



TOWN & COUNTRY PLANNING ACT 1990

PLANNING APPEAL UNDER SECTION 78

AGAINST THE REFUSAL OF PLANNING PERMISSION

APPLICATION FOR:

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 the former Hatfield Aerodrome

LPA reference: 5/0394-16

HERTFORDSHIRE COUNTY COUNCIL

STATEMENT OF CASE

APPEAL REFERENCE:

APP/M1900/W/21/3278097

August 2021

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1. Site Context

- 1.1 The appeal site (“the site”) comprises 87.1 hectares area of land to the west of the urban area of Hatfield located between Ellenbrook and Smallford, as shown on the site location (Appendix A.1). The site is within the Metropolitan Green Belt.
- 1.2 The site bridges the administrative boundaries of St Albans District Council (“SADC”) and Welwyn Hatfield Borough Council (“WHBC”). The large majority of the site falls within St Albans District.
- 1.3 The Appellant is Brett Aggregates UK. The landowner is Arlington Business Parks GP Ltd. The Mineral Planning Authority is Hertfordshire County Council (“HCC”).
- 1.4 The site was last used as an airfield for Hatfield Aerodrome. The site occupies the western end of the former runway and infield. Hatfield Aerodrome was used for the manufacture, maintenance and testing of aircraft associated with British Aerospace (BAe Systems) until the mid-1990s. The runway and associated buildings and structures have all been removed.
- 1.5 In December 2000 planning permission was granted for demolition of the former aerodrome buildings and runway and the development of a business park comprising storage and distribution uses, offices, residential and playing fields for Hatfield University¹. The associated section 106 agreement provides for the establishment of a country park

¹ S6/1999/1064/OP - demolition of existing (unlisted) buildings, removal of runway and other hard standing areas and redevelopment for the following purposes: as a business park comprising uses within use class B1, B2, B8 and sui generis use; housing; new university campus (use class D1 and D2) to include replacement de Havilland sports and social club and associated playing fields; two hotels; primary school and associated facilities; district centre; works of conversion to enable recreation use of existing listed hangar; aviation heritage centre. Together with associated highway, transport and service infrastructure (including a strategic transport corridor), landscaping and open space, diversion of Ellenbrook. Means of access to be determined

(Ellenbrook Park) on 418 hectares of land to the west of The Ellenbrook.

- 1.6 No alternative use(s) has been established at the site since it was last used as an airfield although temporary uses have included a film set for short periods prior to 2010.
- 1.7 In 2010 WHBC agreed interim landscaping proposals with the then landowner² in consultation with SADC and HCC. Since 2010 open public access has been permitted on the site.
- 1.8 The site is bounded to the south by the A1057. The adjoining land uses comprise: silt lagoons associated with Hatfield Quarry to the north, woodland (Home Covert) and grazing enclosures to the north/east, open fields and playing fields to the east/south east, Popefield Farm and Barns (Grade II listed) adjoining the A1057, and Notcutts plant nursery and recent residential development of some former plant nurseries and existing residential properties on Oaklands Lane.

Landscape

- 1.9 The site falls within the De Havilland Plane Landscape Character Area characterised by an extensive level plan with extensive areas of agriculture in the north and mineral workings (existing and restored) to the south. A study of historic maps shows the field boundaries which existed prior to 1930 were removed by the construction of the airfield at Hatfield Aerodrome in the 1930s and more widely as a result of agricultural intensification from the 1950s.
- 1.10 Views within the site are generally open. There is some limited woodland cover in the north (Home Covert). The active mineral workings at Hatfield Quarry are evident to the north of the site. The

² Goodman Business Parks UK Ltd

dominant view within the site is of the large warehouses at Hatfield Business Park to the east. Other significant visual features locally are the processing plant site at Hatfield Quarry on Oaklands Lane and large expanse of glasshouses at Smallford.

Ecology

- 1.11 The site has extensive grassland coverage with small areas of recent woodland plantations. Habitat types consist of a mix of grassland habitats, successional communities, tall ruderal growth, hedgerows, scattered/ dense scrub and recent plantation areas. The site also includes 9 water bodies with small ponds, watercourses and open ditches. Population surveys record a medium population of Great Crested Newts in ponds across the site and potential links to the adjoining Hatfield Quarry workings to north. There are further GCN populations on land north of the site. The site is home to locally important bird species.

Mineral deposit

- 1.12 The mineral deposit is formed in upper and lower mineral horizons separated by a clay interburden. The borehole data indicates the depth of mineral deposit extends to between 16 and 18m below existing ground levels. The proposal is to work the upper and lower mineral horizons to 1m above the chalk bedrock.
- 1.13 The groundwater beneath the site comprises an upper and a lower aquifer broadly consistent with the upper and lower mineral horizons.

Hydrology

- 1.14 Groundwater in the lower aquifer is contaminated with Bromate originating from a formal chemical works at Sandridge approximately 2.9km north west of the site. The “Bromate Plume” has been subject to a remediation notice which sets out the steps involved in the treatment of contaminated water at the Hatfield Rise pumping station. Remediation continues under a second remediation notice since January 2019.
- 1.15 In January 2018 the Environment Agency issued a waste permit³ to allow infilling of the mineral void using imported inert wastes.

2. Application proposals

- 2.1 The application proposes the extraction of 8 million tonnes of sand and gravels. The mineral working would be reclaimed to pre-extraction ground levels by back-filling the mineral void using indigenous clays and mineral waste plus imported inert wastes⁴.
- 2.2 The proposed mineral working consists of 7 sequential phases (A to G) each lasting approximately four years. The development including restoration would last for 32 years.
- 2.3 The development includes a new access onto the A1057, aggregate processing plant, concrete batching plant, construction of a haul road, upper and lower mineral lagoons, new electricity sub-station, office accommodation, small stores and maintenance building.

³ EB3808HD/V002

⁴ The Environmental Permit restricts the type and volumes of waste for disposal at the site, including wastes from mineral excavation, construction and demolition (concrete, bricks, soils, ceramics etc.) at a maximum volume of 250,000 tonnes per year

- 2.4 The processing plant is located on the northern boundary of the site connecting with the new access on the A1057 via a new haul road along the western boundary. The length of the haul road is approximately 800m. The haul road includes weighbridges (1 in/1 out) and office building located close to the A1057 access.
- 2.5 The layout of the processing plant has the screening and batching plants in the centre with the silt lagoon on the east side and large surge stockpile (up to 80,000m³) to the west adjacent to Home Covert.
- 2.6 The initial site establishment works involve the construction of the new access, haul road, screening plant, concrete batching plant, upper and lower mineral lagoons, and perimeter screen bunds. Soils would be stripped for the processing plant and lagoons and placed into perimeter bunds around the processing plant, Popefield Farm and University sports fields and retained in situ for the duration of the development.
- 2.7 Each phase of the mineral working would be worked on a campaign basis. The method involves digging ballast using a 360 backactor which is loaded into articulated haulers and transported to the processing plant via temporary haul roads. At the plant site the ballast is unloaded into a large surge stockpile and transported the short distance to the screening plant using a loading shovel. The screen plant grades the ballast material into sands and gravels. The graded material is exported from site and used on site to serve the concrete batching plant. The annual output of sands and gravels is an estimated 250,000 tonnes.
- 2.8 The mineral and infilling operations combined would generate a total of 174 HGV movements per day (87 in/87 out) via the new access onto the A1057. The proposed section 106 agreement would provide for necessary improvements to key junctions between the site access and the A1000.

- 2.9 Post reclamation the site would be restored to a mix of habitat areas, conservation grazing and public access shown on the illustrative restoration plan (HQ 3/11A). The upper and lower mineral lagoons would be retained in a smaller form. The processing plant would be restored for nature conservation. The access would be retained for a new car park for future users of Ellenbrook Park. The landowner has agreed a network of new definitive routes as part of the s106.

3. Policy

Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2007 (“HMLP Review”)

The aims and objectives⁵ of the HMLP Review include

1. to encourage the efficient use of materials, maximizing recycling of secondary aggregates and thereby reduce the use of primary aggregates
2. to identify and safeguard mineral resources necessary to maintain sufficient and appropriate levels of current and future supply from environmentally acceptable sources
3. 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
4. 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

Minerals Policy 1 (Aggregate Supply) provides for the extraction of proven economic mineral reserves where necessary to maintain adequate supplies to meet the county’s agreed apportionment of regional supply and maintenance of an appropriate landbank of sand

⁵ Paragraph 2.3

and gravel reserves throughout the Plan period, including appropriate contributions to regional needs.

Minerals Policy 2 (Need for Mineral Supply) lists factors to be considered in the determination of mineral applications, including:

- the quantity of the permitted reserve;
- the rate and timescale at which the permitted reserves will be worked;
- the proposed rate and timescale for working the deposit;
- the existence of mineral resources within Preferred Areas⁶; and
- the particular nature and qualities of the mineral deposit concerned

Minerals Policy 3 (Sites for mineral working) identifies Specific Sites⁷ with permission for sand and gravel extraction and Preferred Areas⁸ for future mineral working. Planning permission for mineral working within Preferred Areas will be permitted only in order to contribute to maintaining the County's appropriate contribution to local, regional and national aggregate needs, including the maintenance of a landbank, and applications that fulfil the Preferred Area identified in the Inset Maps.

Minerals Policy 4 (Sites outside Preferred Areas) says applications for aggregate extraction outside of Preferred Areas will be refused planning permission unless; there is a need for the proposal to maintain appropriate supplies and the landbank is below the required level; and it can be demonstrated the proposal would not prejudice the timely working of Preferred Areas; or mineral sterilisation would occur

⁶ shown as being desirably worked at an early stage of the Plan period

⁷ Specific Sites are active mineral extraction sites or sites with a resolution to grant planning permission, and included: Dobbs Weir, Hatfield Quarry (including Symondshyde Farm); Hoddesdon Quarry, Pole Hole Quarry; Tyttenhanger Quarry; Water Hall Quarry; Westmill Quarry

⁸ PA1: Bae (Hatfield Aerodrome); PA2: Rickneys Quarry (Nr Hertford); PA3: Coursers Road (Tyttenhanger Quarry)

Minerals Policy 9 (Contribution to biodiversity) requires proposals for mineral working to provide opportunities to contribute to the delivery of national, regional and local biodiversity action plan targets where appropriate.

Minerals Policy 11 (Cumulative Impact) does not permit development which would result in an unacceptable cumulative impact on the environment of an area, either in relation to an individual proposal having regard to the collective effect of different impacts, or in relation to the effects of a number of minerals developments occurring either concurrently or successively.

Minerals Policy 12 (Landscape) requires development proposals to:

- respect landscape character during the operations and reclamation;
- ensure distinctive landscape features are protected from impacts of development;
- be accompanied by landscape conservation, design and management measures that both strengthen the character and enhance the condition of the landscape.

The County Council will have regard to the visual impact of proposals (including any proposed mitigation measures to minimise visual or other intrusion) on sensitive land uses, including areas of public access.

Minerals Policy 13 (Reclamation scheme) states the County Council will not allow land worked for minerals to become derelict or remain out of beneficial use. All applications for mineral workings must be accompanied by a detailed, comprehensive proposal for progressive reclamation wherever practical. The proposed restoration and afteruse should be integral with the design of the proposed workings as a whole, irrespective of the proposed afteruse.

The County Council will refuse applications for mineral working if the proposal would not provide for restoration, afteruse and a programme for aftercare covering a five-year period; where

- the restoration or afteruse would be inconsistent with the landscape character of the area, or involve detrimental environmental impact (including the impact on the highway network); or, although feasible, would be unlikely to occur within a reasonable timescale; or restoration details are considered inadequate; or there is
- no satisfactory arrangement to effectively secure the site for restoration and aftercare, or it has not been demonstrated that the site will be satisfactorily reinstated.

Minerals Policy 14 (Afteruse) requires operators to facilitate proposals for sustainable afteruse as part of the reclamation scheme and afteruse. Proposals should:

- respect and/enhance the local character of the area;
- benefit the local community;
- support and diversify the local economy;
- provide improved or increased public access to the countryside and recreation and create public open space; create or enhance existing water bodies for wildlife;
- create new water bodies for sport and recreation; and
- support biodiversity action plan objectives and promote sustainable forms of transport such as cycling.

All after-use proposals must be acceptable in terms of traffic impact both on the highway and on local communities

Minerals Policy 15 (Landfill) requires reclamation of mineral workings using waste to demonstrate that disposal of waste is necessary to achieve the restoration proposals. The County Council requires infilling of mineral voids to be achieved within an appropriate timescale and which minimises settlement. For restoration involving inert fill applicants must be able to demonstrate that sufficient fill is likely to be available to

achieve the proposed restoration at the required rate, and sufficient resources will be made available for site preparation, reinstatement and restoration. Permission may be refused if it cannot be demonstrated that suitable material is available.

The County Council will have particular regard to the standard of restoration which can be achieved and, where appropriate, to the past and present restoration record of the operator when determining such applications, and permission will be refused where there is serious doubt as to whether satisfactory restoration can be achieved.

Minerals Policy 16 (Transport) supports proposal which provide for the transport of minerals by non-road transport such as water or rail. Permission for mineral working will only be permitted when provisions for vehicle movement within the site, access to the site, and the conditions of the local highways network are such that traffic generated by the proposed development, including afteruse, would not have an unacceptable impact on highway safety, effective operation of the road network, residential amenity or the local environment.

In assessing the likely impact of traffic associated with the development consideration will be given to any highway improvements, traffic management or other mitigating measures that may be provided in association with the development. Applicants must demonstrate, by a detailed transport appraisal, that the safest and least environmentally damaging methods of transporting minerals from extraction/production to markets, that are practically achievable, are used.

Planning permission will normally only be granted for the extraction of minerals which are transported via Primary and Distributor Roads (as defined in the County Council's Local Transport Plan).

Minerals Policy 17 (Criteria for control of mineral development)

requires all proposals for mineral extraction and related development to: avoid permanent loss, damage or significant irreversible change affecting critical capital/environmental assets;

- include proposals for mitigation and provide for maintenance and enhancement of critical capital/environmental assets, where appropriate
- not result in permanent loss in the quantity/quality of best and versatile agricultural land;
- not permit negative quantitative and /or qualitative impact on the water environment, including main rivers, watercourses and groundwater (related to the proposed development and/or afteruse) unless appropriate measures can be imposed to mitigate any harmful effects;
- not increase the risks of flooding;
- not result in the net reduction in either the quantity or quality of woodland, trees or hedges

Minerals Policy 18 (Operational criteria for development control)

requires all proposals for mineral extraction and related development to:

- include a comprehensive scheme of working and restoration;
- demonstrate a satisfactory restoration landform, including full details of landscaping and long-term land management appropriate to the area, secured within a reasonable timescale ;
- include measures to minimise visual intrusion and any adverse impact on the local landscape;
- incorporate appropriately defined buffer zones to safeguard sensitive land-uses, taking account of: topography/hydrology of the site and surrounding areas; natural and manmade features, landscape features, roads, etc. which may reduce the impact of development; direction of the prevailing wind; proximity of sensitive land-uses including dwellings; the duration and direction of the proposed working; and location of

plant and other ancillary development;

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

Preferred Area 1: Land at former British Aerospace, Hatfield (Inset Map 6)

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 ref S6/1999/1064/OP for the BAe site as a whole to deliver the proposed Country Park.
- Any proposals to exclude extraction from parts of the preferred area should be fully justified to avoid unnecessary sterilisation.
- Appropriate buffer zones will be required to protect the amenity of residents at Ellenbrook, Smallford and Popefield Farm.
- A landscaped buffer zone incorporating Ellenbrook Linear Park shall be provided to the eastern part of the site.
- The site lies within the Watling Chase Community Forest, and so there is potential for restoration to include extensive new woodland combined with suitable amenity use.
- Appropriate measures shall be incorporated to ensure that Home Covert is not adversely affected.

- The site is a possible area of archaeological interest and any proposals should include provision for archaeological investigations.
- The Environment Agency wish to ensure the provision of a buffer strip adjacent to the Ellen Brook (minimum 30m between any excavation and top of riverbank of which 20m should be vegetated and free of development) in order to protect both the integrity of the watercourse and the ecology associated with the watercourse, and the river corridor; and
- The final restoration shall provide for the reinstatement of the River Nast to its original course in open channel through the site with appropriate buffer strips defined on each side of the watercourse.
- The site lies over an area contaminated with a plume of Bromate. A more robust risk assessment may be required at this site in order to determine the risk of impact on the Three Valleys Water source at the public water source at Bishops Rise.
- The area lies over both groundwater protection zones II and III. The Environment Agency will object to the use of landfill for restoration in zone II unless it can be demonstrated that the waste used will be non-polluting matter such as inert, naturally excavated material. The Agency will not usually object to landfilling in zone III, provided it can be proved that the risk of pollution of groundwater can be mitigated. Proposals for individual landfills will be determined in detail at the application stage

National Planning Policy Framework 2021⁹

2: Achieving sustainable development

The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development via the planning system three overriding objectives; economic, social and environmental¹⁰. At the heart of the NPPF is the presumption in favour of sustainable development¹¹.

⁹ The NPPF sets out the Government's planning policies and how they should be applied.

¹⁰ Paragraph 8

¹¹ Paragraph 10

For decision making this means: approving development proposals that accord with an up-to-date development plan without delay; or where development plan policies are out-of-date, granting permission unless; the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole¹²

3: Plan Making

Strategic policies should set out an overall strategy for the pattern, scale and design quality of places and make sufficient provision for:

- Housing
- Infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and heat
- Community facilities; and
- Conservation and enhancement of the natural, built and historic environment, including landscape and green infrastructure, and planning measures to address climate change mitigation and adaption

4: Decision Making

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise¹³.

Local planning authorities may give weight to relevant policies in emerging plans according to¹⁴:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

¹² Paragraph 11

¹³ Paragraph 47

¹⁴ Paragraph 48

- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

6: Building a strong, competitive economy

Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development¹⁵.

8: Promoting healthy and safe communities

Planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible, and enable and support healthy lifestyles¹⁶.

Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change¹⁷. Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks¹⁸.

¹⁵ Paragraph 81

¹⁶ Paragraph 92

¹⁷ Paragraph 98

¹⁸ Paragraph 100

9: Promoting sustainable transport

Transport issues should be considered from the earliest stages of plan-making and development proposals, to address: the potential impacts of development on transport networks; opportunities from existing or proposed transport infrastructure, to identify opportunities to promote walking, cycling and public transport use; the environmental impacts of traffic and transport infrastructure¹⁹. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe²⁰. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed²¹

13. Protecting Green Belt land

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence²². Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land²³.

¹⁹ Paragraph 104

²⁰ Paragraph 111

²¹ Paragraph 113

²² Paragraph 137

²³ Paragraph 138

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances²⁴. 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 considerations²⁵.

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt (subject to specific exceptions)²⁶. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include mineral extraction and engineering operations²⁷.

14: Meeting the challenge of climate change, flooding and coastal change

When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment²⁸. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate²⁹.

²⁴ Paragraph 147

²⁵ Paragraph 148

²⁶ Paragraph 149

²⁷ Paragraph 150

²⁸ Paragraph 167

²⁹ Paragraph 169

15: Conserving and enhancing the natural environment

Planning policies and decisions should contribute to and enhance the natural and local environment by³⁰:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- 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. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate

Planning policies and decisions should ensure that³¹:

- a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- 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
- adequate site investigation information, prepared by a competent person, is available to inform these assessments

³⁰ Paragraph 174

³¹ Paragraph 183

Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should³²:

- 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;
- identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement³³.

The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning

³² Paragraph 185

³³ Paragraph 186

issues should not be revisited through the permitting regimes operated by pollution control authorities³⁴.

16: Conserving and enhancing the historic environment

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting³⁵. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal³⁶. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance³⁷.

17: Facilitating the sustainable use of minerals

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 conservation³⁸.

³⁴ Paragraph 188

³⁵ Paragraph 194

³⁶ Paragraph 195

³⁷ Paragraph 199

³⁸ Paragraph 209

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, minerals planning authorities should³⁹:

- 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 and any blasting vibrations 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.

Minerals planning authorities should plan for a steady and adequate supply of aggregates by⁴⁰:

- preparing an annual Local Aggregate Assessment, either individually or jointly, to forecast future demand, based on a rolling average of 10 years' sales data and other relevant local information
- 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;
- maintaining landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised

³⁹ Paragraph 211

⁴⁰ Paragraph 213

4. Determination of the planning application

5.1 The planning application is dated 22 January 2016

5.2 The application was first reported to the Development Control Committee of Hertfordshire County Council on 25th January 2017, and the resolution was to grant planning permission subject to:

- (a) completion of a Section 106 agreement to provide for: (i) a road condition survey of the A1057 in the vicinity of the site access (ii) financial contributions for improvements to key junctions on the A1057 between the site access and the A1000 at Hatfield; and
- (b) completion of a deed of variation to the original Section 106 for the redevelopment of Hatfield Aerodrome (S6/1999/1046/OP) to insert new triggers for the establishment of Ellenbrook Park (in accordance with the provisions of the original s106);
- (c) submission of landscape management document covering the Ellenbrook Park area; and
- (d) a requirement for the application to be reported back to committee for a decision how to proceed in the event the deed of variation is not completed within 12 months

5.3 The committee resolved to grant planning permission on the above terms.

5.4 Subsequently, considerable progress was made on points (a) (b) (c) above, however, it had not been possible to conclude the deed of variation on matters relating to the establishment of Ellenbrook Park due to the complexity of the issue and the number of parties involved in agreeing the terms.

- 5.5 The application was due to be reported to committee on 24th July 2019, in accordance with point (d) above, with officer recommendation for approval without any requirement for a deed of variation to provide new timescales for the establishment of Ellenbrook Park. At that stage, the head of terms of the deed of variation had been circulated with the key stakeholders and officers considered (a) an agreement was possible in the near future; or that (b) it would be possible to deliver Ellenbrook Park under the terms of the original agreement via coordinated action taken by the enforcing authorities⁴¹ in the event of unacceptable delay. On this basis officers regarded delaying the grant of minerals planning permission would serve no planning purpose.
- 5.6 In June 2019 further environmental information was submitted, consisting of additional borehole monitoring data to cover the period 2013 to 2019, and a draft Groundwater Management Plan, which lead to application being deferred in order to undertake further consultation.
- 5.7 The application was reported to committee on 18 December 2019 with officer recommendation for approval. The main issues summarised in the officer report related to: (1) non-completion of the deed of variation; (2) potential risks of mineral working impacting the Bromate plume and possible impacts upon the public water resource; and (3) cumulative effects of mineral working upon the local area.
- 5.8 The committee resolved to defer consideration of the application to a future meeting in order to be advised by the Environment Agency and Affinity Water as to the risks of mineral working effecting contamination to the water supply from the bromate plume.

⁴¹ WHBC, SADC, HCC

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

Reasons for refusal

1. The proposed mineral working would be inappropriate development within the Green Belt, specifically related to the erection and use of the processing plant, the concrete batching plant, the use of haul roads to transport mineral within the site and the erection and retention of perimeter bunds for the duration of development. The proposal would result in harm to the Green Belt, in particular openness, for the extended duration of the proposed development. Very special circumstances do not exist for the development to outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm. The proposal does not provide for adequate protection of the Green Belt and would be contrary to the provisions of the National Planning Policy Framework (Paragraphs 133, 134, 143, 144, 146).
2. The proposed rate and timing of the mineral working and restoration, lasting up to 32 years, would not provide for reclamation of the mineral working within a reasonable timescale. The proposed mineral working would thereby be contrary to Minerals Policy 13 (Reclamation Scheme) and Minerals Policy 2 (Need for Mineral Working) and Minerals Policy 18 (Operation Criteria for the Control of Mineral Development) of the Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2017.

3. The proposed mineral working would have unacceptable impacts on the local environment related to the additional HGV traffic using the A1057, generating emissions to air (noise and dust), including the transport of minerals within the site and the use of local roads for the transport of minerals and inert fill. The proposal would result in unacceptable impacts on the local environment contrary to the provisions of Minerals Policy 16 (Transport) and Minerals Policy 18 (Operation Criteria for the Control of Mineral Development) of the Hertfordshire Minerals Local Plan Review 2002-2016 (Adopted March 2017) and Policies R18 (Air Quality) and R19 (Noise and Vibration Pollution) of the Welwyn Hatfield District Plan (Adopted 2005). The impacts of concurrent mineral workings would adversely affect the local environment, contrary to Minerals Policy 11 (Cumulative Impact) of the Hertfordshire Minerals Local Plan Review 2002-2016, Adopted March 2017
4. The lower aquifer to the north of the application site is contaminated by Bromate. The application proposes the extraction of sand and gravels from within the lower aquifer in close proximity to groundwater contaminated by Bromate. There is a high level of local concern that extracting mineral from within the lower aquifer could; extend the bromate contamination within the mineral workings; reduce the effectiveness of the measures in place to remediate the Bromate contamination; and potentially lead to contamination of boreholes used for the public drinking water supply at Essendon. It has not been demonstrated to the satisfaction of the Mineral Planning Authority that the risks to the water environment from the mineral working are acceptable; and, that all routes to possible contamination have been appropriately investigated; and, that all necessary mitigation against all risks has been included in the proposal; and, that the proposed mitigation will be effective. The proposal would thereby be contrary to the provisions of the Hertfordshire Minerals Local Plan (Policy 17(iv))

which does not permit mineral development resulting in negative quantitative and/or qualitative impact on the water environment, and to the provisions of the NPPF (Paragraph 170) for conserving and enhancing the natural environment, and to Policy R7 (Protection of Ground and Surface Water) of the Welwyn Hatfield District Plan (adopted 2005).

- 5.8 The decision notice was issued on 6th January 2021. The decision notice, committee reports and minutes for the meetings in January 2017, December 2019 and September 2020 are included as Appendix A.2.

The role of the Development Control Committee

- 5.9 The Members of a Development Control Committee represent the interests of the whole community⁴². The decision of the Development Control Committee recognises the high number of material planning objections raised by the local community as part of the application process. The committee members heard detailed representations from the local community regarding potential risks of mineral working in close proximity to the bromate plume and received advice from the Environment Agency regarding the potential risks and the adequacy of the mitigation measures in the Groundwater Management Plan. On balance the committee decided that the potential harms were not outweighed by the benefits.

⁴² National Planning Guidance: Paragraph: 016 Reference ID: 21b-016-20140306

6. Amplification of reasons

Reason 1 – Green Belt

6.1 The Council will argue that:

- (i) The associated development, namely, the construction and use of the processing plant and haul roads, and the construction of bunds, represents inappropriate development in the Green Belt;
- (ii) The associated development causes harm to the openness of the Green Belt over the duration of the proposed development (lasting 32 years); and
- (iii) The harm caused by the associated development is not outweighed by other considerations, and as such, very special circumstances do not exist for the proposed development.

6.2 Accordingly, the proposal does not provide for adequate protection of the Green Belt and would be contrary to the provisions of the National Planning Policy Framework (Paragraphs 137, 138, 147, 148, 150).

6.3 The construction and operation of a concrete batching plant in the Green Belt is regarded to be inappropriate development. The application does not provide an assessment of potential alternative sites to locate the concrete batching plant outwith the Green Belt. There is no specific operational requirement to locate the concrete batching plant within the Green Belt. The application does not demonstrate there are no alternative sites which would result in less harm to the Green Belt. Therefore very special circumstances have not been demonstrated.

- 6.4 Furthermore, the totality of the plant area is excessive, as a function of the proposed working method, and would result in significant adverse impacts on openness, over and above those intrinsic to mineral extraction. Consequently, whilst it is accepted that mineral processing facilities can be appropriate development in the Green Belt, the excessive area of the processing plant and operation of the concrete batching plant are inappropriate development and their combined impact on the Green Belt would do not preserve openness. These aspects of the development are not justified in terms of very special circumstances and would also conflict with the purposes of the Green of the Belt.

Inappropriate development

- 6.5 The NPPF provides that certain forms of development are not inappropriate within green belts⁴³ and certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, to include; mineral extraction; and engineering operations.
- 6.6 The construction of bunds at mineral workings are generally regarded to constitute engineering operations, which may be regarded as 'not inappropriate' in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The bunds here do not preserve openness and conflict with the purposes of including land in the Green Belt.

⁴³ NPPF: Paragraph 145

- 6.7 The construction and operation of a concrete batching plant is not a necessary part of a mineral working and is considered to represent inappropriate development in Green Belts. Similarly, the construction of haul roads and stockpiling areas may also be regarded to be inappropriate development in the Green Belt where they do not preserve openness or conflict with the purposes of the Green Belt. That is the position here.
- 6.8 The NPPF regards inappropriate development to be harmful to the Green Belt and should not be approved except in very special circumstances⁴⁴. The NPPF requires local planning authorities to ensure that substantial weight is given to any harm to the Green Belt, and clearly states; ‘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 considerations⁴⁵.

Green Belt purposes

- 6.9 The site falls within area GB36 of the Green Belt Review Purposes Assessment Green Belt Strategic Review⁴⁶ (“Green Belt Purposes Assessment”). The principal function of this parcel of land is its significant contribution towards prevent merging (of St. Albans and Hatfield), safeguarding the countryside and maintaining the existing settlement pattern (providing the gap between St Albans and Sandridge). Overall the parcel contributes significantly towards 3 of the 5 Green Belt purposes’ i.e.
- to prevent neighbouring towns from merging
 - to assist in safeguarding the countryside from encroachment
 - to maintain existing settlement pattern

⁴⁴ Paragraph 147

⁴⁵ Paragraph 148

⁴⁶ Green Belt Review Purposes Assessment: Annex 1 – Parcel Assessment Sheets for Welwyn Hatfield Borough Council November 2013

- 6.10 The Green Belt Purposes Assessment identifies the views around Hatfield Aerodrome are “more open” and the parcel is “unified by the level topography”
- 6.11 It can be concluded therefore the site is (a) situated within a wider parcel of land which has an important function in preserving the purposes of the Green Belt; and (b) the site has an open character (including in visual terms) within a wider area of extensive flat topography.
- 6.12 The operation of a mineral working and associated works, namely, the use of the processing plant site and haul roads, and construction of the bunds represent a significant interruption to visual openness within the site and affect landscape character.
- 6.13 The Council will argue the proposed mineral extraction and associated engineering operations represent inappropriate development and would not preserve openness. The extended duration of the proposed mineral working would represent encroachment into the countryside which would further harm the Green Belt.

Openness

- 6.14 The concept of openness may be applied from a spatial and a visual aspect. The scale and duration of the proposed mineral working demand both the spatial and visual components of openness to be considered.
- 6.15 The processing plant site comprises an aggregate processing plant, concrete batching plant, freshwater and silt lagoons, and a very large stockpiling area. The total area of the processing plant (including perimeter bunds) is approximately 15 hectares, of which, 3 hectares is taken up by the stockpiling area.

- 6.16 The size of the processing plant is considerably larger than other mineral operations with similar outputs, for example, the processing plant at Hatfield Quarry is less than 4.5 hectares in area, to include the wash plant, concrete batching plant, sand bagging plant and freshwater lagoon.
- 6.17 The considerable size of the processing plant site is a consequence of the proposed campaign method of working which is based on continuous mineral extraction, transport and stockpiling. The main consequences of the campaign working method are the very large area of land required for stockpiling and the continuous trafficking of large articulated haulers through the Green Belt using very long sections of haul roads between the quarry face and the processing plant.
- 6.18 The processing plant is enclosed by perimeter bunds on three sides, however, direct views are available into the plant site from the south, from which the entire plant site and associated operations would be clearly visible from any location within the application site.
- 6.19 The Council will argue that the size and location of the plant site together with the multiple operations taking place concurrently within the plant site, visible from any point within the application site, would not preserve openness.
- 6.20 Furthermore, the continuous trafficking of many large articulated haulers along haul roads between the quarry face and the processing plant would harm the openness of the Green Belt.
- 6.21 The harm to the Green Belt will be aggravated by the duration of the proposed mineral working.

- 6.22 The Council contends that an alternative method of working involving the use of a field conveyor for the transport of mineral from the quarry face to the processing plant would be far less visually intrusive for three main reasons: (1) a field conveyor is a low structure with a lower visual signature compared to large quarry vehicles; (2) there would no requirement for large stockpile areas at the plant site; and (3) a field conveyor would replace the need for a fleet of large articulated haulers and avoid the continuous trafficking of these large quarry vehicles over long distances through the Green Belt over the extended duration of the proposed mineral extraction.
- 6.23 The use of a field conveyor to transport mineral from the quarry face to the processing plant would enable ballast material to be transported directly to the plant site for processing and avoid the requirement for a large stockpile area. The use of field conveyor would completely avoid the need for haul roads for transporting minerals within the site, and do away with the continuous movement of a fleet of articulated haulers. The use of a field conveyor, would therefore, significantly reduce harm to the Green Belt related to the extraction of minerals from the site.
- 6.24 In addition to reducing the harm to the Green Belt, the use of field conveyor is a far more sustainable method of working, avoiding the use of oil derived fuels for transporting minerals within the site, and is beneficial in terms of avoiding noise and air pollution.

Reason 4 – Groundwater contamination

- 6.25 The Council will argue that the application has not satisfactorily demonstrated the risks to the water environment from the mineral working are acceptable, in particular, that the risks of intercepting Bromate within the LMH will be appropriately managed, the risk that mineral working could affect the direction and rate of flow of the Bromate plume, risks of causing contamination to surface water

sources as a result of de-watering groundwater from within the LMH, risk of causing adverse quantitative/qualitative impacts upon the public water resource; and have not demonstrated proposed mitigation measures will be effective.

- 6.26 As a result of the absence of satisfactory demonstration to the contrary, the MPA contends that the proposed mineral working has not demonstrated it would not result in negative impacts on the water environment.
- 6.27 Bromate and bromide contamination in the Chalk aquifer in the vicinity of Hatfield, Hertfordshire, originates from the site of a former chemical works in Sandridge. The chemical works manufactured bromine-based chemicals, including sodium and potassium bromate, from approximately 1955 until about 1980, and chemical wastes including aqueous bromide, caustic aqueous bromide, solid bromide, bromochloropropane, which are likely to have contaminated soils at site prior to chemical manufacture ending in around 1982. The site was redeveloped for housing in 1987 (called St Leonards Court). The Bromate Plume in groundwater extends for a considerable distance east of St Leonards Court⁴⁷. Bromate contamination is present in groundwater in the LMH/Chalk to the north and east of the site⁴⁸. The extent and concentrations of the Bromate plume is illustrated on the plume maps⁴⁹
- 6.28 Bromate contamination in groundwater was first identified at Bishops Rise pumping station in May 2000⁵⁰, and as a result the Bishops Rise groundwater abstraction borehole has not been used for public supply since May 2000 and restrictions have been in place for three local private supplies. Furthermore, bromate concentrations at a second groundwater abstraction borehole at Essendon are such that water has

⁴⁷ St Leonards Court Consultation Document: December 2018: Figure A

⁴⁸ Environmental Statement: Chapter 6: Paragraph 6.134

⁴⁹ St Leonards Court Consultation Document: December 2018: Report F1: Figures 4A and 5A

⁵⁰ Bromide had been detected in the groundwater down gradient of St Leonards Court in 1983.

to be treated and blended with other uncontaminated water supply from North Mymms Water Treatment Works

Remediation of Bromate

- 6.29 On 08th November 2005 the Environment Agency issued a Remediation Notice⁵¹ on the appropriate persons⁵² under the Environmental Protection Act 1990. The notice included 12 steps to reduce Bromate concentrations in groundwater, including a requirement for scavenge pumping at Hatfield Rise abstraction site up to 22nd July 2019. The Environment Agency consulted on continued remediation in December 2018⁵³. The consultation document stated: 'The Agency is keen to ensure that remediation continues to keep bromate and bromide concentrations down at Essendon and the Northern New River wells'⁵⁴. The report concluded despite the remediation action that has been taking place over the preceding 10 years 'contamination is still entering the groundwater at St Leonards Court and the pollution of controlled waters remains significant. The Agency wants scavenge pumping at Bishop's Rise to continue in the manner set out in the First Notice until the Best Practicable Technique is determined'⁵⁵. The Agency issued a second remediation notice in July 2019. The notice was appealed. The Planning Inspectorate agreed to delay the appeal to allow the parties to discuss a voluntary scheme of remediation. The Environment Agency has agreed the voluntary scheme and the 2nd Remediation notice has been withdrawn.
- 6.30 The application proposals provide for mineral extraction within the LMH to a depth of 1m above the chalk. The bromate contamination present in the lower aquifer corresponds with the mineral deposit within LMH.

⁵¹ Formal written notice that requires an 'appropriate person' to carry out the remediation of contaminated land under the Environmental Protection Act, 1990, Pt IIA

⁵² Redland Minerals Ltd (Redland) and Crest Nicholson Residential Ltd (Crest)

⁵³ Part IIA Environmental Protection Act: St Leonards Court Consultation Document: December 2018

⁵⁴ St Leonards Court Consultation Document: December 2018: Paragraph 57

⁵⁵ St Leonards Court Consultation Document: December 2018: Paragraph 83

- 6.31 The Environmental Statement acknowledges there is a risk of intercepting Bromate contaminated groundwater and pumping groundwater from within the LMH has potential to spread the plume⁵⁶. The ES regards the potential effects would be reduced to 'minor' significance with mitigation⁵⁷ based on the design and operational measures proposed as part of the application; i.e.
- groundwater pumping would be kept to a minimum and only when required to reduce water levels to the base of the interburden
 - the LMH would be worked wet with no requirement for groundwater pumping
 - infilling the mineral void within the LMH in Phase A and B using low permeability material would provide a barrier to further reduce drawing the bromate plume toward the mineral working
 - groundwater pumped from the LMH (and potentially from the UMH) would be recharged into the LMH/Chalk via a recharge lagoon thus creating a hydraulic barrier to flow from the plume entering the site; and
 - a water management plan would be agreed with the Environment Agency prior to works commencing to include a monitoring programme to confirm the effectiveness of the proposed mitigation measures and agree contingency actions as necessary;
 - to reduce the risks of imported inert material creating a barrier to groundwater flow and potentially causing groundwater levels to rise, a back-drain is included in the design to ensure groundwater levels do not increase above historically high elevations⁵⁸.

⁵⁶ Environmental Statement: Chapter 6: Paragraph 6.134

⁵⁷ Environmental Statement: Chapter 6: Paragraph 6.149

⁵⁸ Environmental Statement: Chapter 6: Paragraph 6.151

- 6.32 The Environment Agency initially objected to the application⁵⁹ and requested further information as part of a revised Flood Risk Assessment. The FRA was amended and the Agency was able to remove the objection⁶⁰ subject to conditions requiring (1) submission of a water management plan prior to commencement of development providing; (i) construction details for the two infiltration lagoons; (ii) clarification of discharge point for the back-drain for the restored site; and (iii) a long-term groundwater monitoring plan; and (2) submission of landscape management plan providing for; long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas.
- 6.33 In August 2019 further information was submitted comprising (1) borehole monitoring data; and (2) ground water management plan. The Agency response⁶¹ confirmed their advice that:
- No mineral is extracted from within the existing plume of bromate and bromide groundwater pollution
 - any activities close to the plume must not change the existing hydrogeological flow regime
 - any activities close to the plume must not interfere with the remediation of the bromate and bromide pollution.
- 6.34 The Agency response further advised that the ‘submitted information demonstrates that it will be possible to fulfil these points and manage the risks posed to controlled waters by this development’. The response confirmed ‘the proposed development will be acceptable if a planning condition is included requiring the submission of a water monitoring & management plan’, to meet the criteria set out in the Agency’s response, plus a mechanism for periodic review. The proposed condition was included as part of the recommendation to grant planning permission⁶²

⁵⁹ Environment Agency consultation response letter 25 May 2016

⁶⁰ Environment Agency consultation response letter 5th September 2016

⁶¹ Environment Agency consultation response letter 10th October 2019

⁶² Report to the Development Control Committee 24th September 2020

- 6.35 Affinity Water⁶³ initially objected to the application⁶⁴ ‘pending resolution of the detailed controls necessary to ensure that the proposed quarrying activities pursuant to the proposed permission do not affect the mobilisation of the existing plume of bromate contamination, and thereby render the water currently abstracted by Affinity Water at our Tyttenhanger and Roestock Chalk groundwater sources unfit for public water supply purposes’.
- 6.36 Affinity Water subsequently withdrew their objection⁶⁵ based on having received an undertaking from the applicant that it would not commence extraction of mineral from the lower mineral horizon until it has entered into an operating agreement with Affinity. The mineral operator had also agreed heads of terms relating to this operating agreement. Affinity Water was therefore satisfied that these arrangements would provide them, as the appointed water undertaker, with a direct ability to ensure that sources of water that it uses for public water supply are protected during quarry activity. Further, Affinity Water had given consideration to planning conditions and concluded the Groundwater Management Plan condition as agreed with the Environment Agency was appropriate and adequate in accordance with relevant Government guidance.
- 6.37 There have been detailed technical objections on the bromate plume submitted by Colney Heath Parish Council (“CHPC”), from Ellenbrook Area Residents Association (“EARA”), and from Hatfield Town Council (“HTC”). The planning committee⁶⁶ was presented with a detailed evaluation of the effectiveness of the measures proposed within the Groundwater Management Plan and the potential risks of mobilising the bromate plume by expert hydrology consultant⁶⁷.

⁶³ Affinity Water is the appointed undertaker under the Water Industry Act 1991

⁶⁴ Affinity Water consultation response dated 13 August 2018

⁶⁵ Affinity Water consultation response dated 20 May 2019

⁶⁶ Development Control Committee meeting 24th September 2020

⁶⁷ Dr Michael Rivett

- 6.38 Bromate contamination is a significant issue with a complex technical background. The committee was presented with conflicting expert advice on the issue.
- 6.40 The planning committee concluded the application had not demonstrated that the potential risks from mineral working together with the proposed mitigation would provide adequate protection of the groundwater environment.
- 6.41 The reasons for refusal recognise the high level of local concern in relation to the integrity of the public water resource in the longer term, and the risks from mineral working potentially reducing the effectiveness of the ongoing remediation measures at the Bishops Rise pumping station under the requirements of the remediation notice.

Documents to be referred to at the Inquiry

- Planning Application Plans and Documents
- Environmental Statement
- Consultation responses
- Development Plan documents
- National Planning Policy Framework: July 2020
- National Planning Guidance
- Part IIA Environmental Protection Act: St Leonards Court Consultation Document: December 2018 (Parts 1 and 2)
- Green Belt Review Purposes Assessment: Annex 1 – Parcel Assessment Sheets for Welwyn Hatfield Borough Council November 2013
- Relevant Case Law