

From:
To: [Joanna Vincent](#); [Brenda Taplin](#)
Cc:
Subject: Tomorrow's hearings
Date: 23 November 2021 01:30:49
Attachments: [Points for Inspector NQ.docx](#)
[NQ submission to 2021 consultation.pdf](#)
[hcc-proposed-submission-response-form NQ1.doc](#)

I was surprised to learn of these hearings only last Friday and have been rapidly trying to read the papers and my previous work on the subject of the quarry whilst I was a county councillor in 2017-21, some of which I cannot relocate due to no longer being on the council.

I am writing as a local resident who uses the area for recreational purposes as well as having a long term interest in the spatial planning through my role as a councillor. As county councillor for Handside & Peartree (next division to the north) I participated in meetings with SLR, Brett, the EA and Affinity Water in 2018/19. I studied the data presented by SLR up to 2018 and the other published work including the two PhD theses from 2010. I am a professional geologist with 30 years experience working in the petroleum industry and whilst this is not the same field as the specialists in hydrogeology, my general knowledge of sedimentary rocks and fluid dynamics is enough to understand the concepts being discussed and to note what may be significant gaps in data and interpretation, particularly around the detail of the behaviour of fluids in the gravel beds as oppose to the chalk which seems to be the main focus of much of the work presented.

I have asked Sue Meehan of Ellenbrook Residents Association to add me to the list wishing to speak tomorrow and I believe she has already been in touch with you.

Attached are:

1. My previous comments to the 2019 Minerals Plan consultation – I thought this would automatically have added me to the list of consultees on the quarry as well but maybe things are not so joined up.
2. My very hurried objection to the new 2021 application which I sent in on Saturday to the HCC portal.
3. A short summary of the points I would like to make tomorrow.

The lack of time to prepare is very frustrating, as is also the lack of any obvious way to access recordings of the previous days' hearings last week. I would particularly want to listen to the hydrogeology discussion from last Wednesday.

Best wishes

Nigel Quinton



For official use only:

Received date:

Registered date:

Rep No:

Ack'd:

Hertfordshire Minerals Local Plan

Proposed Submission 2019

Representation Form

Please use this form to make representations to the Hertfordshire Minerals Local Plan Proposed Submission document. This is the second version of the minerals planning document for Hertfordshire following the Draft Plan document which, once adopted, will become part of the statutory Development Plan for the county.

The online consultation portal is the county council's preferred method of receiving representations. This can be found at <http://hertscc-consult.limehouse.co.uk/portal>. Instructions on how to register and enter representations are found on the website.

If you are unable to use the online consultation portal, please use this form to make representations.

It is important that you use a separate form for each comment you wish to make. Further copies of the representation form are available from the county council on 01992 556 227 or may be downloaded from the county council's website: www.hertfordshire.gov.uk/minerals. Alternatively this form can be photocopied for further use.

Part 1

Respondents details	
Name: Cllr Nigel Quinton	Organisation:
Address:	Tel No:
Post Code:	Email:
Agent details (if applicable)	
Name:	Organisation:
Address:	Tel No:
Post Code:	Email:

You will need to sign this form to agree to the use of your details in relation to the Data Protection Act & General Data Protection Regulations for planning purposes in part 10

Part 2

Which part of the Proposed Submission Minerals Local Plan (MLP) does your representation relate to?

Paragraph No. Policy No. Map No. Other

Part 3

The Minerals Local Plan will be examined to assess whether it has been prepared in accordance with legal and procedural requirements as detailed in the National Planning Policy Framework.

Your representation must consider whether or not the plan is sound at this stage.

Your representation must relate to the legal and procedural requirements and/or the Tests of Soundness, set out in the questions below.

Do you consider the document to be: (please tick)

Legally and procedurally compliant

Yes

No

Sound

Yes

No
(see questions below)

Part 4

The National Planning Policy Framework sets out the 'tests of soundness' for a Local Plan. The four 'tests' have been listed below, with explanations as detailed within the national policy document.

If you consider the Minerals Local Plan to be un-sound, which test of soundness do you consider the document fails?

Tests of Soundness

Positively Prepared

Does the MLP:

- Provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development?

Yes No

Justified

Is the MLP:

- An appropriate strategy, taking into account the reasonable alternatives? Yes No
- Based on proportionate evidence? Yes No

Effective

Is the MLP:

- Deliverable over the plan period? Yes No
- Based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground? Yes No

Consistent with National Policy

Does the MLP:

- enable the delivery of sustainable development in accordance with the policies in the NPPF? Yes No

Part 5

Please provide detailed comments explaining why you consider the plan is not legally compliant and/or unsound.

If your representation is in support or to provide any other comment, please also use this box.

(Please be as precise as possible)

The proposal to include the Hatfield Aerodrome Site as Specific Site 1 is flawed for the following reasons:

- 1. As noted in Appendix 3, but not in the main body of the document, this site sits within a few hundred meters of contaminated groundwater in what is known as the Lower Minerals Horizon (LMH).**
- 2. Having met and exchanged email correspondence with the Environment Agency and reviewed two PhD theses and several technical reports, and having had a career as a professional geologist, I believe there is a significant risk of contaminated water entering the quarry during the proposed operational life of the quarry.**
- 3. Affinity Water have also objected to this site (Comment DMLP263) for the same reasons, and pointed out that the site sits within the Source Protection Zone for their Roestock Source.**
- 4. My understanding is that water will be monitored throughout extraction operations, and if as seems very likely, a concentration of Bromate is detected, operations will have to cease.**
- 5. The proposal is to extract from two mineral horizons – the Upper and Lower (UMH and LMH).**
- 6. Extraction from the UMH has a long history in the area and to date as far as I am aware there is no evidence of contamination at this level in the vicinity of the quarries. However there is at least one borehole**

close to the proposed site which does have elevated concentrations within this horizon.

7. To date, no extraction has taken place in the LMH. I believe this to be at least in part due to the perceived risk of contamination.
8. Affinity Water in their submission say very clearly that any operations below the boulder clay, into the LMH, pose a “very high risk activity in regards to groundwater”.
9. I would also note that the Water Management Plan submitted by Brett Aggregates which I have reviewed does not adequately address the risks of bromate contamination. Specifically there is insufficient consideration of the effect of quarrying on the pressure regime within the LMH and the chalk beneath it, which is in the same pressure regime (i.e. water can flow freely between the two). Any reduction of pressure will alter the flow of water through the rocks and risk pulling in contaminated water onto the site.
10. A significant proportion of the resource identified at this site – which at 8 million Tonnes is the largest of the three identified – is in the LMH. I am informed that were the LMH not able to be extracted, the commercial viability of the site would be severely compromised.
11. It is therefore highly questionable whether a significant proportion of the 8MT can be extracted without compromising groundwater quality, thereby leaving a considerable portion of the resource unextractable.
12. Given this uncertainty, I must question the soundness of the Plan, on grounds of EFFECTIVENESS.
13. I would also note that I think the choice of three sites all in very close proximity, with all the implications that has for lorry traffic and air quality, is DISPROPORTIONATE. The Preferred site at Briggens in the east of the county would seem a much less impactful solution. The resource is calculated to be larger, and there is sufficient space to avoid development close to residential areas.

(Continue on a separate sheet if necessary)

Part 6

Please give details of what change(s) you consider is(are) necessary to make the Minerals Local Plan ‘sound’, having regard to the test(s) of soundness you indicated in Part 4 above. You will need to state why your proposed change will make the document sound. Where appropriate, you should include your suggested wording of paragraph(s) or site brief(s).

(Please be as precise as possible)

I believe the Hatfield Aerodrome site should be removed from the plan, and the Briggens site included in its place. This will make the plan both more EFFECTIVE, and more PROPORTIONATE.

(Continue on a separate sheet if necessary)

Part 7

If you seek a change to the document, are you happy to deal with the matters by means of written representation or do you consider it necessary to attend a public examination to give your evidence?

I am happy to deal with this matter in writing

*Please tick **one** box only*

I wish to give evidence at a public examination

Part 8

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary?

Part 9

If you wish to be notified of future events please tick those below that apply.

- i) That the document has been submitted to the Secretary of State for Examination
- ii) That the person appointed to carry out the Examination has published their report
- iii) That the document has been finally adopted by the Council

Part 10

Important note:

- The information that you provide, **including** personal details, will be held on a database and used by the Environment Department to respond to you and assist with the review of the Minerals Local Plan.
- The information that you provide, **excluding** personal details, will be publicly available for any other person to inspect.
- The information that you provide, **including** names and organisations will be shared with the Planning Inspectorate.
- By signing this form (responding to this consultation) you are agreeing to the county council holding your data for the duration of the Minerals Local Plan review.
- All personal data will be deleted following completion of the review.

Declaration

Signature: Date:

- Tick here to be notified at a specific address of the publication of the Inspector's Report and subsequent adoption of the Strategy*

Address for notification (if different):

Thank you for your representations.

All representations must be received by 5pm on Friday 22 March 2019.

Forms can be submitted by email to minerals.planning@hertfordshire.gov.uk or by post to:

Spatial Planning Unit CHN216
Hertfordshire County Council
County Hall
Hertford
SG13 8DN

If you require further information or advice please contact the Policy Team on 01992 556 227. If you require assistance interpreting or translating this document, please contact 0300 123 4040.

I would like to formally object to this application on the grounds listed below, but first would highlight that I only found out about the consultation or the public enquiry into the appeal of the previously turned down application yesterday so have had little time to put together this response. I would like the opportunity to have more time to submit further material and to participate in the ongoing enquiry.

If possible I would appreciate officers' help in locating copies of my previous emails (sent to Jim McManus and others) from my county council email which I no longer have access to. One of these was a summary of my technical take on the Bromate issue.

I may not have registered formal objections last time round but I did enter into correspondence with officers as a county councillor representing the adjacent division and these should be on your records.

1. The proposed extraction from the Lower Mineral Horizon, notwithstanding the changes from the previous application, risks contamination of water supply from the bromate plume that extends from Sandridge. As a geologist it seems to me from reading the various reports that there is considerable uncertainty in the definition of the flow regime between the various rock units, and the data that I have seen from SLR previously and Dr Michael Rickett submitted to the current enquiry shows that very clearly. There is already high concentrations of Bromate within the LMH adjacent to the site and there are significant data gaps too. Alluvial deposits like the LMH have unpredictable extent and flow dynamics, and it is unsound to assume the sands within this unit are in communication directly with the chalk locally. So although I find Jenny Lightfoot's analysis somewhat reassuring I think the concerns raised by Dr Ricketts are very important.

I would also ask why the agreements between Affinity Water and the applicant are not being made public? Dr Lightfoot clearly felt that she should be shown these and without that evidence was unable to be confident in the mitigation and contingency actions proposed. I also fail to understand why detailed plans for mitigation are not being made available now and that we are expected to await plans to be agreed 'prior to each phase' - what is the justification for the failure to provide these here and now?

Lastly on the geological risk arguments it seems to me that there is no rationale to justify a different approach here to that adopted by Cemex in their operations nearby, where extraction has been limited to the UMH alone.

2. As highlighted by John Hale my former colleague there are other good grounds for rejection of the application unrelated to the ground water safety issue. The impact on the Green Belt in its purpose of maintaining space between settlements will be severely compromised by an industrial operation lasting 30 years or more. It will also add to the failure of Arlington to meet its s106 obligations vis a vis the country park. Air quality will be compromised by dust and particulates from the operations

directly upwind from sports facilities at the University. And when the wind blows from the east or southeast this will affect the youth sports facilities on the western side of the site.

Time prevents me writing more and referencing the detailed sources of my concern.

Points to Inspector

1. Lack of process and time to review material from applicant and from HCC
2. Lack of clarity in what is being inspected – 2016 application or 2021? Clearly changes are significant and should be subject to full scrutiny.
3. Failure to release relevant material into public domain, namely the agreement between Affinity Water and Applicant regarding ground water management.
4. Lack of modelling of water flow within the LMH as opposed to the chalk aquifer. Assumption of single body is not supported by BrO₃ concentration data. See Dr Rivett's submission.
5. Should individual gravel beds be connected more north to south rather than east to west then even a slight drop in pressure caused by removal of the overburden might result in pulling in fluids with higher concentrations of BrO₃ and Br from within the plume onto the site. This will begin as soon as the UMH is removed, but will be especially true when the LMH is worked. The only safe time to operate would be when the water table is below the level of the LMH – how many weeks per year would this occur?
6. From at least one diagram I have seen the plume is already present within the site on the basis of concentrations in excess of 2 µg/l. [I have not seen data on Br concentrations but understand these are also above WHO limits?]
7. It is unclear what criteria will be used to judge whether operations remain safe, and what mitigations would be undertaken. The impression during previous discussions and during discussion of the minerals plan was that if the plume was encountered then operations in the LMH would cease. There seems ample scope for 'fudging' the issue and given the large resource attributed to the LMH there will be huge pressure to 'find a way' to continue regardless.
8. Aside from the ground water pollution there are other objections which the Applicant has failed to mitigate, including loss of amenity in the long promised but never fully delivered Country Park, air quality for the next 32 years affecting adjacent sports facilities used by young people, and the impact on the Green Belt both in openness and in its function of separation of Hatfield from St Albans.