



**WELWYN
HATFIELD**

Reply To: address as below
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5 August 2024

M Middleton BA(Econ), DipTP, MRTPI

Dear Sir,

Appeal Reference: APP/M1900/W/24/3346607

Location: Land at Hatfield Aerodrome Off Hatfield Road

Proposal: Proposed application for the establishment of a new quarry on land at the former Hatfield Aerodrome, including new access onto the A1057, aggregate processing plant and other ancillary facilities, together with the importation of inert fill material to restore the mineral workings

Welwyn Hatfield Borough Council continues to strongly oppose the development proposal for a quarry on Ellenbrook Park. The concerns are set out in our responses to the application and are summarised below.

Green Belt

With respect to the Green Belt harm. The changes made to the revised scheme, the subject of this appeal, are not sufficient to overcome the concerns previously raised in relation to impact upon the Green Belt.

The Council's position therefore remains that the proposal represents inappropriate development in the Green Belt and would not protect the countryside from encroachment. It would not preserve the openness of the Green Belt and there are no very special circumstances to outweigh the harm to the Green Belt by reason of inappropriateness and any other harm.

The proposal is thereby contrary to the NPPF (paragraphs 144, 145, 152 and 153) and Policy SADM 34 of the Welwyn Hatfield Borough Council Local Plan 2016-2036.

Land Contamination

With regards to land contamination, the previous application was refused as it proposed to extract sand and gravels from within the Lower Mineral Horizon in close proximity to groundwater contaminated by Bromate.

The Council has set out concerns regarding land contamination and remains strongly of the view that the proposals do not demonstrate that the existing hydrogeological flow regime would not be adversely affected during mineral workings, or that the risks to groundwater from disturbance of the bromate plume can be adequately managed and mitigated.

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The proposal is thereby contrary to Minerals Policy 17 (iv) (Criteria For The Control of Mineral Development to Protect Critical Capital and Other Environmental Assets) and the NPPF (paragraph 180 (e)).

Highway Impact

In terms of additional HGV movement, again the council has raised strong concerns in this regard and considers the HGV movements associated with the proposed development would have an adverse impact on the character and amenity of the local area.

Furthermore, there is continued concern for increased traffic congestion on the A1057 which would directly conflict with Hertfordshire County Council's A414 Corridor Strategy.

It is noted that in the reason for refusal 7, Hertfordshire County Council has found that the proposed access does not adequately mitigate the impact of the development on the highway network given the number of proposed HGVs movements into the site, the siting of the access and amount of traffic along the A1057. The proposal does not adequately provide for safety of vulnerable road users, including cyclists and pedestrians. The council shares these concerns, particularly in relation to the safety of vulnerable road users.

The proposal would therefore be contrary to the provisions of Policy 5 (d)(f)(g) of Hertfordshire LTP4, Policy 16 (Transport) of the Hertfordshire Minerals Local Plan 2007 and Policy SADM2 of the Welwyn Hatfield Borough Council Local Plan 2016-2036.

Ellenbrook Park – public access

Ellenbrook Park is currently a much loved park which provides valued access to open space for residents of Hatfield, St Albans and beyond. This was set out in the Section 106 agreement which accompanied the redevelopment of the former Hatfield Aerodrome, and it was intended that the Park should be managed by the Ellenbrook Trust in the long term

The Council remains strongly opposed to any 'decoupling' of a decision on this application from HCC's previously-stated requirement for a deed of variation to the original Section 106 agreement from 2000. The Council remains of the view that such decoupling would lead to a considerable risk of Ellenbrook Park not being fully delivered and transferred to the Ellenbrook Park Trust.

Welwyn Hatfield Borough Council is clear that the provisions of the Section 106 agreement related to the former Hatfield Aerodrome from 2000, and as amended by the 2002 Deed, include a number of positive obligations on the landowner. This includes, at clause 4.6:

“Not to use cause or permit the Arlington Land to be used or developed other than in accordance with the mix and disposition of uses contained in the Masterplan”

The Masterplan is defined as Plan 4 attached to the Deed and it shows the whole of the Ellenbrook Park labelled as such with no annotation for mineral workings. The Arlington Land includes the whole of Ellenbrook Park. There has been no breach of clause 4.6 to

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date and the obligation is ongoing. There has been no application under S106A to amend or discharge this obligation, or to carve out mineral extraction from it. It remains binding and, in the view of the Council, clearly still serves a planning purpose. Even if the appeal is allowed and mineral extraction is permitted on part of Ellenbrook Park, that would not override this clause. It is the Council's view that any new s106 obligation in respect of mineral working would need to be in the form of an amendment to the existing Deed and not a stand-alone Deed. There is a clear need for a deed of variation in order to permit mineral extraction.

Further, the 2000 Deed sets out a clear approach to the establishment of Ellenbrook Park, its transfer to a Trust and the potential then for land to effectively be licensed to Arlington, or any person authorised by them, for mineral extraction. (See Schedule 1, Part 3 para (4) of the Deed). At present, this approach has not been completed but is the only route, available at the present time, for mineral extraction to be undertaken.

More broadly, the recently adopted Welwyn Hatfield Local Plan identifies borough wide objectives together with a set of local objectives. A series of objectives have been developed for Hatfield by the Council as part of a wider group of key stakeholders who have come together to develop a strategy for the town's renewal. Hatfield Objective 5 sets out the importance to maintain appropriate access to Ellenbrook Country Park during any mineral extraction as part of the Green Corridor, and work in partnership with St Albans District Council and Hertfordshire County Council to restore full access to the Park once mineral extraction is complete, to support healthy living.

Ellenbrook Park is well used by local people, offering valuable access to green space in an area that is defined as deficient in access to nature. The proposals for public access to Ellenbrook Park, contained within the Public Access Strategy (July 2023) do not demonstrate that users of the Park would be adequately protected over the duration of mineral workings, including vehicle movements associated with the transport of minerals for processing. The proposal would result in the loss of public access to Ellenbrook Park over a substantial period of time due to areas being excluded for mineral working. In areas with public access, the infrastructure and processes of mineral working would adversely impact the activities, amenity and quality of experience of users.

The proposal is thereby contrary to Minerals Policy 18 (x) (Operational Criteria for the Control of Mineral Development) of the Hertfordshire Minerals Local Plan 2007, the NPPF (paragraph 150) and Policy SP 12 of the Welwyn Hatfield Borough Council Local Plan 2016-2036. As well as this, there is clear conflict with the obligations set out in the S106 from 2000.

Further, the Council also highlights the growing value of the park as a biodiversity habitat containing grasslands, woodlands and wetlands. Nationally and locally, there is an increased emphasis on nature recovery and Ellenbrook Park has the potential to form part of a strategically significant wildlife corridor, as envisaged in the adopted Welwyn Hatfield Local Plan.

Whilst the Council does not seek Rule 6 status at the Inquiry, it requests to be included in any session which considers the legal points set out in this letter. Specifically, any session

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which considers the requirement for a Deed of Variation and the terms which may be applicable.

I hope the above is helpful and sets out clearly our concerns and continued opposition to the proposal in its current form.

Yours sincerely

A black rectangular box redacting the signature of Chris Carter.

Chris Carter
Assistant Director (Planning)



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