of

waste; the origin of the waste, vehicle weight; registration of the vehicle, and company name, for each Phase for the lifetime of the development.

Reason: in the interest of highway safety, condition of the highway and the free flow of traffic.

Wheel cleaning facilities – for construction vehicles

35. Prior to the commencement of the works shown on drawing HQ 3/6 Initial Site Preparation Dec 201, and subsequently prior to the commencement of mineral extraction in each Phase of the development, wheel washing facilities shall be provided and maintained in a usable condition. HGVs shall not be permitted to exit the site until the wheels and chassis are free from mud and debris.

Reason: To prevent mud and debris from the site being deposited on to the highway.

TIME LIMITED CONDITIONS

Landscaping scheme for restoration

36. Within 12 months of the commencement of mineral extraction, a detailed landscaping scheme shall be submitted for approval; to include: a written statement and detailed illustrations for each phase of the mineral workings, illustrated as Phases A-G on the approved plans, to include the following information:
- a) The provision of woodland planting within the site in accordance with Landscape Management Document principles 20-30%;
  - b) the maintenance and defects liability period should be minimum 5 years;
  - c) details of removal / retention of tree planted mounds / buffer planting;
  - d) details of footpaths design to conserve and enhance the rural character and visual amenity;
  - e) clear strategy for the siting and design of interpretation boards;
  - f) siting and design of car park;
  - g) provision of security fencing;
  - h) details of the treatment of Nast Culvert;
  - i) timescales for implementation

The approved scheme shall be implemented within 12 months of soil placement in each phase.

Reason: to provide for satisfactory landscaping of the site in accordance with best practice and in accordance with Minerals Policy<sup>12</sup> Landscaping.

Phased restoration scheme

37. Within 6 months of completion of mineral extraction in each Phase of the development, a detailed restoration scheme shall be submitted for approval to include:
- a) calculation of the volume of fill material required to complete restoration;
  - b) cross section drawing to show:
    - the depth of the mineral void; and
    - the depth and final levels of:
      - fill material
      - sub soil
      - topsoil
      - final restored contours

The scheme shall be approved in writing by the Mineral Planning Authority prior to the commencement of infilling. Each Phase of the development shall be restored in accordance with the approved phased restoration scheme for that Phase.

Reason: to ensure a satisfactory restoration is achieved

#### Marker levels

38. Prior to the infilling within 1m of the finish levels in each phase, marker levels shall be erected to show the final fill levels, sub soil and top soil levels. The site operator shall give the Minerals Planning Authority not less than 3 working days notice in writing that filling within any area of the site is approaching 1 metre of final levels.

Reason: to ensure the restoration levels are suitable for the proposed restoration in accordance with the approved plan, and in accordance with Policies 13 (Reclamation Scheme) and 14 (Afteruse) of the Hertfordshire Minerals Local Plan Review 2007.

#### Restoration Programme & Monitoring

39. Within 12 months of the commencement of mineral extraction in each Phase, the Mineral Operator shall submit a detailed restoration programme setting out:
- progress with restoration in each Phase;
  - progress with mineral extraction for the preceding 6 months;
  - groundwater monitoring
  - management of water storage volumes de-watering regime monitoring over the preceding 6 months;
  - proposals for de-watering in the following 6 months;
  - groundwater (levels and quality) from monitoring boreholes over the preceding 6 months;
  - surface water quality monitoring for the UMH/LMH lagoons;
  - proposals for biodiversity enhancements;
  - management of the restored land;

- arrangements with the Ellenbrook Park Trust

The Mineral Operator shall provide a written report of the preceding 6 months monitoring, to include illustrations as appropriate, and proposals for the following 6 months.

The Mineral Planning Authority will provide an annual monitoring programme at the start of each calendar year and provide the Mineral Operator with a written report after each meeting setting out any agreements and actions for the following 6 months.

Reason: to ensure a satisfactory programme of progressive restoration in each Phase and to provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards in accordance with the National Planning Policy Framework 2012 (paragraph 144) and in accordance with Minerals Policy 13 Restoration Scheme of the Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2007;

#### Aftercare

40. Within 6 months of the date of this planning permission, and subsequently prior to the commencement of mineral extraction in any subsequent phase, an aftercare scheme requiring such steps as may be necessary to bring the land to the required standard suitable for the proposed conservation afteruses shall be submitted for the written approval of the Minerals Planning Authority. The scheme shall specify the steps as may be required to achieve and maintain the standards required for the proposed conservation afteruses:
- a) cover a five year period;
  - b) specify all practical steps and periods during which they are to be taken;
  - c) contain provision for the submission of an annual report to be submitted to the Minerals Planning Authority;
  - d) contain provision for site meetings on at least an annual basis with officers of the Minerals Planning Authority and any relevant consultee in order to assess the progress to date, any remedial action required, and the management of the site for the following year.

The approved aftercare scheme shall be implemented in full on completion of restoration or completion of restoration of any working phase, and shall be carried out for a period of ten years following restoration or restoration of each phase (as appropriate).

Reason: to ensure the proposal meets the aftercare requirements set out in Policy 14 (Afteruse) of the Hertfordshire Minerals Local Plan Review 2007, and in particular (i) enhances the character of the local area ensure (ii) is a benefit to the local community (iii) provides for increased public access and (iv) enhances biodiversity.

#### Air quality monitoring scheme

41. Prior to the commencement of soil stripping within each Phase, the mineral operator shall submit proposals comprising an air quality monitoring scheme to the Mineral Planning Authority for approval, to include:

- proposals for siting air quality monitoring equipment adjacent to the site boundary, including a plan showing their location
- details of the type, make, model, and specification;
- a programme of monitoring air quality on a weekly and/or monthly basis;
- a monthly report of NO<sub>x</sub> and PM<sub>10</sub> levels for each working day

The air quality monitoring scheme shall be approved in writing prior to the commencement of soil stripping in each Phase.

The air quality monitoring equipment shall be installed prior to the commencement of soil stripping in each Phase.

The monthly air quality monitoring report shall be submitted for each in accordance with a programme to be agreed with the Mineral Planning Authority.

Reason: to assess real-time changes in air quality related to air borne dust emissions from the site in the interests of human health.

42. The development shall take place in accordance with the programme of archaeological works set out in the approved Written Scheme of Investigation. The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation within 12 months of the commencement of mineral extraction in each Phase. Provision shall be made for analysis and publication where appropriate.

Reason: to ensure that adequate opportunity is provided for archaeological research on this likely historically important site; to comply with Policy 111 of the St. Albans District Local Plan Review 1994.

43. No tree or hedge removal shall take place during the bird breeding season (March to August inclusive)

Reason: to protect breeding birds, their nests, eggs and young.

#### Noise – maximum levels

44. The maximum noise levels generated by the operations at the site shall not exceed 55dB LAeq (1 hour) measured at the boundaries of the site. During temporary operations, including soil stripping, bund construction, and soil placement, noise levels measured at the boundary of the site shall not exceed 70dB LAeq (1 hour). At all other times noise shall not exceed 10dB LAeq (1 hour) above the background levels measured at the nearest sensitive receptor.

Reason: in the interests of residential amenity in line with Policy 70 of the St. Albans District Local Plan Review 1994; to comply with maximum noise levels specified in the National Planning Policy Guidance.

Noise - vehicle maintenance

45. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers.

Reason: in the interests of residential amenity.

Hours of operation

46. The hours of operation of the site, where mineral extraction and processing is permitted are limited to:
- 07:00 to 18:00 hours Monday to Friday; and
  - 07:00 to 13:00 hours on Saturdays

There shall be no operations, including the use of machinery, mineral processing and waste disposal outside of the above hours. No working is permitted on Sundays or Bank Holidays, unless otherwise agreed in writing by the Mineral Planning Authority under exceptional circumstances. For the purposes of this condition operations shall include vehicle movements connected with the importation of waste.

Reason: to limit the disruption caused by mineral working and processing and HGV movements upon the local area; in the interests of residential amenity; to comply with Policy 70 of the St. Albans District Local Plan Review 1994.

HGV movements

47. There shall be not more than 174 HGV movements (87 in, 87 out) on each day from Mondays to Fridays, and not more than 108 HGV movements (54 in, 54 out) on Saturdays unless otherwise agreed in writing in advance with the Mineral Planning Authority. The above maximum figures shall be applied to all operations at the site, to include all HGV movements related to:
- sand and gravel export,
  - operation of the concrete batching plant, and
  - waste importation.

The Mineral Operator shall keep written records of all HGVs entering and exiting the site for the lifetime of the development. The written records shall be made available upon request for inspection by the Mineral Planning Authority.

Reason: In the interests of highway safety and local amenity.



#### Single access

48. Upon commencement of mineral extraction and thereafter at all times, HGVs shall enter / exit the site only via the approved access onto A1057 St Albans Road West, as indicated on drawing 402.01009.00064.14.H002 Revision R0. No other vehicular access shall be provided to the site.

Reason: in the interest of highway safety

#### HGV routing

49. The junction design shall include measures so that all HGVs exit the junction with Hatfield Road (A1057) left only (eastbound) and are routed to Comet Way (A1001). The junction design shall be implemented in accordance with the approved plans. The left only arrangement shall be maintained for the lifetime of the development.

Reason: in the interests of highway safety and amenity. .

#### Mud on highway

50. The operator shall take steps to ensure that mud and debris is prevented from being carried out of the site and deposited onto the public highway. No Heavy Goods Vehicle shall exit the site and join the public highway unless and until their wheels and chassis have been thoroughly cleaned.

Reason: to prevent the deposit of mud onto the road; in the interest of highway safety and amenity.

#### Extent of working

51. With the exception of enabling works, including construction of the silt lagoons and ecological mitigation works, no mineral extraction shall take place -
- a) within the processing plant area, as shown on drawing Aggregate Processing Plant on drawing HQ 3/3 - Plant Site (Masterplan) - November 2015; and
  - b) outside the maximum extent of the mineral extraction area shown on drawing HQ 3/6 - Initial Site Preparation - December 2015.

Reason: to minimise the environmental impacts of mineral working.

#### Mineral extraction method

52. Unless otherwise agreed in writing mineral extraction shall take place in accordance with the methods proposed in the planning application based on the use of excavators and dumpers.

Reason: to minimise the environmental impacts of mineral extraction.

#### Inert waste only

53. No material shall be disposed of at the site other than inert waste within the waste types specified in the Environmental Permit issued by the Environment Agency.

Reason: to minimise the risk of pollution to land and water and to ensure the material used in reclamation is appropriate for the proposed afteruse

#### Waste volumes

54. The maximum volume of waste imported and disposed of at the site shall not exceed the volume necessary to achieve the approved restoration contours.

Reason: to ensure the site is restored in accordance with the planning permission and to limit the impact to the highway network.

#### Weighbridge records

55. The weighbridge shall be maintained in a working condition through the lifetime of the development. The mineral operator shall keep accurate weighbridge records of the volume of waste material imported to the site. All HGVs entering the site must be weighed on before entering the site and weighed off before exiting the site. The Mineral Operator shall keep daily records of the volumes of waste imported to the site during each phase of the restoration.

Reason: to ensure the volume of waste imported and disposed of at the site is the minimum necessary to achieve the approved development.

#### Waste storage, sorting and processing

56. With the exception of engineering material required for the construction of the landfill barrier/buttress, no importation, storage, sorting, processing, or stockpiling of waste or other material is permitted at the site. No engineering material for use in the construction of the landfill barrier/buttress shall be imported or stored on site until detailed plan(s) to show the volume, location and height of stockpiles has been submitted to and agreed in writing by the Mineral Planning Authority. Storage of engineering material shall only take place in accordance with the approved plan(s). On completion of restoration all engineering material shall be removed from site and the land restored in accordance with the approved restoration plans.

Reason: in the interests of amenity and to maintain the purposes of the Green Belt.

#### Water resources and groundwater protection

57. Operations shall not be carried out in such a way as to cause any adverse change in flows or levels in any rivers, streams, ditches, springs, lakes or

ponds in the vicinity of the site.

Reason: to avoid having an adverse impact on the water environment

#### Storage of liquid fuel, oil or chemicals

58. All fuel, oil and other liquid chemicals used or stored on site shall be kept in bunded storage tanks or bowzers. No fuel, oil, or other chemical likely to cause pollution to surface or groundwater shall be deposited at the site.

Reason: to minimise the risk of pollution of soils and groundwater.

59. Any storage tank for oil or other potentially polluting liquid used on site shall be located on an impervious base and surrounded by oil tight bund walls or within another liquid container, which shall be capable of containing 110% of the volume of the storage tank and shall enclose all fill and draw pipes and sight gauges. The vent pipe shall be directed downwards into the bund.

Reason: to contain any fuel spills minimise pollution risks

#### Chalk Aquifer protection

60. No excavations shall take place at the base of the quarry within 1m of the chalk aquifer.

Reason: to protect the aquifer and minimise the risk of groundwater contamination.

#### Groundwater protection

61. No solid matter shall be deposited so that it passes or is likely to pass into any watercourse. Reason: to prevent contamination of groundwater.

#### Groundwater monitoring

62. Real-time monitoring of groundwater levels in boreholes adjoining the mineral workings shall be undertaken at all times throughout the lifetime of the development. No dewatering of the mineral workings shall take place if the groundwater levels are within 0.5m of surface levels of the adjoining land. No de-watering of the mineral working shall take place unless and until it has been demonstrated that it would not increase the risks of groundwater flooding to areas adjoining the site, and where it has been agreed in writing by the Mineral Planning Authority.

Reason: to minimise the risks associated with groundwater flooding.

#### Discharge of groundwater to surface water

63. No water shall be discharged from the storage lagoons to other storage facilities, or to any ordinary watercourse, including The Ellenbrook and The

Nast, unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: to ensure surface and ground waters are managed appropriately; in accordance with best practice for SuDS.

#### Minimum working distances to boundaries

64. A minimum distance of 10m shall be maintained between the edge of perimeter bunds and the site boundary and no operations including mineral extraction shall take place within 10m of the site boundary.

Reason: to protect the root systems and viability of established trees and hedgerows along the site boundary in compliance with Policy 18 (v) of the Minerals Local for Hertfordshire 2002-2016 adopted in November 2007.

#### Hedgerows

65. All hedgerows removed as a result of the development shall be compensated for within the site through:
- advance screen planting, and
  - boundary hedge and tree planting, and
  - final restoration of the site

All new hedgerows shall:

- maximise the opportunities to create wildlife corridors;
- use appropriate native species and planting density;
- establish and define a pattern of enclosures within the site; and
- provide links to existing hedgerows and woodland adjoining the site.

All new hedgerows shall be planted in each Phase in accordance with the landscaping scheme approved under Condition 37.

Reason: to ensure appropriate compensation and enhancement of habitats; to contribute to the establishment of coherent ecological networks which are more resilient to current and future pressures, and thereby halting the overall decline in biodiversity, in accordance with the NPPF (paragraph 109)

#### Soil stripping

66. No soil stripping shall take place outside of the following times 01 March and 30 September in any calendar year without the prior written approval of the Mineral Planning Authority. Any request to strip soils between 01 March and 31 August shall be accompanied by a soil handling method statement

Reason: to protect soil condition and minimise soil degradation.

#### Soil handling

67. No indigenous soils (topsoil and subsoil) are to be removed from site or disposed as waste.

Reason: to ensure that soil resources for use in restoration are managed and retained on site in an appropriate condition for use in restoration and aftercare in accordance with Mineral Policies 13 (Reclamation Scheme) and 14 (Afteruse) of the Hertfordshire Minerals Local Plan Review 2002-2016

#### Pre-settlement Levels

68. On completion of all infilling the pre-settlement levels shall not exceed those shown on the approved Illustrative Restoration Concept drawing HQ 3/11A Aug 2016. After allowing for soil placement, the maximum height of the final landform shall not exceed 76 metres AOD.

Reason: to ensure that the final levels are appropriate and comply with the planning permission; to minimise the impact of the development upon the openness of the Green Belt

#### Notice prior to soil placement

69. The Mineral Operator shall provide the Minerals Planning Authority with a minimum of seven days notice prior to the commencement of works involving the movement, replacement or cultivation of topsoil or subsoil resources.

Reason: to ensure the Mineral Planning Authority has an opportunity to inspect the soil conditions and agree the method of working

#### Soils content for the 1m top layer of soils

70. Upon completion of infilling operations to the levels shown on drawing HQ 3/11A the final (top) 1m of soils shall be kept free from any material which may damage cultivation machinery or interfere with the subsequent conservation uses. Prior to topsoiling, the area shall be thoroughly ripped with a winged subsoiler at a depth of 300mm at a tine spacing of no more than 450mm and then at a depth of 600mm. All rocks, stones and other solid objects in excess of 75mm diameter on the surface following ripping shall be removed.

Reason: to ensure that soils are constituted of material suitable for the proposed afteruse.

#### Removal of permitted development rights

71. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, replacing or re-enacting that Order, planning permission shall be obtained for the erection of any building, fixed plant, fixed machinery or fixed structures on the land and the written agreement of the Minerals Planning Authority shall be

obtained prior to the placing on site of any buildings or structures in the nature of portable plant.

Reason: in the interest of the openness of the Green Belt.

#### Public Right of Way

72. Other than the works necessary to facilitate the upgrade and legal dedication of the new public rights of way as outlined above, all public right of way routes shall remain undisturbed and unobstructed at all times unless legally stopped up or diverted prior to the commencement of the development hereby permitted. The alignment of any public right of way shall be protected by temporary fencing/signing in accordance with details first submitted to, and approved in writing by, the Local Planning Authority throughout the course of the development.

Reason: To safeguard the rights of the public and in the interest of pedestrian safety.

#### Informatives

##### Section 278 Agreement (Highways Act)

- Any works within the highway boundary (including the proposed site access and removal of existing vegetation on highway land) will need to be secured and approved via a s278 Agreement with the HCC.
- A S278 Agreement will be required for improved pedestrian facilities along Hatfield Road (A1057) and for improved pedestrian links between the site and Alban Way.

##### S106 Agreement

- A s106 Agreement will be required to secure a Condition Survey prior to commencement of the use, in order to assess the condition of the highway within the vicinity of the site before the construction of the development and an updated version will be required at the completion stage. Where the development as a result of construction is likely to increase road degradation a highway bond of £30,000 should be secured via a Section 106 agreement prior to commencement on site.
- HCC will seek contributions via a S106 for improvements to both the Hatfield Road / Ellenbrook junction and the Hatfield Road / Comet Way junction. Contributions will be sought for an amount to be determined, based on Hertfordshire County Councils Planning Obligations Guidance Toolkit. The toolkit specifies that non-residential charges will be calculated at a rate of £1000 per one peak hour two-way trip. Based on 46 PCU's per peak hour, this equates to £46,000 towards the Hatfield Road / Ellenbrook junction and £46,000 towards the Hatfield Road / Comet Way junction. The financial contributions will need to be secured through a legal S106 agreement, with exact triggers for payment to be agreed between the parties.



# Item 1 Appendix 4a

## Hatfield Road Quarry Groundwater Quality Data

Borehole	Zone	Analysis	Aug-13	Nov-13	Feb-14	May-14	Jun-14	Jul-14	Oct-14	Jan-15	Apr-15	Jul-15	Oct-15	Jan-16	Apr-16	Aug-16	Nov-16	Feb-17	May-17	Nov-17	Feb-18	May-18	Aug-18	Nov-18	Feb-19
BHA	UMH	Bromate (mg/L)		<0.1	<0.1	<0.1						<0.0005	<0.0005				<0.0005					<0.0005	<0.0005	<0.0005	<0.0005
BHB	LMH	Bromate (mg/L)		<0.1	<0.1	<0.1	0.0072	0.0033	0.0133	0.0108	0.0162	0.0186	0.0150	0.0170	0.0168	0.0178	0.0253	<0.0005	0.0234	0.0293	0.0252	0.0280	0.0241	0.0101	0.0139
BHC	UMH	Bromate (mg/L)		<0.1	<0.1	<0.1						<0.0005	0.0006				<0.0005					<0.0005			
BHD	UMH	Bromate (mg/L)		<0.1	<0.1												<0.0005					<0.0005	<0.0005		
BHE	UMH	Bromate (mg/L)			<0.1	<0.1						<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005
BHF	UMH	Bromate (mg/L)			<0.1	<0.1						<0.0005	<0.0005				<0.0005								
BHG	LMH	Bromate (mg/L)			<0.1	<0.1	<0.0005		<0.0005	<0.0005	<0.0005	<0.0005	0.0024	<0.0005	<0.0005	<0.0005	<0.0005			<0.0005		<0.0005	<0.0005	<0.0005	<0.0005
BHH	UMH	Bromate (mg/L)			<0.1	<0.1						<0.0005	<0.0005												
BHJ	UMH	Bromate (mg/L)				<0.1						<0.0005	<0.0005		<0.0005	<0.0005	<0.0005	<0.0005							
BHK	UMH	Bromate (mg/L)				<0.1						<0.0005	<0.0005	<0.0005											
BH101	UMH	Bromate (mg/L)	<0.1	<0.1	<0.1	<0.1	<0.0005			<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005				<0.0005	<0.0005	<0.0005	<0.0005	<0.0005
BH101	LMH	Bromate (mg/L)	<0.1	<0.1	<0.1	<0.1	0.0047	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005		<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005
BH101	CHK	Bromate (mg/L)	<0.1	<0.1	<0.1	<0.1	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005
BH102	UMH	Bromate (mg/L)	<0.1	<0.1	<0.1	<0.1	<0.0005			<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005
BH102	LMH	Bromate (mg/L)	<0.1	<0.1	<0.1	<0.1	<0.0005		<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005		<0.0005	<0.0005
BH102	CHK	Bromate (mg/L)	<0.1	<0.1	<0.1	<0.1	<0.0005		<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	0.0005	0.0006	<0.0005	<0.0005			<0.0005	<0.0005	<0.0005		<0.0005	<0.0005
BH103	UMH	Bromate (mg/L)	<0.1	<0.1	<0.1	<0.1	<0.0005			<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005				<0.0005	<0.0005	<0.0005	<0.0005	<0.0005
BH103	LMH	Bromate (mg/L)	<0.1	<0.1	<0.1	<0.1	<0.0005		<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005
BH103	CHK	Bromate (mg/L)	<0.1	<0.1	<0.1	<0.1	<0.0005		<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005
BH104	UMH	Bromate (mg/L)	<0.1	<0.1	<0.1	<0.1	<0.0005			<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005				<0.0005	<0.0005	<0.0005	<0.0005	<0.0005
BH104	LMH	Bromate (mg/L)	<0.1	<0.1	<0.1	<0.1	<0.0005	<0.0005	0.0021	0.0018	0.0009	0.0019	0.0019	<0.0005	<0.0005	0.0015	0.0008	0.0001	<0.0005	<0.0005	<0.0005	<0.0005	0.0006	0.0008	<0.0005
BH104	CHK	Bromate (mg/L)	<0.1	<0.1	<0.1	<0.1	0.0011	0.0018	0.0039	0.0042	0.0031	0.0031	0.0032	<0.0005	0.0031	0.0027	<0.0005	0.0022	<0.0005		0.0029	0.0028	0.0026	0.0023	0.0025
BH105	UMH X	Bromate (mg/L)					<0.0005			<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	0.0073	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005
BH105	LMH	Bromate (mg/L)	0.33	0.12	0.29	0.29	0.18	0.3106	0.2786	0.2997	0.3018	0.2654	0.3072	0.1999	0.2983	0.2769	0.2715	0.2649	0.2478	0.2380	0.2327	0.2359	0.1040	0.2403	0.2338
BH105	CHK	Bromate (mg/L)	<0.1	<0.1	<0.1	<0.1	0.13	0.1205	0.0243	0.1166	0.1541	0.1180	0.1383	0.0007	0.1631	0.1820	0.1965	0.1344	0.2077	0.1885	0.1737	0.2042	0.0066	0.1621	0.1786
BH106	UMH	Bromate (mg/L)	<0.1	<0.1	<0.1	<0.1	<0.0005			0.0021	0.0016	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005		<0.0005	<0.0005	<0.0005	0.0054	0.0014	<0.0005	<0.0005	<0.0005
BH106	LMH	Bromate (mg/L)	<0.1	<0.1	<0.1	<0.1	<0.0005		<0.0005	<0.0005	0.0006	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	0.0053	<0.0005	<0.0005	<0.0005	<0.0005
BH106	CHK	Bromate (mg/L)	<0.1	<0.1	<0.1	<0.1	<0.0005		<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005
BH107	UMH	Bromate (mg/L)					<0.0005			<0.0005	<0.0005	<0.0005	<0.0005												
BH107	LMH	Bromate (mg/L)					<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005												
BH107	CHK	Bromate (mg/L)					<0.0005		<0.0005	<0.0005	<0.0005	<0.0005	<0.0005												
BH108	UMH	Bromate (mg/L)					<0.0005			0.0129	<0.0005	<0.0005	<0.0005	<0.0005	0.0025	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005
BH108	LMH	Bromate (mg/L)					0.0073	0.0045	0.0048	0.0490	0.0657	0.0014	0.0374	<0.0005	0.0575	0.0414	0.0409	0.0204	0.0224	0.0192	<0.0005	<0.0005	<0.0005	0.0013	<0.0005
BH108	CHK	Bromate (mg/L)					0.2600	0.2826	0.2913	0.3222	0.3226	0.2846	0.3135	<0.0005	0.3027	0.2659	0.2758	0.2785	0.2746	0.2570	0.2493	0.235	0.2146	0.2299	0.2273
BH201 L (S)	LMH	Bromate (mg/L)					0.1100	0.1542	0.1200	0.1259	0.1309	0.1123	0.1220	0.1180	0.1299	0.1188	0.1163	0.1123	0.0782	0.1065	0.1032	0.1102	0.1702	0.0964	0.0926
BH201 L (D)	LMH	Bromate (mg/L)					0.0900	0.0863	0.0865	0.0860	0.0897	0.0761	0.0770	0.0650	0.0818	0.0769	0.0836					0.0762	0.0841		
FT101	UMH	Bromate (mg/L)	<0.1									<0.0005					<0.0005					<0.0005	<0.0005		
FT102	UMH	Bromate (mg/L)	<0.1	<0.1	<0.1	<0.1			<0.0005			<0.0005	<0.0005	<0.0005	<0.0005	<0.0005									
FT103	UMH	Bromate (mg/L)	<0.1									<0.0005													
BH301	LMH	Bromate (mg/L)															0.0033	<0.0005	<0.0005	<0.0005	<0.0005	<0.0005	0.0007	<0.0005	<0.0005
BH301	CHK	Bromate (mg/L)															<0.0005	0.0012	0.0006	<0.0005	0.0025	0.0018	0.0007	0.0008	0.0029
BH302	LMH	Bromate (mg/L)															<0.0005	<0.0005	<0.0005	<0.0005	0.0035	<0.0005	<0.0005	<0.0005	<0.0005
BH302	CHK	Bromate (mg/L)															<0.0005	<0.0005	<0.0005	<0.0005	0.0040	<0.0005	<0.0005	<0.0005	<0.0005
BH305	LMH	Bromate (mg/L)															0.5574		0.5794	0.6231	0.6089	0.4543	0.5603	0.6026	0.5631
BH305	CHK	Bromate (mg/L)															0.4107		0.5198	0.5487	0.4892	0.4777	0.4387	Well not operational	

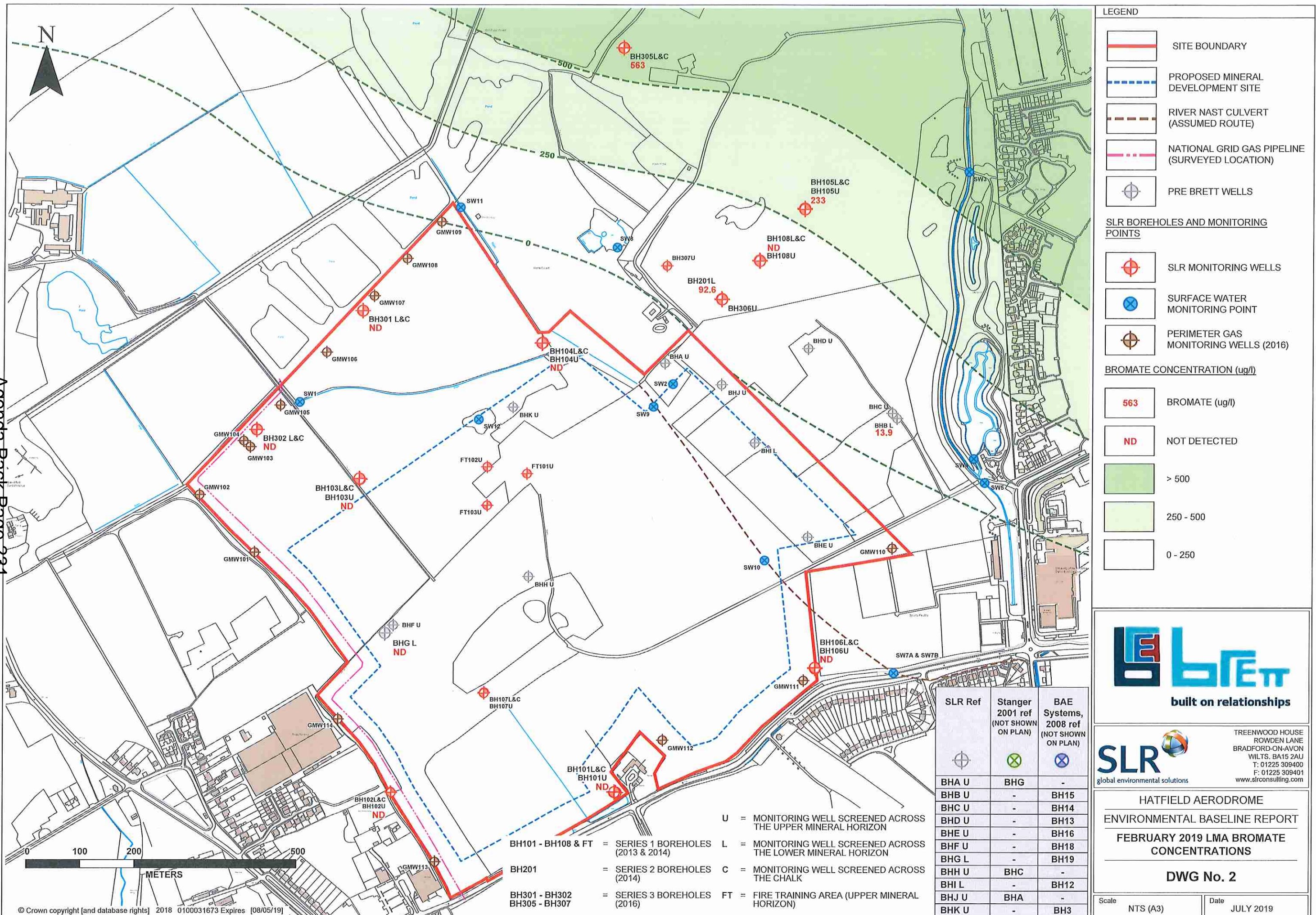


Hatfield Road Quarry  
Groundwater Quality Data

Borehole	Zone	Analysis	Aug-13	Nov-13	Feb-14	May-14	Jun-14	Jul-14	Oct-14	Jan-15	Apr-15	Jul-15	Oct-15	Jan-16	Apr-16	Aug-16	Nov-16	Feb-17	May-17	Nov-17	Feb-18	May-18	Aug-18	Nov-18	Feb-19
BH306	UMH	Bromate (mg/L)															<0.0005	<0.0005	0.0008	0.0007		<0.0005	<0.0005	<0.0005	<0.0005
BH307	UMH	Bromate (mg/L)															<0.0005	<0.0005	<0.0005	<0.0005		<0.0005			
GMW101	UMH	Bromate (mg/L)																				<0.0005			
GMW102	UMH	Bromate (mg/L)																				0.0068			
GMW103	UMH	Bromate (mg/L)																				<0.0005	<0.0005	<0.0005	<0.0005
GMW103 L	UMH	Bromate (mg/L)																				<0.0005	<0.0005	<0.0005	<0.0005
GMW104	UMH	Bromate (mg/L)															<0.0005		<0.0005	0.0052		<0.0005	<0.0005		
GMW105	UMH	Bromate (mg/L)																				<0.0005	<0.0005	<0.0005	<0.0005
GMW106	UMH	Bromate (mg/L)																				<0.0005			
GMW107	UMH	Bromate (mg/L)															<0.0005		<0.0005			<0.0005	<0.0005	<0.0005	<0.0005
GMW108	UMH	Bromate (mg/L)																				<0.0005			
GMW109	UMH	Bromate (mg/L)															<0.0005		<0.0005			<0.0005	<0.0005	<0.0005	<0.0005
GMW110	UMH	Bromate (mg/L)																				<0.0005	<0.0005		
GMW111	UMH	Bromate (mg/L)																				<0.0005	<0.0005		
GMW112	UMH	Bromate (mg/L)																					<0.0005		
GMW113	UMH	Bromate (mg/L)															<0.0005					<0.0005	<0.0005		
GMW114	UMH	Bromate (mg/L)															<0.0005					<0.0005	<0.0005		

"<" = concentrations were below the analytical method detection limit (MDL)  
The MDL changed after May 2014 as a different lab was retained to improve the MDL concentration.







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Hatfield Road Quarry  
Groundwater Quality Data - Bromide  
August 2013 - February 2019

Borehole	Zone	Analysis	Aug-13	Nov-13	Feb-14	May-14	Jun-14	Jul-14	Oct-14	Jan-15	Apr-15	Jul-15	Oct-15	Jan-16	Apr-16	Aug-16	Nov-16	Feb-17	May-17	Nov-17	Feb-18	May-18	Aug-18	Nov-18	Feb-19	
BHA	UMH	Bromide (mg/L)		0.100	0.210	<0.05						0.073	0.110				0.108					0.057	0.133	0.169	0.084	
BHB	LMH	Bromide (mg/L)		0.350	0.300	0.390	0.325	0.310	0.400	0.326	0.418	0.384	0.364	0.359	0.366	0.347	0.404	0.235	0.352	0.352	0.302	0.326	0.331	0.242	0.263	
BHC	UMH	Bromide (mg/L)		0.150	0.680	0.140						0.158	0.181				0.129					0.128				
BHD	UMH	Bromide (mg/L)		<0.05	0.280												0.260					0.189	0.189			
BHE	UMH	Bromide (mg/L)			<0.05	<0.05						0.073	0.081	0.111	0.110	0.098	0.088	0.075	0.074	0.082	0.009	0.125	0.091	0.065	0.068	
BHF	UMH	Bromide (mg/L)			0.055	0.066						0.057	0.058				0.064									
BHG	LMH	Bromide (mg/L)			<0.05	0.110	0.118		0.088	0.064	0.139	0.150	0.132	0.094	0.072	0.143	0.207			0.166		0.102	0.086	0.087	0.130	
BHH	UMH	Bromide (mg/L)			<0.05	<0.05						0.055	0.079													
BHJ	UMH	Bromide (mg/L)				0.150						0.126	<0.005		0.184	0.210	0.227	0.204								
BHK	UMH	Bromide (mg/L)				0.091						0.105	0.119	0.014												
BH101	UMH	Bromide (mg/L)	0.099	0.130	<0.05	0.150	0.203			0.080	0.077	0.105	0.113	0.093	0.098	0.112	0.121				0.086	0.072	0.120	0.093	0.086	
BH101	LMH	Bromide (mg/L)	0.120	<0.05	<0.05	0.006	0.172	0.170	0.106	0.153	0.104	0.127	0.267	0.059	0.119	0.124	0.135		0.081	0.081	0.017	0.068	0.078	0.081	0.102	
BH101	CHK	Bromide (mg/L)	0.120	0.110	0.098	0.066	0.158	0.150	0.148	0.064	0.142	0.136	0.145	0.136	0.135	0.124	0.134	0.105	0.145	0.145	0.171	0.144	0.152	0.138	0.149	
BH102	UMH	Bromide (mg/L)	0.096	0.079	0.074	0.072	0.147			0.114	0.086	0.065	0.061	0.079	0.113	0.078	0.058	0.058	0.072	0.091	0.088	0.129		0.080	0.126	
BH102	LMH	Bromide (mg/L)	0.090	0.100	0.062	0.130	0.130		0.117	0.091	0.118	0.120	0.097	0.130	0.140	0.144	0.140			0.128	0.151	0.186		0.118	0.165	
BH102	CHK	Bromide (mg/L)	0.055	0.100	0.100	0.076	0.142		0.069	0.083	0.083	0.076	0.075	0.068	0.064	0.057	0.071			0.061	0.065	0.063		0.061	0.062	
BH103	UMH	Bromide (mg/L)	0.053	<0.05	<0.05	<0.05	0.050			0.072	0.045	0.039	0.044	0.066	0.052	0.100	0.050				0.049	0.051	0.030	0.063	0.035	
BH103	LMH	Bromide (mg/L)	1.200	0.370	0.350	0.380	0.294		0.930	1.002	0.884	0.832	0.771	0.837	0.548	0.685	0.970	0.919	0.638	0.810	1.046	0.966	<0.005	0.993	1.049	
BH103	CHK	Bromide (mg/L)	0.440	0.380	0.340	0.380	0.397		0.070	0.411	0.405	0.372	0.394	0.412	0.149	0.342	0.047	0.343	0.099	0.393	0.369	0.372	0.393	0.332	0.411	
BH104	UMH	Bromide (mg/L)	0.071	0.088	0.300	0.150	0.199			0.056	0.113	0.116	0.102	0.034	0.062	0.060	0.106				0.070	0.077	0.084	0.084	0.054	
BH104	LMH	Bromide (mg/L)	0.210	0.110	0.051	0.110	0.146	0.150	0.257	0.220	0.271	0.247	0.251	0.096	0.112	0.243	0.166	0.172	0.241	0.090	0.097	0.106	0.145	0.204	0.122	
BH104	CHK	Bromide (mg/L)	0.260	0.320	<0.05	0.180	0.180	0.190	0.352	0.371	0.340	0.296	0.344	0.083	0.330	0.314	0.112	0.322	0.146		0.365	0.354	0.334	0.350	0.354	
BH105	UMH X	Bromide (mg/L)					0.202			0.161	0.169	0.590	0.140	0.185	0.194	0.344	0.138	0.126	0.156	0.115	0.096	0.161	0.112	0.152	0.088	
BH105	LMH	Bromide (mg/L)	1.100	0.520	0.140	0.890	0.619	1.047	0.830	0.991	0.910	0.869	1.001	0.692	0.915	0.840	0.893		0.788	0.775	0.788	0.808	0.858	0.773	0.794	
BH105	CHK	Bromide (mg/L)	0.610	0.100	0.400	0.380	0.480	0.465	0.218	0.499	0.566	0.456	0.538	0.170	0.599	0.666	0.710	0.484	0.710	0.655	0.651	0.669	0.162	0.605	0.665	
BH106	UMH	Bromide (mg/L)	0.052	<0.05	0.063	0.062	0.170			0.074	0.071	0.059	0.063	0.042	0.096	0.076		0.057	0.069	0.064	0.102	0.035	0.056	0.046	0.057	
BH106	LMH	Bromide (mg/L)	0.170	0.180	0.130	0.210	0.230		0.204	0.252	0.253	0.239	0.255	0.254	0.244	0.234	0.263	0.238	0.297	0.310	0.318	0.294	0.276	0.261	0.309	
BH106	CHK	Bromide (mg/L)	0.064	0.059	<0.05	<0.05	0.050		0.054	0.062	0.055	0.049	0.050	0.028	0.054	0.051	0.047	0.044	0.044	0.039	0.261	0.060	0.055	0.033	0.036	
BH107	UMH	Bromide (mg/L)					0.164			0.069	0.150	0.153	0.162													
BH107	LMH	Bromide (mg/L)					0.189	0.204	0.161	0.198	0.183	0.189														
BH107	CHK	Bromide (mg/L)					0.182		0.167	0.206	0.164	0.149	0.142													
BH108	UMH	Bromide (mg/L)					0.140			0.184	0.113	0.084	0.093	0.105	0.145	0.115	0.158	0.119	0.134	0.104	0.372	0.151	0.082	0.109	DRY	
BH108	LMH	Bromide (mg/L)					0.200	0.160	0.188	0.337	0.360	0.110	0.265	0.104	0.357	0.287	0.300	0.204	0.240	0.217	0.408	0.128	0.127	0.157	0.168	
BH108	CHK	Bromide (mg/L)					1.060	1.095	0.929	0.956	0.938	0.888	0.954	0.095	0.881	0.825	0.876	0.742	0.805	0.765	0.800	0.738	0.718	0.723	0.788	
BH201 L (S)	LMH	Bromide (mg/L)					0.500	0.569	0.573	0.611	0.554	0.549	0.080	0.542	0.556	0.528	1.385	0.494	0.397	0.514	0.548	0.486	0.466	0.469	0.499	
BH201 L (D)	LMH	Bromide (mg/L)					0.370	0.383	0.397	0.421	0.416	0.359	0.391	0.323	0.373	0.394	0.409					0.378	0.371			
FT101	UMH	Bromide (mg/L)	0.070									0.043					0.047					0.042	0.032			
FT102	UMH	Bromide (mg/L)	<0.05	<0.05	<0.05	<0.05			0.033			0.042	0.041	0.031	0.034	0.029										
FT103	UMH	Bromide (mg/L)	<0.05									0.047														
BH301	LMH	Bromide (mg/L)															0.450	0.446	0.452	0.490	0.319	0.272	0.453	0.410	0.215	
BH301	CHK	Bromide (mg/L)															0.950	0.678	0.832	0.810	0.880	0.459	1.386	0.663	0.660	
BH302	LMH	Bromide (mg/L)															1.794	0.087	1.079	1.478	1.875	1.963	1.821	1.976	2.280	
BH302	CHK	Bromide (mg/L)															0.235	1.463	0.227	1.744	1.868	1.733	1.998	1.977	1.898	
BH305	LMH	Bromide (mg/L)															1.538		1.437	1.396	1.581	1.346	1.389	1.338	1.397	
BH305	CHK	Bromide (mg/L)															1.377		1.265	1.177	1.185	1.101	1.178	Well not operational		
BH306	UMH	Bromide (mg/L)															0.077	0.100	0.113	0.109		0.160	0.108	0.096	0.087	
BH307	UMH	Bromide (mg/L)															0.133	0.128	0.131	0.138		0.162				

Units are mg/l. Multiply by 1,000 to convert to ug/l.  
'<' means concentrations were below the method detection limit (MDL)  
The MDL changed after May 2014 as a different laboratory was retained to improve the MDL

Hatfield Road Quarry  
Groundwater Quality Data - Bromide  
August 2013 - February 2019

Borehole	Zone	Analysis	Aug-13	Nov-13	Feb-14	May-14	Jun-14	Jul-14	Oct-14	Jan-15	Apr-15	Jul-15	Oct-15	Jan-16	Apr-16	Aug-16	Nov-16	Feb-17	May-17	Nov-17	Feb-18	May-18	Aug-18	Nov-18	Feb-19
GMW101	UMH	Bromide (mg/L)																				0.043			
GMW102	UMH	Bromide (mg/L)																				0.054			
GMW103	UMH	Bromide (mg/L)																				<0.005	2.097	1.038	1.400
GMW103 L	UMH	Bromide (mg/L)																				0.163	0.153	0.138	0.381
GMW104	UMH	Bromide (mg/L)															0.080		0.120	0.288		0.078	0.053		
GMW105	UMH	Bromide (mg/L)																				0.207	0.223	0.062	0.116
GMW106	UMH	Bromide (mg/L)																				0.080			
GMW107	UMH	Bromide (mg/L)															0.367		0.279			0.167	0.205	0.208	0.162
GMW108	UMH	Bromide (mg/L)																				0.116			
GMW109	UMH	Bromide (mg/L)															0.288		0.200			0.107	0.142	0.174	0.074
GMW110	UMH	Bromide (mg/L)																				0.059	0.063		
GMW111	UMH	Bromide (mg/L)																				0.067	0.054		
GMW112	UMH	Bromide (mg/L)																					0.028		
GMW113	UMH	Bromide (mg/L)															0.084					0.066	0.058		
GMW114	UMH	Bromide (mg/L)															0.040					0.010	0.077		

Units are mg/l. Multiply by 1,000 to convert to ug/l.  
'<' means concentrations were below the method detection limit (MDL)  
The MDL changed after May 2014 as a different laboratory was retained to improve the MDL

Mr Chay Dempster  
Hertfordshire County Council  
Minerals & Waste Planning  
County Hall Pegs Lane  
Hertford  
Hertfordshire  
SG13 8DN

**Our ref:** NE/2016/124652/03-L01  
**Your ref:** PL\0755\16  
**Date:** 28 August 2019

Dear Chay

**Land at Hatfield Aerodrome, off Hatfield Road**

**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.**

Thank you for consulting us on the additional information.

We have now reviewed:

- Bromate Plan and dataset version 2, 7 August 2019
- Environmental Baseline report, bromate contours, February 2019

This information shows that the February 2019 bromate plume boundary in the Lower Mineral Aquifer is similar to that presented for this planning application back in 2016. However, before we can formally re-recommend the Water Management Plan planning condition we would like to see current (2019) bromide monitoring results for the site.

The reason for this is that in our response to the 2019 Hertfordshire County Council Minerals Plan consultation, we advised that:

1. No mineral is extracted from within the existing plume of bromate and bromide groundwater pollution.
2. Any activities close to the plume must not change the existing hydrogeological flow regime.
3. Any activities close to the plume must not interfere with the remediation of the bromate and bromide pollution.

This pollution is being regulated under Part 2a of the Environmental Protection Act 1990. As part of this legal process, a Planning Inspector's Report on a Public Inquiry held in 2007 found that:

- whilst 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.
- bromate does not occur naturally in soil or water.
- background levels of bromide in groundwater, in the Hatfield Area, are 50-100 ug/l.

The Planning Inspector took the view that any concentrations at or above 0.5 ug/l bromate are within the plume of pollution. In practice, as agreed for the neighboring CEMEX Hatfield Quarry extension into Furze field (PL\0820\16, our response reference NE/2016/126121/01), the 2 ug/l limit of detection may be used to define the boundary of the bromate plume. This is below the 10 ug/l UK Drinking Water Standard and below the 5 ug/l Required Concentration Standard featured in the Remediation Notices dated 2009 and 2019 served on the parties responsible for the pollution.

The Planning Inspector also took the view that any concentrations at or above 125 ug/l bromide are within the plume of pollution. This is below the 500 ug/l Required Concentration Standard featured in the Remediation Notices dated 2009 and 2019 served on the parties responsible for the pollution. Bromide does not have a UK Drinking Water Standard. It is difficult to define the bromide plume boundary caused by pollution from the Contaminated Land Special Site because bromide occurs naturally in groundwater and in road-grit-salts.

In the CEMEX planning application (PL\0963\18 - Land Adjoining Coopers Green Lane, Hatfield Quarry, Oaklands Lane) the associated technical documents assert that bromide concentrations near Hatfield may be higher than concluded by the Planning Inspector in 2007.

If further evidence comes to light demonstrating that current background bromide concentrations near Hatfield in the groundwaters of the Lower Mineral Aquifer and the Chalk aquifer are higher than 125 ug/l then we will reconsider the bromide plume boundary definition.

Should you have any queries please contact me.

Yours sincerely

**Mr Kai Mitchell**  
**Sustainable Places Planning Specialist**

Tel: 0203 0259074

E-mail [HNLsustainablePlaces@environment-agency.gov.uk](mailto:HNLsustainablePlaces@environment-agency.gov.uk)

Mr Chay Dempster  
Hertfordshire County Council  
Minerals & Waste Planning  
County Hall Pegs Lane  
Hertford  
Hertfordshire  
SG13 8DN

**Our ref:** NE/2018/128672/02-L01  
**Your ref:** PL\0755\16  
**Date:** 3 January 2019

Dear Chay

**Land at Hatfield Aerodrome, Off Hatfield Road**

**Discharge of condition 31 - groundwater management plan.**

Thank you for consulting us on the new Groundwater and Water Management Plan. Prepared for Brett Aggregates Limited by SLR Consulting Limited. SLR Ref: 403.01009.00190. DRAFT Version 3. Date: November 2018.

The document is submitted as a discharge of condition and the title and introduction of the main report are phrased in terms of the planning having been granted. The document may need to be updated once any decision notice is final, to ensure it reflects the correct planning condition numbers and the wording of the planning conditions.

We support the proposal presented in section 1.2.2, that states:

*"This is an initial water management plan and provides an overview of how water will be managed during the development of the site. It is proposed that prior to the commencement of mineral extraction in each phase a phase specific water management plan will be prepared and submitted to the Mineral Planning Authority."*

We also support the arrangements presented in Section 2.2.2 that the Lower Mineral Horizon will only be pumped in small areas within each phase following consultation with key stakeholders and the approval of Brett Aggregates Managing Director and provided there is capacity in the Lower Mineral Lagoon, and that water levels in the Upper Mineral Lagoon remain 1 metre or more higher than water levels in the Lower Mineral Lagoon.

We welcome the changes that have been made to Section 2.3 Infiltration Lagoons to clarify which water will flow into which lagoon and to emphasise the importance of segregating waters from the upper and lower mineral horizons.

We also welcome the insertion of Section 2.3.1 Lagoon Maintenance, in particular that it will be a topic for the proposed regular meetings with stakeholders.

We do have the following queries:

1. Will there be different pipelines conveying water across the site from the upper and

Cont/d..

lower mineral horizons and if s will these will be clearly marked to avoid misconceptions? Similarly, will the Diverted River Nast culvert, presented in part 6 of Section 2.3.3 Operational Water Management, be a separate pipeline to avoid confusion with the back-drain within the engineered buttress?

2. If the River Nast is flowing then groundwater in the Upper Mineral Horizon will be very shallow. Will this be the level of the back-drain? The drawing entitled INFILTRATION LAGOONS & BUTTRESS SCHEMATIC SECTIONS doesn't indicate levels with respect to Ordnance Datum. Is there a different drawing which indicates this?

We appreciate the revision of Section 2.3.5 Lagoon Discharge Management to emphasise the importance of segregating waters from the upper and lower mineral horizons and I take point 3 to mean approval in writing from the Managing Director.

As stated in 128672/01, we are reassured that the regular performance reviews and progress meetings with key stakeholders are now proposed for the duration of the development, as presented in 2.3.6 Performance Reviews and Progress Meetings. Thank you for expanding on the environmental and operational factors and the system performance topics that may be discussed. We agree with the statements that *"There will be 6 monthly review meetings for the duration of the development. ... It is proposed that these meetings are attended by the Environment Agency, Herts CC and Affinity Water. The frequency of these meetings will not be reduced unless all parties agree and additional meetings or sharing of data will occur as and when required to discuss any issues that arise, significant changes in monitoring results, or proposed significant changes to operational practice."*

We are reassured that throughout the document it is stated that the construction of buttresses and bunds etc. will be constructed to accepted industry standards and subject to CQA.

Section 3.2 Monitoring Locations and Sampling Schedule includes an "Error! Reference source not found." which should be rectified in subsequent versions.

We support the inclusion of section 3.2.1 Water Level Monitoring and the proposed use of data loggers in boreholes and water level loggers in each of the lagoons.

The revisions to Table 3-1 Groundwater and Surface Water Monitoring Plan are helpful for clearly showing monitoring purpose and analytical suite. However, the footnotes are a little confusing. They begin at '3', the 'key' in the footnotes includes 2 'A's:

- A – *Additional voluntary monitoring*
- A – *Annual*

and possibly some of the footnotes duplicate the information in the columns.

The inclusion of Table 3-2 Groundwater and Surface Water Analysis Suites and revisions to Table 3-3 Groundwater and Surface Water Analysis Suites are also helpful.

We are reassured to see that 3.4 Monitoring and Reporting Programme includes the statement that *"provision is made to continue the approved monitoring (i.e. permit requirements and this GWMP) for a period of 10 years post closure."* We are also satisfied to see that this section includes more specific details on the submission of monitoring reports, when, to whom and under which regime. This section now appears to incorporate Section 3.6 Data Distribution from the previous draft of the document, which we note is absent from this version. This is acceptable as long as all the information the old section 3.6 contained is amalgamated into other sections of this



report.

Section 3.5 Contingency Actions includes a broken reference link - *Error! Reference source not found* which should be rectified in subsequent versions.

Should you have any queries please contact me.

Yours sincerely

**Mr Kai Mitchell**  
**Sustainable Places Planning Specialist**

Tel: 0203 0259074

E-mail: [HNLsustainablePlaces@environment-agency.gov.uk](mailto:HNLsustainablePlaces@environment-agency.gov.uk)

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Mr Chay Dempster  
Hertfordshire County Council  
Minerals & Waste Planning  
County Hall Pegs Lane  
Hertford  
Hertfordshire  
SG13 8DN

**Our ref:** NE/2016/124652/04-L01  
**Your ref:** PL\0755\16  
**Date:** 10 October 2019

Dear Chay

**Land at Hatfield Aerodrome, Off Hatfield Road**

**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.**

Thank you for consulting us with the additional information (Hatfield Road Quarry. Groundwater Quality Data - Bromide. August 2013 - February 2019). We have considered previously submitted information and would like to amend our groundwater condition (from our response ref NE/2016/124652/02-L01 dated 2/9/2017).

**Environment Agency position**

Controlled waters are particularly sensitive in this location because the proposed development site lies close to groundwater pollution of bromate and bromide from an off-site source.

As previously stated, we advise 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.

The submitted information demonstrates that it will be possible to fulfil these points and manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a Water Monitoring & Management Plan. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework.

Without this condition we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

### **Condition**

The development hereby permitted shall not commence until a Water Monitoring & Management Plan, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

### **Reasons.**

To protect controlled waters throughout the mineral extraction phasing, ensuring;

- 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

To ensure there is 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.

The Water Monitoring and Management Plan 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.
4. a mechanism for periodic review.

The plan should include monitoring and reporting programs, location of monitoring points including additional monitoring boreholes particularly in the vicinity of the infiltration lagoons, analytical suites, limits of detection and groundwater level monitoring. Details of contingency actions in the event of impact shall also be included.

The two infiltration lagoons and back drain shall be constructed in accordance with the approved Groundwater Management Plan prior to the commencement of mineral extraction.

Groundwater monitoring shall be conducted by the Mineral Operator in accordance with the long-term groundwater monitoring plan for the lifetime of the development.

Prior to mineral extraction in each Phase, the Groundwater Management plan shall be reviewed and an updated plan submitted and approved in writing by the Mineral Planning Authority.

The management of water shall be carried out in accordance with the approved Plan, or

as otherwise agreed by the Mineral Planning Authority under the periodic review process, for the lifetime of the development.

### **Advice**

Soils affected by contamination may be encountered at the start of the development (e.g. topsoil removal), owing to the site history as an aerodrome.

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005

'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the [hazardous waste](#) pages on gov.uk for more information.

### **Permit information**

The proposed infilling activities on this site have been granted a permit for inert landfill (Case reference: EAWML 403832, Permit number: EPR/EB3808HD) under the Environmental Permitting Regulations (England and Wales) 2016.

We considered the following areas of potential harm when we assessed and approved the permit application:

- Management - evidence that the operator has an environmental management system, will install site security and be adequately financed. We will consider implications for multiple operator installations and how the operator will deal with accidents.
- Operations - evidence that the operator has considered the entire landfill life cycle, including the landfill design and its construction (landfill engineering), the day to day operation of the site (including how they will confirm they are only accepting wastes appropriate for this site) and how they plan to close the site and manage it to prevent pollution during the aftercare phase once waste disposal stops.
- Emissions and monitoring - evidence that the operator will manage permitted emissions to water, air and land to prevent or where that is not possible, reduce pollution. Evidence that the operator has procedures in place to manage the impact of odour, noise and pests, and that emissions from the site will be monitored to confirm that mitigation measures are effective.

Yours sincerely

**Mr Kai Mitchell**  
**Sustainable Places Planning Specialist**

Tel: 0203 0259074

E-mail [HNL.SustainablePlaces@environment-agency.gov.uk](mailto:HNL.SustainablePlaces@environment-agency.gov.uk)

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Hertfordshire County Council  
Spatial Planning & Economy Unit  
County Hall  
Pegs Lane  
Hertford  
SG13 8DN

For the attention of: Chay Dempster

**By post and e-mail**

20 May 2019

Dear Sirs

***Planning application reference PL\0755\16 for the establishment of a new quarry on land at the former Hatfield Aerodrome by Brett Aggregates Limited***

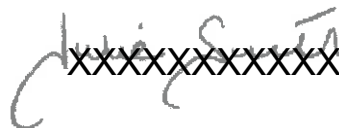
I write further to our letters of objection to above application made on 13 August and 18 December 2018.

We have received an undertaking from the applicant that it will not commence extraction of mineral from the Lower Mineral Horizon until it has entered into an operating agreement with us. We have also agreed heads of terms relating to this operating agreement.

We are satisfied that these arrangements will provide us as the appointed water undertaker with a direct ability to ensure that sources of water that we use for public water supply are protected during quarrying activity. We therefore withdraw our objections to the above application.

We have also further considered the question of planning conditions and can confirm that having reviewed the position we do not consider that any additional or amended condition is necessary. In our view, the Groundwater Management Plan condition proposed by and agreed with the Environment Agency is appropriate and adequate in accordance with the relevant Government guidance.

Yours faithfully

  
XXXXXXXXXXXXXXXXXXXX

Julie Smith  
Head of Legal Services

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