Ellenbrook Area and Smallford Residents Association Closing Statement

1. Ellenbrook and Smallford Residents Associations came to this appeal with a huge amount of hope that all the evidence we had gathered, the data that we had found and the documents we had prepared would finally be enough to put an end to the repeated attempts to quarry our precious country park.

   We also hope that if the appeal is dismissed that no further applications to quarry on the site can be submitted.

2. As affirmed in our opening statement, the whole community oppose the quarry. There has not been a single voice in support of this proposal from the entire area. The concern over the risks, and the lack of any benefit for locals has meant that we stand united in this.

3. As we have demonstrated repeatedly throughout this appeal, the country park is a much loved, tranquil spot that is enjoyed by local residents and those from further afield.

   We would be devastated if that tranquillity was then destroyed for the next 32 years, with future generations losing out.

4. We are still strongly of the belief that this site should never have been included in the local minerals plan due to its proximity to urban housing, the University and other quarry sites. The threat of disturbing the bromate plume should have made it a no-go area for quarrying. Unfortunately, at the time, Herts County Council seemed to think that having another quarry in the area after residents have already endured decades of quarrying was perfectly acceptable. We also believe that once information began to emerge about the bromate plume, including that fact that it is a carcinogen, that the council should have removed Ellenbrook Fields from the Minerals Plan and taken no risks with the plume until it had been eradicated.

5. Ellenbrook and Smallford Residents rightly expected that Ellenbrook Country Park would have been fully opened and maintained as part of the Section 106 agreement by now. Despite 21 years passing, we have never lost hope that the Ellenbrook Trust would be formed and that some protection would be afforded to this valuable resource. Since the onset of the Covid pandemic, this safe open space has been vital for the local community's health and wellbeing.

6. At the start of this appeal we were dismayed to see that a second application to quarry this site was being made, and then further disappointed to see a request to first delay the appeal and then to have the new application effectively heard as part of the appeal. We do not believe that this is fair and democratic. By timing these two major events at the same time, the local community was put under significant pressure, dividing resources and energy on applications that would impact enormously on their day to day lives.

7. As I detailed in my opening statement, the quarry is just too close for comfort. Nothing has been said in the appeal that alters our view on that.

   The site visit clearly demonstrated how close the quarry is to residential areas, in particular to the houses along St Albans Road West, Jove Gardens, Smallford Lane and the new development at Radio Place where the new builds can be clearly seen just metres from Phase E. The site visit also demonstrated the proximity of the quarry to Popefield Farm, a listed building, where not one but four phases (A,B,D and F) will surround its garden, meaning that Popefield Farm will have quarrying and restoration right next to it for virtually all of the 32 years. The site visit also drew attention to the close proximity to the CEMEX site and the closeness of the northern edge of the quarry to the bromate plume.

8. The issue of access to the country park and just how much of it will really be available for us to use has been highlighted during this appeal. We already suspected that most of the park would, in reality, be unavailable during the 32 years, and the lengthy examination on this particular topic has really reinforced that a large proportion of it will be completely inaccessible and what is left will have haul roads on it and fencing all around it. In effect the country park will be more like an industrial park.

9. Along with Colney Heath Parish Council we have provided supporting evidence against all four original reasons for refusal of the quarry. In addition to this we also submitted evidence on the flood risk.

10. The scale of our objections covered an extensive number of valid concerns, including :

11. The impact on the Green belt – the quarry site is vast and the impact of the huge processing area was examined at length along with the devastating impact on the visual openness of the site on an effectively flat landscape.

    The site effectively joins Hatfield and St Albans together for a long period of time.

12. We also highlighted the cumulative impact of so much quarrying in one small area of Hertfordshire - this area has been blighted with quarrying for decades. To site two quarries side by side and suggest that there is no cumulative impact on the area or residents is insulting

    In terms of the timescale the Residents Associations have heard no defence from Brett that 32 years is reasonable. To subject the area to quarrying for over another three decades and to continue to maintain that 32 years is temporary is farcical. As one resident said in the inquiry most of us will be long gone before we can fully use the park once quarrying has commenced.

    We are also concerned about the impact on the timescales knowing that the no pumping application will likely take much longer to complete quarrying

13. We failed to be convinced during the appeal that the impact of noise and dust on our physical and mental health has been fully taken into consideration. The closeness of residential properties to the actual dig is of major concern.

    We remain extremely concerned about the dust, and the impact this will have on local residents and their health, particularly as the quarrying is likely to occur in the dry months. To suggest that dust will not be blown across the A1057 is unrealistic.

14. The appeal has highlighted that the entrance to the quarry site is poorly designed with no queuing lane incorporated. There appears to be little thought being given to the fact that slow moving lorries will cause other vehicles to be backed up behind them. This will cause yet more traffic jams and hazards even in non-peak times.

15. The daily traffic jams that will be added to with additional slow moving HGV vehicles is of great concern, particularly to those residents that live on the A1057 as highlighted in one of the residents statement to the Inspector.

16. The issue of the bromate pollution was debated extensively in the round table hearing on hydrogeology. For us the key points that came out of the session were as follows:

17. There is no question that the bromate is very close to the quarry site, that is undisputed

    What is disputed is just how close the plume actually is to the dig site, Dr Rivett maintains that the ½ mile gap between boreholes 104 and 106 on the northern edge of the site means that there is no guarantee that bromate has not passed through that gap

    There has been lots of debate over whether bromate is or isn't actually on the dig site, our point is why take the risk?

18. We maintain that a zero risk approach should be adopted with regard to management of the bromate plume. The first Environment Agency 10 year remediation plan has completely failed to eradicate the plume, or even reduce it in size, therefore no quarrying or any other development should be allowed on or anywhere near the plume. The impact is far too serious to allow this.

19. We have highlighted the problem of quarrying too close to the bromate plume and during the course of the hearing, we have pointed out inconsistences in data presented by the Appellant. For example, the use of ND - not detected - where actual values do exist.

20. Our hydrogeology expert Dr Rivett pointed out the plume migration was directly influenced by Bishops Rise pumping station, dragging it south and into the quarry area. Notably higher bromate concentrations at BH104 appear only to be found after Bishops Rise has been pumping at or over 5 Million litres per day for long periods. He also projects that if Bishops Rise was pumped at approaching its licensed rate of 9 Million litres per day the plume would be further dragged into the Site at higher concentrations. He projects from observed monitoring, at for example Borehole 104, Bishops Rise induced 'plume draw', into site is a slow gradual process that may require 1 – 3 years to fully occur in the Lower Mineral Horizon. Crucially, evidence offered in the Statement of Common Ground, of the plume not being on site at higher abstraction rates are completely refuted as the examined periods of higher abstraction have been far too short, or historically no monitoring existed at site to prove presence or absence. Dr Rivett also pointed out that there were insufficient boreholes on the proposed dig site and a large monitoring gap in the N.E corner of the site provided poor confidence in knowing the plume boundary and possible encroachment along the crucial near-plume boundary.

21. On the 2021 application, a 100m standoff from borehole BH104 was introduced. Dr Rivett referred to this and concluded that it should be amended to allow a confident 100m standoff from the entire known plume's edge, not at just one locality. He also pointed to the influence of quarry low-permeability backfill causing permanent Lower Mineral Horizon groundwater plume diversions and possible push of plume components located further north of the Site beyond that capture of Bishops Rise, also noting here that the Applicant originally incorrectly indicated a temporary influence.

22. With reference to the 2016 application, we also pointed out that a draw-down effect could be introduced by excessive pumping of the lower mineral aquifer to keep the water level down below the top of the interburden. The draw-down effect would effectively drag bromate into the site from nearby known sources. The current plume position to site is likely closest in the more permeable gravel horizons within the heterogeneous Lower Mineral Horizon mixture of sands, silts and gravels. Pumping would primarily draw water greatly accelerating the plume migration into Site. We cannot understand in the 2016 application why the Environment Agency would permit and not object to an application with Lower Mineral Horizon pumping, noting too here that the Jenny Lightfoot assessment for Herts County Council raises this very same concern.

23. We believe that the lack of quantitative and express assessment of the potential impacts of lower mineral horizon pumping, impact of the permanent quarry backfill and sustained operation of Bishops Rise at its full licensed rate is a significant deficiency in the appellant's planning submission.

24. The Hertfordshire Local Mineral Plan states that groundwater must not be spread either vertically or laterally as a result of quarrying. There is a high risk that this condition will be broken even if pumping is stopped, due to the removal of large quantities of wet sand & gravel from the Lower Mineral Horizon and storing this material at ground surface and subsequent drainage of water. There is now a lot more information available about the contamination than was available or known about when the Local Mineral Plan was written. This new information should have prompted a review of the Mineral Plan.

25. The risks associated with high pumping rates, were echoed by the council's hydrogeologist Jenny Lightfoot, who after consultation with Brett's SLR technical company and the Environment Agency came to conclusion that a condition should be made to stop all pumping except in phase G – a confined aquifer. After further discussion the condition was reinforced to no pumping in all phases. This significant change does not give residents confidence that other important issues or risks can be managed appropriately. Surely Brett should have realised prior to the inquiry that pumping in the Lower Mineral Horizon was high risk.

26. We still maintain that the Groundwater Management Plan is not robust, particularly as it only operates once quarrying has commenced - most of the monitoring proposals in the Groundwater Management Plan were designed for when the quarry was up and running. Monitoring data would only start after the construction of the site where new boreholes would be introduced. This does not give confidence in pre-planning in the event of incursion of contamination if already on the site. Much further detail could be reasonably expected within the Groundwater Management Plan to give confidence on monitoring of each Phase, for instance minimum numbers of boreholes at the Phase geographic locality and sampling frequencies before Phase works and during those works with verification sampling of the materials excavated (e.g. bromate in water associated with the sands/gravels) to ensure contamination had not slipped through the borehole monitoring.

27. We also challenged the Water Management Plan in respect to lagoon overflow due to excessive storm conditions and the 1 in 100-year storm event. It appears calculations in terms of excessive rainfall were missed in determining the recharge and infiltration of the Upper Mineral Lagoon, this lack of foresight could mean the Upper Mineral Lagoon may overflow within hours in an extreme storm event.

28. It seems appropriate that an overall Groundwater Management Plan is prepared, considering the quarries operating in the area and dealing with all concerns in respect of the bromate contamination and indeed the water run-off and control. This joint Groundwater Management Plan should cover the area quarried by CEMEX and the proposed new site and consider the interaction of both facilities as well as the impact on the locality.

29. Bromide contamination was covered in our proofs of evidence, although not discussed in detail at the hydrogeology session. The compound bromide has been found on the proposed site at four times the limit in the EA remediation plan. Whilst it is not a carcinogenic chemical it was leaked at the source factory in Sandridge. Scavenging at Bishops Rise pumping station captured large amounts of it, which points to the original source and not road salt or the old Hatfield Aerodrome deposits. We maintain that bromide is a precursor to bromate as the molecule travels faster in chalk.
    The dig site is not immune from contamination, as field test boreholes PW1/2 on the dig site show unusually high levels of bromide. So, in the future bromate may well catch up with the bromide.

30. The technical examination regarding bromate contamination has brought together people and experts in this field and pointed to a cumulative approach to its mitigation and hopefully its remediation. What has become clear from these discussions is that there are differing expert views on the bromate, making a conclusive determination impossible, therefore reiterate that a more cautious approach should be taken, and quarrying not allowed.

31. We feel that the high risk of spreading the contamination outweighs the need for mineral extraction in this area.

32. We continue to be concerned about our Public Water Supplies. In the original consultation for the 2016 Brett quarry application Affinity entered a formal objection to quarrying on their source water protection zone SPZ-2 and wrote a letter to Herts County Council voicing their objection to the quarry. This objection was withdrawn on 20th May 2019, after Affinity entered into a private legal agreement with Brett Aggregates. We have raised concerns that this agreement has not been made public during this inquiry, Jenny Lightfoot has also commented that she had not seen this agreement.
We cannot understand why in June 2019 Affinity objected to the new Cemex application, especially as Cemex work dry in their quarry extension at Furze Field and Stanboroughbury sites, and then Affinity withdraw their objection on a private operating agreement in August 2020.

We believe that the threat to our water supplies is still real and cannot be mitigated by a local agreement on a flimsy piece of paper and at the mercy of contaminated groundwater spread.

33. In summary

Ellenbrook Fields was promised to us as a country park and not an area to be avoided for the next 32 years. The need for openness, recreation, and clean air for the people of Hatfield and St Albans cannot be underestimated.

We reiterate that:

- The bromate is too close to the dig site
- The dig site is too close to residential areas
- The timescales are too long
- There is too high a risk to the public water supplies
- The green belt is too precious to be destroyed
- The risk to our health and wellbeing is too high

The evidence is too strong to refute, the negative impact on residents is far reaching and long term, please refuse this appeal