

WELWYN HATFIELD COUNCIL
PLANNING CONTROL COMMITTEE – 13 MAY 2010
REPORT OF THE DIRECTOR (STRATEGY AND DEVELOPMENT)

S6/1999/1064/OP

ELLENBROOK PARK, FORMER HATFIELD AERODROME SITE, HATFIELD

PROPOSED VARIATION TO LANDSCAPE FRAMEWORK PLAN APPROVED UNDER SECTION 106 AGREEMENT

APPLICANT: Goodman UK Limited

(Hatfield Villages)

1 Background

- 1.1 Outline planning permission for the redevelopment of the former Hatfield Aerodrome site was granted on 29th December 2000 on completion of a Section 106 Agreement covering a wide range of matters. The redevelopment has proceeded since that time through the implementation of many subsequent reserved matters approvals and full planning permissions for both residential and non-residential development.
- 1.2 One of the requirements of the Section 106 Agreement is that the part of the former Aerodrome within the Green Belt should be made available for public access by local residents as an informal country park (Ellenbrook Park), following the completion of planting in selected areas. The Ellenbrook Park area lies mainly within the Borough of Welwyn Hatfield, but partly within the administrative area of St Albans City and District Council.
- 1.3 The Agreement provides for the landowner to undertake certain landscape 'establishment works' in accordance with a timetable tied to the pace of development on the adjoining redevelopment area. It also provides for the land to then be maintained by the landowner in accordance with a landscape management plan (to be agreed with the local authorities) and eventually for a lease to be granted to a management trust, with the proviso that the landowner may subsequently take back from the trust any parts of the land on which it is successful in obtaining planning permission for development.
- 1.4 Public access to a limited area of land (the 'Ellenbrook Corridor') immediately adjoining the western edge of the new residential area was achieved several years ago, in compliance with a condition attached to the outline planning permission. The majority of the Green Belt area, however, has remained much as it was on the closure of the airfield in 1994, with the addition of dispersed amounts of rubble and debris arising from the early phases of non-residential development on the adjoining land. The establishment works required by the agreement have not been completed. Some work was undertaken to prepare a landscape management plan, as required by the Section 106 Agreement, but this work stopped in 2002 following a query raised by the County Council about the

amounts of material arising from the redevelopment which had been deposited in the Green Belt. This material has since been cleared or assimilated into the existing landscape.

- 1.5 At the time of completion of the Section 106 Agreement in 2000 it was anticipated that some or all of the designated Ellenbrook Park land would be subject to mineral extraction, as this land was identified in the County Council's Minerals Local Plan adopted in 1998 as being within a preferred area for such extraction. The Minerals Local Plan Review adopted in 2007 confirmed this preferred area status. No extraction has yet taken place however, nor has any minerals planning application been submitted, despite occasional informal meetings between the landowner and the County Council as minerals planning authority.
- 1.6 There remain, therefore, outstanding obligations on the landowner to implement Ellenbrook Park and agree an appropriate management scheme. These obligations were pursued formally with the landowner at various points between 2004 and 2006 and advice was taken on the possibility of proceeding with formal court action to enforce certain terms of the Section 106 Agreement. The landowner did however then enter into discussion with the Council in early 2007 concerning a revised landscape framework which would better take account of an impending minerals planning application whilst allowing for an enhanced interim management regime. It is these revised proposals which form the basis of this report to committee.

2 Site Description

- 2.1 The Green Belt area identified for Ellenbrook Park in the Hatfield Aerodrome SPG is substantial, at approximately 172 hectares (425 acres). Of this, about two-thirds is within Welwyn Hatfield and the remainder within St Albans District. The land stretches from the boundary of the Hatfield Aerodrome redevelopment in the east to Smallford in the west, and from St Albans Road West in the south to Coopers Green Lane in the north.
- 2.2 The land is predominantly flat and open grassland, with a section of former aircraft taxiway remaining. It includes Home Covert, a significant area of ancient woodland, and other areas of hedgerow and scrubland around its fringes. An existing public footpath (Colney Heath No 14/15) runs along the western edge of the land.

3 The Proposal

- 3.1 The proposal is to replace the landscape framework document which is appended to the original Section 106 Agreement with a revised set of proposals for planting, landscape management and public access. This would effectively redefine the establishment works to take account of changed circumstances since 2000. The new works and management regime would be secured through a legally-binding variation or supplemental deed to the original Section 106 Agreement.

4 Planning History

- 4.1 The relevant planning application is S6/1999/1064/OP, which was reported to committee on 29 June 2000 and approved subject to a Section 106 Agreement, which was completed on 29th December 2000.

5 Planning Policy

- 5.1 PPG2 (Green Belts)

- 5.2 East of England Plan 2008;

Policy ENV1 (Green Infrastructure)

Policy ENV5 (Woodlands)

- 5.3 Hertfordshire County Council Minerals Local Plan Review 2007;

Minerals Policy 2 (Need for mineral working)

Minerals Policy 3 (Working of preferred areas)

- 5.4 Welwyn Hatfield District Plan 2005;

Policy RA1 (Development in the Green Belt),

Policy RA11 (Watling Chase Community Forest)

Policy HATAER1 (Sustainable Development of the Site)

Policy HATAER2 (Mixed Use)

Policy R11 (Biodiversity and Development)

Policy R17 (Trees, Woodland and Hedgerows)

- 5.5 Hatfield Aerodrome Supplementary Planning Guidance (SPG) November 1999.

6 Constraints

- 6.1 The site lies within the Metropolitan Green Belt as designated in the Welwyn Hatfield District Plan 2005.

- 6.2 Home Covert and Round Wood are identified as a wildlife site (WS84) in the Welwyn Hatfield District Plan 2005.

7 Consultations Received

- 7.1 Consultations on the revised landscape and access proposals have carried out with **Hertfordshire County Council's County Development Unit (Minerals and Waste)** and **St Albans City and District Council (Planning and Building Control)**, also the **Hertfordshire Biological Records Centre** and the **County Council's Rights of Way Service**. Internal advice has been obtained from the Council's Head of Landscape and Ecology. The comments received from these consultees are discussed in section 8 below.

- 7.2 No statutory advertisements or notifications are required, as the proposal relates to the amendment by agreement of an existing Section 106 obligation. The amendment does not propose any new buildings, works, or changes of use requiring planning permission.

8 **Discussion**

- 8.1 This proposal is presented to the Planning Control Committee because of the significance of Ellenbrook Park in delivering the objectives of the Hatfield Aerodrome SPG.
- 8.2 The main issue to be considered is whether the revised landscape framework now proposed by the landowner, following discussion with officers of the three local authorities, is acceptable in substitution for the framework which forms part of the original Section 106 Agreement dated 29th December 2000.
- 8.3 The originally agreed framework is set out at Schedule Twenty-One of the Agreement. It includes provisions for the Ellenbrook Corridor (since completed in accordance with approved planting plans and public access arrangements), the management of the existing 15.2 ha of woodland (included in the revised proposals), screen planting of about 4 ha, mainly at the St Albans end of the site (included in the revised proposals) and management of the existing grassland (also included in the revised proposals). The original framework specifies that the area should retain its largely open and flat grassland character with views across the wider landscape. This principle has been followed in the revised proposals.
- 8.4 As far as public access is concerned, the original framework proposes the improvement of the one existing definitive right of way at the St Albans end of the site, the creation of a surfaced footpath and bridleway from St Albans Road West northwards alongside the Aerodrome redevelopment area to Coopers Green Lane, and the creation of a circular permissive route through the middle of the park with a link to Smallford. The new proposals are essentially similar. They recognise that part of the north-south route through the Ellenbrook Corridor has already been provided, and the central circular permissive route would link in to this, making use of the remaining taxiway which would be used as a pedestrian route with interpretive features and seating at either end. There is also the option for creating a bridleway parallel to the definitive public footpath at the St Albans end of the site, subject to highway safety approval.
- 8.5 The new proposals do not include as much new woodland planting as is shown in the original framework (which proposed 20.1 ha, mainly in a block adjoining Home Covert). Whilst understanding the landowner's reasons for not wanting to provide this quantity of planting at the interim stage before minerals have been extracted (to avoid possibly abortive expenditure), the local authorities have looked critically at the new proposals to ensure that they will deliver at least an equivalent level of biodiversity, visual amenity and public interest.
- 8.6 In fact, because of the length of time since the closure of the airfield, during which the Green Belt land has been largely unmaintained, there is now significant natural regeneration of scrub and small trees, particularly in the south-west part of the site and east of Home Covert. Additionally there are substantial areas of largely undisturbed grassland in the north and west of the site which are supporting a distinctive ecology. Detailed consultation has taken place over the last two years with the Council's own Landscape and Ecology Service and with the Hertfordshire Biological Records Centre. As a result of these consultations the new proposals have been supplemented and amended such that officers of all three authorities involved are now satisfied that the proposals offer a way forward which is at least of equal value in landscape and ecological terms to that originally proposed in the Section 106 Agreement. One particularly positive element to the new proposals is that they would introduce grazing by longhorn

cattle to parts of the site, as an integrated element of ecological management which would also provide public interest.

- 8.7 It needs also to be remembered that the new framework is intended to provide a flexible interim solution to management of the landscape until minerals are extracted. As part of any minerals application determined by the County Council, a comprehensive restoration and landscape scheme would be required by planning condition, and this ideally would dovetail with the landscape framework put in place now, and develop it further in a phased approach. This could include a requirement for additional woodland planting, in keeping with original policy objectives, including those of the Watling Chase Community Forest.
- 8.8 In case mineral extraction does not take place, there would need to be a provision in any supplemental Section 106 deed to reassess the scheme at an agreed point in time and produce a long term management plan, which could include additional woodland planting if necessary.
- 8.9 The detailed landscape management plan required by the original Section 106 Agreement should have been submitted and approved at an early stage of the redevelopment of the Aerodrome but, as noted at 1.4 above, work on the plan ceased in 2002. If the approval of all three local authorities is obtained to adopt the new framework proposals and amend the Section 106 accordingly, the landscape management plan should be agreed as a matter of urgency (e.g. in the next two months).
- 8.10 Works have already taken place on site during December 2009 and January 2010 to clear most of the remaining debris and derelict structures, excepting those structures which have had to be temporarily retained to safeguard protected species including bats, owls and newts. The landowner has been asked to produce a programme for completing these works and carrying out some initial measures on site to enable an element of public access during 2010. This programme is scheduled to be discussed at a joint officer meeting scheduled for 19th May.
- 8.11 It is not intended that acceptance of the revised landscape and access proposals would affect the requirement on the landowner to transfer the park to the Ellenbrook Trust. The requirement in the original Section 106 Agreement is for a lease to be granted to the Trust once two years have elapsed following the completion of the 'establishment works', and it is recommended that this requirement would transfer to the completion of the revised establishment works, which themselves would be required to be completed at an early date (probably late 2010 or early 2011).
- 8.12 The Cabinet of St Albans City and District Council resolved on 13th April to instruct St Albans' officers to enter into negotiations to review the terms of the existing Section 106 Agreement in the light of the progress being made in implementing the interim proposals for Ellenbrook Park. It is anticipated that the County Council will have authorised its officers similarly by the time this report is considered by this Committee.
- 8.13 St Albans Council have not at this stage revoked an earlier authority which was given to their officers to pursue legal action for breaches by the landowner of the terms of the existing Section 106 Agreement. Provided the landowner maintains satisfactory progress in concluding the site clearance, carrying out the establishment works and completing the appropriate supplemental deed it should

not be necessary to pursue such action. If satisfactory progress is not maintained in the months to come it may be necessary to report back to this Committee seeking authority to pursue legal action jointly with St Albans and the County Council over the existing breaches of the Agreement.

9 Conclusion

9.1 The implementation of Ellenbrook Park as an important area of open space to serve neighbouring residents, as a visual amenity and as a significant ecological resource, is important and long overdue. Achieving the park is an integral part of realising the objectives of the Hatfield Aerodrome SPG, and would be entirely in accordance with national, regional and local planning policies.

9.2 Following several years of discussion of detailed landscape and public access proposals, and negotiations with the landowner against the background of the Section 106 Agreement from 2000, officers of the three local authorities involved are now satisfied that the revised landscape framework proposals represent the best realistic prospect for achieving the objectives of the park.

10 Recommendation

10.1 It is recommended that the latest landscape framework drawings (Macgregor Smith refs: 502-2-020 A, 502-2-021 A, 502-2-022 C and 502-2-023 A) with accompanying written description are accepted as the relevant landscape framework document showing the required establishment works for Ellenbrook Park and that officers are instructed to negotiate an appropriate variation or supplemental Section 106 deed accordingly, for agreement by all three local authorities involved.

10.2 It is also recommended that if, in the opinion of the Head of Development Control, insufficient progress is being made by the landowner towards completing the required landscape management plan, site clearance, or establishment works, or towards agreeing the variation or supplemental deed, a further report will be brought before the Committee to consider whether formal legal action is required to enforce the terms of the existing Section 106 Agreement.

Simon Chivers (Strategy and Development)
Date: 28th April 2010

Background papers to be listed (if applicable)