

Ellenbrook Area Residents Association, Smallford Residents Association, Colney Heath Parish Council

Briefing note - Re Planning Application Ref No PL/0232/21 Land at Hatfield Aerodrome, Off Hatfield Road

Ellenbrook Area Residents Association, Smallford Residents Association, and Colney Heath Parish Council are totally opposed to quarrying on Ellenbrook Fields (also known as Ellenbrook Country Park and Hatfield Aerodrome).

We believe that the following reasons are valid grounds for refusal based on the Appeal Inquiry outcome, subsequent Regulation 25 request made for additional information by HCC and the previous reasons for refusal by Hertfordshire County Council's Development Control Committee (DCC).

Summary

➤ There has been no engagement with local residents groups.

The Appeal Inspector and subsequent HCC Reg 25 request made it clear that it was very important that Brett Aggregate engaged with the local community to address their concerns. There has been no recent engagement with residents.

➤ Green Belt

We believe that the Ellenbrook Fields fragile Green Belt between St Albans and Hatfield should be protected and is not appropriate for mineral extraction. Quarrying and subsequent Green Belt removal on this area will effectively join the towns of St Albans and Hatfield. We do not believe that any application to quarry on Ellenbrook Fields will preserve its "openness" and that it does not demonstrate "very special circumstances" sufficient to clearly outweigh the harm to the Green Belt for the next **four** decades.

Ellenbrook Fields as a country park was promised to residents under a Section 106 agreement following the closure of the British Aerospace factory, which despite over 20 years passing since it was agreed, has still not been set up. The Country Park Trust must be set up before any planning application is considered to protect this valuable resource and ensure that activities on this site are agreed in accordance with the Section 106 agreement.

➤ Public Access Strategy

The Appeal Inspector's report is clear that it is important that attractive, safe walking routes must be available throughout the lifetime of the quarry. This was reinforced in the Reg 25 request that the routes must provide unfettered access, be attractive to users of the Park and delivered to a high standard. We do not believe that the Public Access strategy meets this requirement.

Our view on the proposed routes is:

- They have been designed with zero input from local residents, Rule 6 parties and the existing users.
- There has been no consideration of the "attractiveness" of the proposed routes, contrary to the Inspectors report and the HCC Reg25 letter.

- The new paths run along the actual quarry dig sites, close to the A1057, a busy main road, close to the plant area, alongside the access road into the site, close to lorry noise and fumes, all definitely very unattractive.
- The public access strategy does not make specific reference to disproportionately affected groups and how public access for these groups will be mitigated. There are no specific references to wheelchair access to the site despite this being a legal requirement.

The Inspector found the appeal scheme, even with progressive restoration, would have an adverse effect on the character and appearance of the area for the 40 year duration of the operation, which he regarded to be of moderate/substantial significance. We do not believe that the current plans address the Inspectors concerns and ensure compatibility with the users of Ellenbrook Park (as requested in Reg 25 letter).

➤ **Health Impact assessment**

We do not believe that the Public Health Impact Assessment identifies any real positive impacts or opportunities for our local residents to actually improve health outcomes, and to ensure access and routes maximise physical activity and mental wellbeing opportunity for the 40 year duration of the project.

Air Quality – there is concern regarding the impact of silica dust on the health of local residents. We believe that the proximity of the quarrying so close to the university playing fields, residential populations of Ellenbrook and Smallford will have an impact on air quality, particularly during periods of dry weather coupled with windy conditions.

Noise impact – there is concern regarding the impact of noise pollution on the residential properties close to the quarry site. A report commissioned by Welwyn Hatfield Borough Council completely undermines the noise impact assessment.

➤ **Cumulative impact on the area**

We believe that there is an unfair concentration of mineral works in one small area of the county. The proposed Brett site on Ellenbrook Fields is in the same swathe of Green Belt land as the new Furzefield site and is adjacent to current and recently active workings on the Cemex site in Smallford. This small area of Hertfordshire has already had quarrying for more than 80 years. This application will extend the quarrying for at least another 40 years meaning that this area will have been subjected to quarrying for over 120 years. The Brett application alongside the quarry on land adjoining Coopers Green Lane and the Cemex’s existing site in the area would effectively form one vast quarry through the gap between St Albans and Welwyn Hatfield Green Belt. This area of Hertfordshire is being blighted by quarries.

➤ **Access to the site and traffic movements**

It is noted that the proposed quarry sites is nowhere near to the transport infrastructure sites, which apparently are “*essential for the sustainable transportation of minerals*”. All transport to and from the site will be by road on an already congested road network.

We believe that this concentration of works in one area will have a major impact on the traffic movements in the area, particularly on the A1057 St Albans Road West as both the Cemex and Brett quarries will be using the same road network.

➤ **Proximity to residential development and the University of Hertfordshire.**

The quarry is very close (just a few metres in some cases) to a number of residential areas and the University of Hertfordshire.

➤ **Bromate**

We maintain that the known AND unknown risks associated with the bromate plume should make this application too high a risk for the County and residents of Hatfield and that a zero risk approach should be taken.

Bromate is a known carcinogen. Potential exposure to this deadly product is an unacceptable risk for residents. This bromate plume is cited as the largest known bromate contamination in Europe and is right next to the proposed quarry site, just a few metres away based on measurements from boreholes.

To quarry so close to the plume is an unacceptable risk to our health and environment. The World Health Organisation (WHO) has set a limit of 10 micrograms bromate in one litre of drinking water. This bromate plume next to the quarry contravenes those guidelines by a huge amount

- Known readings within 100 m of the quarry perimeter show levels **9 times greater** than the WHO levels
- Known readings within 500 m of the quarry perimeter show readings **56 times greater** than the WHO levels

Despite over 10 years of remediation work by the Environment Agency, the **20km** long plume shows little sign of abatement and continues to travel across Hertfordshire.

➤ **Water management plan**

We do not believe that the water management plan (as agreed between Brett Aggregate and Hertfordshire County Council to manage any issues with the bromate plume) provides sufficient safeguards to deal with the risks of either cross contaminating the upper and lower mineral aquifers or the possible impact on the lateral movement of the plume. We believe that the approach is flawed as it will only come into effect when it is too late and the bromate has already contaminated the water and can take hundreds of years to clear naturally.

➤ **Public Water Sources**

We believe that the risk to the groundwater resources on Ellenbrook Fields is very high; the mitigation proposed by Brett Aggregate does not eliminate the risk entirely and therefore the groundwater resource should not be put at any risk.

The bromate plume has already affected the land and water supply in and around the area of Hatfield and Smallford. Two local pumping stations have already been affected by the plume; one in Hatfield had to be closed when it was realised this was putting contaminated water into the public water systems, and one in Essendon is closely monitored to ensure that the drinking water remains below WHO guidelines, this means that Affinity Water have to keep turning Essendon off and mixing the water with uncontaminated water to lower the bromate concentration in order to keep the community supplied with clean, safe drinking water.

➤ **Heritage Assets**

Popefield Farm has three Grade II listed buildings which have all been fully restored over recent years.

Policy 18 of the Mineral Plan is clear that where there is a heritage asset ie a listed building, and it is affected by mineral extraction then serious consideration should be given to the impact on the asset. The three listed buildings at Popefield Farm adjacent to the mineral site will be directly affected by mineral extraction. The impact on the listed buildings is significant and they will have to endure quarrying close to their boundary for potentially four decades. It is difficult to see how quarrying

next door to these heritage assets will protect, conserve and, where appropriate, enhance the historic environment.

➤ **Character and Appearance**

We believe that that area will not be able to function as an attractive country park during the decades of quarrying. The Appeal Inspector stated that *“the appellant understates the likely impact of the operation on extensive areas over a long period of time within a locality that includes a Country Park.”*

The new entrance on A1057, large enough to accommodate lorries, will have a serious adverse effect on the visual landscape. One only has to look at the entrance to the nearby Smallford Works to get some idea of how an entrance area can be ruined.

The Inspector is very clear that in his view the 2016 scheme would have an adverse effect on the character and appearance of the area of moderate/substantial significance. We do not believe that the 2021 proposal provides significant differences to alter this view.

Further information is shown in the detailed sections below.

1. There has been no engagement with local residents groups.

The Appeal Inspector and subsequent HCC Reg 25 request made it clear that it was very important that Brett Aggregate engaged with the local community to address their concerns. There has been no recent engagement with us. We have recently met with Brett (in July 2023) where they presented their Public Access Strategy as a fait accompli. This was not through engagement but was the only communication with us since the Appeal nearly 2 years ago.

2. Green Belt

We believe that the Ellenbrook Fields fragile Green Belt between St Albans and Hatfield should be protected and is not appropriate for mineral extraction. Quarrying and subsequent Green Belt removal on this area will effectively join the towns of St Albans and Hatfield. We do not believe that any application to quarry on Ellenbrook Fields will preserve its “openness” and that it does not demonstrate “very special circumstances” sufficient to clearly outweigh the harm to the Green Belt for the next four decades.

Ellenbrook Fields as a country park was promised to residents under a Section 106 agreement following the closure of the British Aerospace factory, which despite over 20 years passing since it was agreed, has still not been set up. The Country Park Trust must be set up before any planning application is considered to protect this valuable resource and ensure that activities on this site are agreed in accordance with the Section 106. This is a totally unacceptable position.

Ellenbrook Fields is a unique, irreplaceable valuable resource for the community that promotes health and well-being for residents. It is part of Hatfield / St Albans Green Belt with meadow and grazing land, owls, butterflies, newts, and wildflowers and is used extensively by residents, dog walkers, cyclists and ramblers. The Covid 19 Pandemic showed how valuable this piece of land is for local residents. It became a safe haven of open, green space, where locals could get fresh air, go for walks, and not encounter crowds of people. These areas should be fiercely protected by the Hertfordshire County Council as there is no alternative for local residents or wildlife in the area if quarrying is permitted on this land. Recent surveys undertaken by local residents have shown the

extent of use of the Park. The Hertfordshire Minerals Plan identifies Welwyn Hatfield as being deficient in public open space. The problem in the Hatfield area is particularly acute due to the land ownership issues and the major infrastructure in the area. The road network includes the A1(M), A414, the railway east coast mainline also has limited crossing points. The large estate of Hatfield house has no public footpaths and the existing quarrying sites and the related infrastructure also prohibit access to the wider landscape.

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

Ellenbrook Fields has been identified as a strategic open space recognising that Hatfield is deficient in open spaces. This is a current concern for local communities, we do not want to wait for 40 years when the area is restored and our park reinstated.

In terms of green belt, we recognise that the NPPF allows exceptions for mineral extraction in the Green Belt, but it must still preserve its openness, and be restored at the earliest opportunity. It will take 40 years to fully restore the country park.

The Inquiry Inspector states regarding Green Belt:

“Determining the tipping point would depend upon the particular circumstances, as a matter of fact and degree, but relevant considerations could include the siting, nature and scale of the operational development in its local context, along with its visual effects, duration and the reversibility of any adverse impact upon the openness and purposes of the Green Belt.”

“103. Furthermore, and an important consideration in this case, it has not been demonstrated that the development could be made acceptable through the use of conditions or planning obligations. I find that the proposal is at odds with the NPPF taken as a whole. There are no other material considerations in this case to indicate that the appeal should be determined other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.”

John Woolcock
Inspector

3. Public Access Strategy

The HCC Reg25 letter again made it clear that engagement with local residents and interested parties was important. But despite this, there has been **no** engagement made with residents groups since the Inquiry to discuss their concerns. Brett only recently met with the Rule 6 parties 16 months after HCC suggested that they should do so. It was not a consultation meeting but an opportunity for Brett to present their new Public Access strategy. They presented the new Public Access strategy as a fait accompli, claiming that they had taken our previous consultation comments (from January 2023) into consideration on the new strategy. We do not accept this.

There are a number of residential populations groups who live close to the park, eg Hatfield Garden Village, Marshalwick, and Salisbury Village who have not been **directly** consulted at all. Given the size, nature and negative impact of this application we would have expected the applicant to run a number of consultation exercises engaging with local residents and finding out their views.

A presentation of the new Public Access Strategy, a leaflet drop years ago (pre Inquiry) and a website do not constitute engagement. This lack of engagement is contrary to both the Inspectors recommendations and the REG25 request.

CHPC and the RA have undertaken surveys of usage of the park during Dec 22 / Jan 23 which clearly show the high level of usage and main routes followed around the park, even during inclement weather conditions.

The Inspectors report is clear that it is important that there are attractive, safe walking routes to be available throughout the lifetime of the quarry. This was reinforced in the Reg 25 request that the routes must provide unfettered access, be attractive to users of the Park and delivered to a high standard. We do not believe that the Public Access strategy meets this requirement.

Our view on the proposed routes is:

- They have been designed with zero input from local residents, Rule 6 parties and the existing user base.
- There has been no consideration of the “attractiveness” of the proposed routes, contrary to the Inspectors report and the HCC Reg25 letter
- The new paths run along the actual quarry dig sites, close to the A1057, a busy main road, close to the plant area, alongside the access road into the site, close to lorry noise and fumes, all definitely very unattractive
- The layout of the quarry is exactly the same as the 2016 scheme. In order to comply with the Inspectors comments and provide unfettered access and attractive routes a new layout is essential. Without such consideration the current layout will not allow for such access and non-industrial views. Instead paths have simply been “adjusted” and a few extra crossing points provided. Brett, have at no time tried to devise a quarrying scheme with public access as the number one priority. At no time have they offered any analysis as to how they designed the site with public access in mind.
- We do not believe that the proposed southern route specifically provides a satisfactory route into the main park area from the Ellenbrook area. Walking between a bund and quarry workings is neither attractive nor unfettered - according to the dictionary definitions of attractive which is “very pleasing in appearance or sound” or unfettered which is “that it is not controlled or limited by anyone or anything”.
- This southern route has been moved (in the new strategy) from running beside the busy main road A1057 (clearly unattractive) to running between a bund and the quarry workings (still unattractive) and even more affected by noise and dust. It is about a mile long before reaching any open spaces from Ellenbrook and is not an acceptable main route into the park from the Ellenbrook area.
- The S.W. (Notcutts) entrance passes along the site road, close to lorry noise and fumes and industrial fencing and is not an acceptable main route into the park from the Smallford areas.
- The strategy does not make specific reference to disproportionately affected groups and how public access for these groups will be mitigated. There are no specific references to wheelchair access to the site despite this being a legal requirement.

The strategy document quotes that at least 80% of the country park will be available to the public during extraction. But the 80% takes into account the whole of the country park not just the quarry area. Given that there is no guarantee that the land outside the quarry will always be part of the country park, that two applications to build houses on it have already been submitted, and that this land is not even owned by Brett, this calculation is misleading and disingenuous. The draft lease for

the Country Park contains a clause that allows the development of housing on part or all of the site so there is no guarantee how much of the County Park will be available to users.

It is unclear from the plethora of documents on the HCC portal whether or not there will only be TWO phases that will be inaccessible to the public at any one time. The Public Access Strategy implies that two phases will be inaccessible but other drawings on HCC website show a different picture. In fact, three phases of working at any one time will inhibit people from using the area namely, strip, excavated, and restore. C would be stripped of vegetation and topsoil to fill bunds, B is still excavation of minerals, and A being restored.

The Inspector found the appeal scheme, even with progressive restoration, would have an adverse effect on the character and appearance of the area for the 40 year duration of the operation, which he regarded to be of moderate/substantial significance. We do not believe that the current plans address the Inspector's concerns and ensure compatibility with the users of Ellenbrook Park (as requested in Reg 25 letter)

There is no identification of real positive impacts or opportunities to improve health outcomes, and to ensure access and routes maximise physical activity and mental wellbeing opportunity for the 40 year duration of the project which was requested in the Reg25 letter.

With the removal of the concrete batching plant and slight change to the location of the main access road in the most recent planning application, Brett could have made some significant improvements, but they chose not to. Instead they have kept each quarry phase exactly as it was in the previous application and not considered whether changes to these could provide unfettered and attractive access routes.

In summary we do not believe that the Public Access strategy provides for unfettered public access to the maximum possible areas of the park and that the routes are attractive to users of the park and delivered to a high standard.

4. Health Impact assessment

a) New data or information

According to the new HIA conclusions and recommendations section, the report does not include any new data or information, therefore it is difficult to see how it answers many of the questions raised in the Reg 25 request?

*I quote "The original HIA prepared in August 2021 has been updated (July 2023) following feedback from officers of the Hertfordshire County Council (HCC) Public Health unit. The purpose of the update is to allow the HIA to be read and understood as a 'standalone' document without recourse to other documents including other chapters and technical appendices of the Environmental Statement. **The update report does not include any new information or data** and does not change any of the conclusions previously submitted in the HIA and other parts of the Environmental Statement."*

This is an extremely concerning statement from Brett when they have been specifically asked for additional information from HCC.

Despite the Reg 25 request specifically requesting information on "how population groups impacted by the development have been engaged in preparing the HIA" EARA would like to clarify that at no point has Brett met with any of the Rule 6 parties including Ellenbrook Area Residents Association

(EARA), Smallford Residents Association (SRA) and Colney Heath Parish Council (CHPC), to specifically discuss the Health Impact Assessment (HIA).

We do not believe that the Public Health Impact Assessment identifies any real positive impacts or opportunities for our local residents to actually improve health outcomes, and to ensure access and routes maximise physical activity and mental wellbeing opportunity for the 40 year duration of the project.

Table 6-1 Social and Community Influences on Health – there a comment suggesting that removing the uncertainty around the “will it/won’t it be a quarry” will result in a beneficial effect on mental health. This comment is ludicrous. To suggest that once it is confirmed that we will be subjected to a quarry for the next 40 years will benefit our mental health is staggering.

Table 6-1 Greenspace – there is a comment that the quarry will provide minor benefits despite the loss of greenspace during quarrying. This minor benefit is based on the public access, phased approach to release of greenspace, and the fact that the space is currently largely unmanaged and there is uncertainty regarding the future use and accessibility of the land. How any loss of greenspace in the park can be considered beneficial is completely baffling to us.

b) Air Quality

We remain concerned about the impact of silica dust on the health of local residents. We believe that the proximity of the quarrying so close to the university playing fields, residential populations of Ellenbrook and Smallford must have an impact on their air quality, particularly during periods of dry weather coupled with windy conditions.

c) Noise impact

We are extremely concerned about the impact of noise pollution on the residential properties close to the quarry site.

A report commissioned by Welwyn Hatfield Borough Council completely undermines the noise impact assessment. Extracts from the report produced by MAS Environmental Ltd are shown below.

It is extremely difficult to reconcile the comments made in the report by MAS Environmental against the claims made by Brett in the HIA report that says *“On this basis the proposed development is not considered to create harm to the wellbeing or the health of any vulnerable groups including those who are at home during daytime.”*

Extracts from the MAS report include the following comments

“The noise impact assessment (NIA) is not reliable and should not be given weight.”

“A significant number of the requirements of the Minerals Planning Guidance are simply ignored and excluded. There is cherry picking from the guidance and ignoring of key elements of the guidance such as assessing and controlling noise characteristics. This is a key element of the MPG that is not addressed in the NIA”

“There is rejection of highly relevant guidance (BS4142:2014) which provides detailed assessment methods to evaluate the issues set out in the Minerals Planning Guidance such as “adverse” and “significant adverse” effects, background sound / noise levels and the evaluation of tonal and impulse sources. This is rejected in the NIA and there is a failure to assess such factors despite detailed discussion in the MPG on the need to evaluate these factors. In contrast there is reliance on guidance that is wholly irrelevant as found in BS5228:2019 that relates to temporary construction and demolition site noise criteria. Whilst aspects of the sources of noise and prediction methods contained within BS5228:2019 can be used, its guidance on noise acceptability is

inappropriate due to the circumstances and context of that guidance compared to a long term quarrying operation. “

“There is grossly inadequate information to provide any weight to the determination of the background noise levels provided.”

“Inadequate information is provided to determine how representative the measurement locations chosen are in relation to dwelling rooms and amenity areas.”

“There is a failure to qualify, quantify, describe or address noise character within the sources and its potential impact that is disproportionate to its decibel level. The MPG considers specific and separate controls relevant for such issues which operate in tandem with the overall sound energy level controls but this is omitted from the NIA”

“Modelling using CadaA is relied upon but grossly inadequate information is provided on this exercise.”

We have been unable to ascertain whether all or any of the points raised in the report have now been answered to the satisfaction of WHBC and we therefore remain concerned about the impact of noise for those residents surrounding the quarry.

We are also disappointed that Brett has had no direct contact with local residents whose properties are very close to the quarrying operation, in particular the occupants of Popefield Farm whose land borders the quarry. Although a specific noise assessment for Popefield Farm has been provided there has been no engagement with Popefield Farm to directly understand their concerns.

5. Cumulative impact on the area

We believe that there is an unfair concentration of mineral works in one small area of the county. The proposed Brett site on Ellenbrook Fields is in the same swathe of Green Belt land as the new Furzefield site and is adjacent to current and recently active workings on the Cemex site in Smallford.

This small area of Hertfordshire has already had quarrying for more than 80 years. This application will extend the quarrying for at least another 40 years meaning that this area will have been subjected to quarrying for over 120 years. It is unacceptable to concentrate so much quarrying in one small part of the county. We do not believe that the cumulative impact of having so many quarry sites in one small part of Hatfield and Smallford has been fairly assessed as part of the planning process and should be reconsidered. In fact this appears to completely flout NPPF para 211B and MLP Policy 11 which presumes against development that would have an unacceptable cumulative impact on the environment in relation to schemes occurring either concurrently or successively. The Brett application alongside the quarry on land adjoining Coopers Green Lane and the Cemex’s existing site in the area would effectively form one vast quarry through the gap between St Albans and Welwyn Hatfield Green Belt. This area of Hertfordshire is being blighted by quarries.

We believe that there is a risk of having all Mineral Allocation Sites in the same area. HCC would effectively be relying on one extended quarry (albeit under two operators) and a single problem in the area could jeopardise most of the county’s supply. If the bromate plume were to be disturbed then the whole area could be affected, potentially rendering the quarries no-go areas in terms of mineral extraction. This Green Belt area could be blighted for decades beyond the proposed 40 years if Brett either ceases or slows extraction. This grouping of sites introduces significant risks to the county’s supply and should be rejected.

The Brett application clearly shows that each phase will take 4 to 5 years making a total duration of 36 – 40 years including reinstatement. This cannot be in any way considered a temporary use of the land. The end result is too far into the future for any potential benefits to be part of any decision making process. A restored country park will not outweigh the real and current risks and detriment to the area for a generation.

6. Access to the site and traffic movements

It is noted that the proposed quarry sites is nowhere near to the transport infrastructure sites, which apparently are “*essential for the sustainable transportation of minerals*”. All transport to and from the site will be by road on an already congested road network.

MLP policy 16 states that mineral development will only be permitted when the provisions for vehicle movement are such that traffic generated would not have an unacceptable impact on highway safety, the effective operation of the road network, residential amenity or the local environment.

We believe that this concentration of works in one area will have a major impact on the traffic movements in the area, particularly on the A1057 St Albans Road West as both the Cemex and Brett quarries will be using the same road network, and that this application flouts MLP Policy 16. Cemex currently have permission to utilise 300 vehicle movements a day for the existing quarry operation and the Furze Field site. Once you add the proposed Brett 174 lorry movements per day that makes a total of 464 per day, equivalent to one lorry every 85 seconds. Given that it is unlikely that lorry movements will be evenly spaced out during the day one can see that during some time periods there will be lorry movements every few seconds. This stretch of road has already been identified in the A414 consultation as at or exceeding capacity, with limited scope to enhance the road to provide additional capacity. Extracts from the relevant documents are shown below:

Segment 7 of the A414 Consultation document page 180 says:

*“The A1057 Hatfield Road / St Albans Road West links Hatfield and St Albans. It is an intensively used corridor for shorter and longer distance trips by a variety of modes for different journey purposes including commuting, access to the University of Hertfordshire, shopping and logistics. **There is limited scope to enhance the road to provide additional capacity and this may not be desirable from a place and movement perspective** which should aim to give greater priority to the local functions of the road and to discourage the use of the road for through trips, including those travelling from western parts of St Albans (or beyond) to the A1(M) or areas along the A414 corridor east of Hatfield.”*

TheWHaSH (Welwyn Hatfield and Stevenage-Hitchin) Highway Model Welwyn Hatfield Local Plan Mitigation Testing document says:

*“**St Albans Road is either approaching or exceeding capacity in either direction** and in both AM and PM time periods and in the PM period, Ellenbrook Lane NB (northbound) approach also has a Volume to Capacity ratio over 90% during PM. Delays of over 5 minutes are expected in the roundabout due to the vehicles from the major road (A1057) having to give way to vehicles approaching from Ellenbrook Ln”*

To access the site HGVs will need to have a turning lane on the A1057 into the access road as all traffic must enter coming from the East. This is a busy road and slow HGVs queuing in this lane will cause the traffic to back up, it will only take two or three lorries waiting to completely block the road. This will raise the potential for accidents from vehicles coming across stationary traffic on a

fast stretch of road or very slowly moving vehicles entering onto the roadway from the site, again into the path of fast moving vehicles.

We do not accept the Highways view that it should be safe if all the ancient trees and hedgerow are removed and clear vision granted. This unacceptable destruction of the foliage will forever change the rural appearance of this street and area into a commercial zone. The recent destruction of trees and foliage at the entrance to the Smallford Works on Station Road highlights how a pleasant tree lined view has been decimated.

7. Proximity to residential development and the University of Hertfordshire.

The quarry is very close (too close) to a number of residential areas and the University of Hertfordshire.

- It encloses Popefield Farm on three sides, comprising three Grade II listed buildings (45 metres away)
- It is alongside The University of Hertfordshire sports facilities (5-10 metres away)
- It is opposite residential properties along the A1057 at Poplar Close, St Albans Road West and Bramble Road (400 metres away)
- It is adjacent to Jove Gardens green space (15 metres away)
- It is adjacent to Lawrence Close green space (15 metres away)

8. Bromate

a) Risks

We maintain that the known AND unknown risks associated with the bromate plume should make this application too high a risk for the County and residents of Hatfield.

Bromate is a known carcinogen, but very little research is available to understand the health implications for the local population. Potential exposure to this deadly product is an unacceptable risk for residents. This bromate plume is cited as the largest known bromate contamination in Europe and is right next to the proposed quarry site, just a few metres away based on measurements from boreholes.

To quarry so close to the plume is an unacceptable risk to our health and environment. The World Health Organisation (WHO) has set a limit of 10 micrograms bromate in one litre of drinking water. This bromate plume next to the quarry contravenes those guidelines by a huge amount

- Known readings within 100 m of the quarry perimeter show levels **9 times greater** than the WHO levels
- Known readings within 500 m of the quarry perimeter show readings **56 times greater** than the WHO levels

The Environment Agency have been fully involved in the remediation plan to deal with the bromate plume, yet despite this, after over 10 years of remediation work the plume shows little sign of abatement and continues to travel across Hertfordshire. This is of major concern to local residents. Very strong conditions are now imposed by EA in regard to the level of bromate detection in the Lower Mineral Horizon and aquifer. If these levels exceed set trigger points, then all work will cease, a condition where bromate is actually drawn into the workings, and in this event the quarry would never recover resulting in the permanent destruction of the Green Belt.

b) National Planning Policy Framework February 2019.

Quarrying on land contaminated by bromate & bromide is covered by the National Planning Policy Framework February 2019. We believe that the application for the quarry does not comply with the framework for a number of reasons including:

*Chapter 15 of the framework says that “Planning policies and decisions should ensure that: a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as **mining** ...”*

Paragraph 180 also states that *“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***

BS10175 Investigation of Potentially Contaminated Sites – Code of Practice is quoted within the glossary as being an established procedure that all investigations of land **potentially** affected by contamination should be carried out in accordance with these established procedures.

We do not believe that the potential serious consequences of disturbing the bromate plume have been weighted sufficiently in the decisions taken by the appropriate governing / regulatory bodies namely the Environment Agency, Hertfordshire County Council and Affinity Water.

c) Inspectors Inquiry comments on bromate

The Inspectors Inquiry report clearly outlined the ongoing issues with the bromate plume remediation.

“High concentrations of bromate / bromide observed within the plume-wide monitoring network, the large volumes already removed from the chalk aquifer and the rapid increase in concentrations to the east when Bishops Rise abstraction ceases, even for short periods, indicate a continuing source of both contaminants upstream of Bishops Rise.”

The Inspector also states:

It was evident at the Inquiry that the dynamic interaction of several hydrogeological factors here results in considerable complexity, which make it problematic to predetermine the likely impact of dewatering the LMH, with the certainty required in this case, given the risk posed by the bromate plume. Notwithstanding the extant licences, which impose no limit on the overall volume of groundwater abstracted, the expert evidence to the Inquiry points decisively to a compelling need to prohibit pumping from the LMH. It was clear at the close of the Inquiry that it would be necessary and reasonable to impose a planning condition to prevent pumping from the lower mineral aquifer.

In addition, to reduce the risk of exacerbating bromate pollution to an acceptable level, it would be necessary to impose monitoring trigger levels for bromate concentrations that would necessitate intervention by means of action/response plans. However, I am not convinced that the suggested conditions would give proper effect to the EA’s initial requirement that any activities close to the plume must not interfere with the remediation of the bromate pollution. It seems to me that the monitoring locations for assessing compliance with these trigger levels would need to be the subject of further consideration and approval based on the best available evidence, including that provided by additional boreholes. It would not be appropriate to impose a condition specifying a setback for extraction in the LMH from borehole BH104 because it is not clear that this currently defines the southern limit of the bromate plume, and even if it did so, that it would remain the southern limit in the future.

Nevertheless, I consider that it would be possible to devise planning conditions to address these matters by specifying provisions for monitoring locations and ensuring that action/response plans included explicit provision for the cessation of excavation in the LMH if there was evidence that it was

interfering with the remediation of the bromate pollution. In these circumstances it would be necessary for this cessation to endure for the lifetime of the development unless the Mineral Planning Authority determined that compelling evidence demonstrated that excavation in the LMH could resume without any adverse effect on the remediation of the bromate pollution.

There are some very important points to extract from the Inspectors comments.

Firstly that prior to the Inquiry Brett had proposed to pump the LMH, without any objection from the EA. It became clear during the Inquiry, and agreed by **all** the hydrogeology experts that this was not an appropriate way to quarry this area and it was agreed that the original method of pumping water from the LMH was not appropriate. This fundamental change to quarrying this area does not give us confidence that the whole plan is a safe one given that prior to the inquiry Brett and the Environment Agency had both approved the previous method of extraction.

Secondly it was agreed by the Inspector that the current borehole monitoring, again as proposed by Brett and agreed by the EA, was inadequate in terms of defining the extent of the bromate pollution. Although Brett have now agreed to install new monitoring boreholes prior to commencement of quarrying, this again does not give us confidence in the system.

Thirdly although the Inspector is of the view that planning conditions can reduce the risk caused by the bromate plume, he also said the actions plans **must** include **explicit** provision for the cessation of excavation in the LMH if there was evidence that it was interfering with the remediation of the bromate pollution. **In these circumstances it would be necessary for this cessation to endure for the lifetime of the development** unless the Mineral Planning Authority determined that compelling evidence demonstrated that excavation in the LMH could resume without any adverse effect on the remediation of the bromate pollution.

This demonstrates just how serious a risk the bromate presents and reinforces our view that a zero risk approach should be taken with the bromate and that no quarrying should be allowed in the site until the bromate has been eradicated. The plume is an unknown phenomenon that no one can predict and therefore no risks should be taken.

9. Water management plan

We do not believe that the water management plan (as agreed between the applicant and Hertfordshire County Council to manage any issues with the bromate plume) provides sufficient safeguards to deal with the risks of either cross contaminating the upper and lower mineral aquifers or the possible impact on the lateral movement of the plume. We believe that the approach is flawed as it will only come into effect when it is too late. The bromate pollution can take hundreds of years to clear naturally. Once the bromate has contaminated our water it will be too late. In our opinion the council should not be relying on a ground water management plan which will alert everyone when the damage has been done. If things do go wrong, they cannot be put right. This potential risk is too serious to ignore.

The local Environment Agency has previously stated that the quarry working is 'unlikely' to cause the bromate plume to impact upon the remaining water pumping stations, "unlikely" in our view is not a good enough guarantee that it will not, particularly when it is clear that the bromate is extremely difficult to remove.

One of the issues highlighted by the Inquiry Inspector was the problem with establishing exactly where is the edge of the bromate plume actually located, due to the absence of sufficient boreholes along the proposed perimeter of the dig site. Data from borehole 104 (close to the dig site) shows low but consistent levels of bromate.

One of the differences between the 2021 application and 2016 application was for the standoff for mineral extraction operations in the LMH to the bromate plume to be increased from 50m to 100m, to (in theory) provide more of a gap between the potential edge of the plume and the dig site. Given that the plume has travelled from Sandridge (the original source) and is **20km** long it is difficult to see how an increase of 50m can make any material difference to the risk of the bromate travelling into the quarry area.

10. Public Water Sources

We believe that the risk to public water supplies contravenes MLP policies 17 and 18. Policy 17(iv) provides that development would not be permitted if it would have a negative quantitative and/or qualitative impact on groundwater resources, unless appropriate measures can be imposed to mitigate any harmful effects.

We believe that the risk to the groundwater resources on Ellenbrook Fields is very high; the mitigation proposed by the applicant does not eliminate the risk entirely and therefore the application should not be approved, and the groundwater resource put at any risk.

We are aware that Affinity Water will not put contaminated water into the public network, but we will risk losing this valuable resource for decades at the least if any bromate leaks into the source water area.

The bromate plume has already affected the land and water supply in and around our area of Hatfield. Two local pumping stations have already been affected by the plume; one in Hatfield had to be closed when it was realised this was putting contaminated water into the public water systems, and one in Essendon is closely monitored to ensure that the drinking water remains below WHO guidelines (10 micrograms in 1 litre of water), this means that Affinity Water have to keep turning it off and mixing the water with uncontaminated water to lower the bromate concentration in order to keep the community supplied with clean, safe drinking water.

We recognise the importance of the remediation work (circa 2008) to remove the bromate, however over the past 10 years this remediation work has sadly, despite the huge financial cost and more importantly the ongoing loss of millions of litres of precious and scarce water, made no noticeable difference to the level of contamination in the source water arriving at Bishops Rise Water Pumping Station and formally used for our drinking water.

To reiterate our concerns, to put our water supply at any risk seems to be a highly dangerous strategy.

11. Heritage Assets

Popefield Farm has three Grade II listed buildings which have all been fully restored over recent years.

Policy 18 of the Mineral Plan states *“Development proposals will be supported where it can be demonstrated that they will protect, conserve and, where appropriate, enhance the historic environment. Development proposals which affect a heritage asset (both designated and non-designated) and/or its setting must be accompanied by a Heritage Statement, which as a minimum should include:*

- a) a description of the significance of any heritage asset affected by the proposal;*

- b) details of any contribution made by its setting;
- c) the integrity and distinctiveness of the asset; and
- d) the level of impact on the character and value of the asset.

This policy is clear that where there is a heritage asset ie a listed building, and it is affected by mineral extraction then serious consideration should be given to the impact on the asset.

The three listed buildings at Popefield Farm adjacent to the mineral site will be directly affected by mineral extraction. The impact on the listed buildings is significant and they will have to endure quarrying close to their boundary for potentially four decades. It is difficult to see how quarrying next door to these heritage assets will protect, conserve and, where appropriate, enhance the historic environment.

The Inspectors report identified that due to the proximity of the excavation / infill operation to Popefield Farm that there could be enduring, adverse effect on the residents of Popefield Farm, in particular the noise from vehicles working on the site, and that this effect will occur over an extended period of time due to the fact that the phased work will surround Popefield Farm for nearly all of the 40 years.

The Inspector's report noted that the current open character of the land to the east, north and west of the Popefield Farmhouse helps to create a sense of open countryside reminiscent of that which would have contained the historic buildings prior to the construction of the airfield. The report also notes that the proximity of bunds and quarrying activity would diminish appreciation of the farmhouse in its local context for a substantial period of time.

We do not believe that this application will protect, conserve and, where appropriate, enhance the historic environment. Any quarrying on the site will have a significant impact on Popefield Farm for decades despite additional planting.

12. Character and Appearance

There are a number of comments in the inspector's report that are important to reiterate regarding the character and appearance of the site.

"It seems to me that the appellant understates the likely impact of the operation on extensive areas over a long period of time within a locality that includes a Country Park."

We believe that that area will not be able to function as an attractive country park during the decades of quarrying.

"The appeal site lies within 'Area 31 De Havilland Plain' in the 2005 Welwyn Hatfield Landscape Character Assessment. This area is characterised as an extensive level plain. In this flat landscape structures rising above the existing ground level would be prominent features. Large, high or extensive structures could obstruct or shorten views across the wider landscape. The CBP, other plant, stockpiles and bunds associated with the appeal scheme would be seen as intrusive features in this flat landscape, especially in the context of the surrounding Country Park. This would have an impact on sensitive receptors visiting the Country Park to enjoy the open space and the contrast it provides to nearby urban areas and activities. MLP Policy 12 provides, amongst other things, that regard would be given to the visual impact of proposals on sensitive land uses, including areas of public access."

We do not believe that the new scheme, even without the Concrete Batching Plant, would not include intrusive features that would have a serious detrimental effect on the enjoyment of the country park.

“Measures could be imposed by planning condition to minimise any adverse effects of light spill from the operation. However, the proposed road widening and new access junction on the A1057, with its associated visibility splays, would require the removal of much roadside vegetation. This would open up a gap in a feature that contributes to the sense of countryside separating urban development in St Albans and Hatfield. The NPPF provides that the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality should be taken into account. The proposed CBP would be seen in the same view as the Cemex facility from some vantage points in and around the Country Park. This would result in a cumulative adverse visual effect that would be at odds with MLP Policy 11 concerning unacceptable cumulative impacts.

The new entrance on A1057, large enough to accommodate lorries, will have a serious adverse effect on the visual landscape. One only has to look at the entrance to the nearby Smallford Works to get some idea of how an entrance area can be ruined.

“The appeal scheme, even with progressive restoration, would have an adverse effect on the character and appearance of the area for 32 years, which in landscape terms is considered a long-term impact. With appropriate planning conditions for restoration and aftercare the appeal site would eventually provide an enhanced landscape for this part of the former airfield in accordance with MLP Policies 13 and 14. But it seems to me that this benefit would arise so far into the future that it would not compensate for the cumulative harm over the long operational period of the appeal scheme.

“For the reasons set out above, I consider that the appeal scheme would have an adverse effect on the character and appearance of the area of moderate/substantial significance.”

The Inspector is very clear that in his view the 2016 scheme would have an adverse effect on the character and appearance of the area of moderate/substantial significance. We do not believe that the 2021 proposal provides significant differences to alter this view.

13. Conclusion

- We do not believe that there are sufficient changes in the 2021 application to make this an acceptable proposal for the destruction of our Country Park.
- We do not believe that the issues raised at the appeal have been resolved and we do not believe that the HCC Reg25 questions have been answered satisfactorily.
- We remain particularly concerned about the impact on the Green Belt for the duration of nearly four decades and do not believe that the Park will provide an attractive leisure facility for residents during that period.
- We continue to remain concerned about the bromate plume and reiterate that Ellenbrook Fields should not be quarried on whilst the bromate plume is still there.

Ellenbrook Residents Association, Smallford Residents Association, Colney Heath Parish Council
20th October 2023