

**WELWYN HATFIELD BOROUGH COUNCIL  
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

**DELEGATED APPLICATION**

**Application No:** 6/2018/1635/OUTLINE  
**Location:** Historic DeHavilland Grass Runway, Ellenbrook fields, Hatfield Business Park, Hatfield, Herts  
**Proposal:** Outline permission for the change of use of land to airfield with runway and support facilities including a clubhouse, hangar and car park with all matters except layout reserved  
**Officer:** Mr Mark Peacock

**Recommendation:** Refused

6/2018/1635/OUTLINE

<b>Context</b>	
<b>Site and Application description</b>	<p>The proposed development site covers an area of approximately 100 hectares within Ellenbrook Fields County Park which currently supports a large area of open grassland. The existing site is relatively flat and free from and built structures.</p> <p>The proposal is for a grass runway measuring 900 metres in length. In addition to the runway, the proposal also includes an associated clubhouse, two hangars, runway lighting, aircraft parking, picnic/viewing area, access, car parking to accommodate 50 vehicles, fencing and the provision of services to include: electrical head, water, gas, broadband, and sewage connections. This outline application, with all matters except layout reserved, provides only minimal information on the buildings proposed.</p> <p>Within the site, the new car park would cover an area of approximately 9-10,000 square metres (0.9 – 1 hectare). The car park would be accessed via a new track approximately 650 metres in length leading from Albatross Way along an historical airfield access road.</p> <p>The area land proposed for the new airfield forms part of the former Hatfield Aerodrome site, which was occupied first by the DeHavilland Aircraft Works, and later by British Aerospace (BAe), until it was closed by BAe in the mid 1990's. The eastern part of the former Hatfield Aerodrome site was allocated for mixed-used development in the District Plan 1998. The western part of the former Hatfield Aerodrome site, which includes the proposed airfield, was proposed to remain within the Green Belt and protected from development. Outline permission for the development of the eastern part of the former Hatfield Aerodrome was granted in December 2000 on completion of a S106 Agreement. This development is now well established with a range of commercial uses, including offices, warehouses, car dealerships, a private hospital as well as residential properties, a school and the University of Hertfordshire's DeHavilland Campus.</p>

	<p>As part of the conditions attached to the planning permission the area proposed for a new airfield was secured as public open space. The S106 Agreement set out that the area of land known as Ellenbrook Fields was to be established as a country park and transferred to a trust who would be responsible for stewarding it in the long-term public interest. The area secured for Ellenbrook Country Park falls mostly within Welwyn Hatfield but also partly within St Albans District.</p> <p>The country park has been partially delivered to date with the implementation of the full area being delayed due to planned mineral extraction. The majority of the former Hatfield Aerodrome site within the Green Belt was identified within the Hertfordshire Minerals Local Plan as a Preferred Area for Mineral Extraction. The County Council in its capacity as Minerals Planning Authority has resolved to grant permission for the removal of a quantity of minerals subject to a Section 106 agreement. The corollary of the mineral extraction is that the country park will need to be established on a phased basis taking account of mineral extraction across various parts of the site.</p> <p>The site has not been recently used as an airfield and therefore this proposal will introduce a new aviation use on an undeveloped site in the Green Belt. Whilst the site and its wider surrounds once formed part of Hatfield Aerodrome, this use ceased in 1994, some 25 years ago. Since this time, the setting has altered significantly as a result of the re-development of the former aerodrome site.</p> <p>The site is located adjacent to a residential area of Hatfield, as well as an employment area and the University of Hertfordshire's DeHavilland Campus. Howe Dell Primary School is approximately 300m east of the site. Also nearby are numerous rural dwellings and small settlements. St Albans lies approximately 1.8km to the west.</p> <p>The site falls within the De Havilland Plane Landscape Character Area. A Local Wildlife site (reference WS84) is located within the boundary of the wider airfield site. This is an existing Section 41 NERC Act habitat. The proposed buildings and car parking associated with the airfield would be located next to the Local Wildlife Site.</p>
<p><b>Constraints (as defined within WHDP 2005)</b></p>	<p>LBC - LISTED BUILDING Manor House, now college headquarters. Lat C17 - Distance: 36.7  AAS - Area of Archaeological Significance : - Distance: 0  EMPL - EA6 (Hatfield Business Park) - Distance: 0  FLZ2 - Flood Zone 2 (Fluvial Events) - Distance: 0  GB - Greenbelt - Distance: 0  LCA - Landscape Character Area (De Havilland Plain) - Distance: 0  PAR - PARISH (HATFIELD) - Distance: 0  ROW - FOOTPATH (HATFIELD 033) - Distance: 9.85  Wards - Hatfield Villages - Distance: 0  WCCF - Watling Chase Community Forest - Distance: 0  ALA – St Albans - Distance: 0  A4HD - Article 4 HMO Direction - Distance: 0  CUL - Culverting - Distance: 0  CP - Cycle Path (Cycle Facility / Route) - Distance: 0  FM30 - Flood Zone Surface Water 30mm - Distance: 0  FM10 - Flood Zone Surface Water 100mm - Distance: 0</p>

	FM00 - Flood Zone Surface Water 1000mm - Distance: 0 HAT - Hatfield Aerodrome - Distance: 0 WILD - Home Covert & Round Wood - Distance: 0 HEN - Existing S41 NERC Act habitat - Distance: 0 HEN - Existing habitat not currently qualifying under S41 NERC Act - Distance: 0 HEN - No known habitats present (high priority for habitat creation) - Distance: 0 HEN - No known habitats present (medium priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0 HPGU - Astwick Manor - Distance: 0		
<b>Relevant planning history</b>	Application Number: 6/2018/1891/EIA Decision: EIA development Decision Date: 23 August 2019 Proposal: Outline application for a large-scale mixed use development including 1,100 new homes and supporting infrastructure including a primary school, local centre and open space with all matters reserved		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 243	Object: 90	Other: 8
<b>Publicity</b>	Site Notice Display Date: 12 July 2018 Site Notice Expiry Date: 2 August 2018 Press Advert Display Date: 4 July 2018 Press Advert Expiry Date: 18 July 2018		
<b>Summary of neighbour responses</b>	All representation are available to view on the Council's website. For the reasons explained below, this application is not being determined on its planning merits, it is therefore deemed unnecessary to summarise the comments.		
<b>Consultees and responses</b>	All representation are available to view on the Council's website. Given that this application is not being determined on its planning merits, it is not deemed necessary to summarise the comments.		
<b>Main Issues</b>			
<b>Need for an Environmental Impact Assessment</b>			
<p>The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) define "<i>EIA Development</i>" as being development which is either "<i>Schedule 1 development</i>" or "<i>Schedule 2 development likely to have significant effects on the environment by virtue of factors such as nature, size or location</i>".</p> <p>Regulation 8 of EIA Regulations states that when a local planning authority receives an application which appears to be an application for Schedule 2 development, and the application has not been the subject of a screening opinion or direction and there is no accompanying Environmental Statement, the local planning authority must provide an opinion on the need for Environmental Impact Assessment as if the applicant had requested such a screening opinion under regulation 6 of the EIA Regulations.</p> <p>In accordance with the above, the Council has undertaken a formal screening opinion for the development proposal (planning ref: 6/2018/1891/EIA). Screening is a procedure used to determine whether a proposed development is likely to have significant effects on the</p>			

environment. The purpose of screening is to establish whether the proposal is EIA Development for which any planning application would need to be accompanied by an Environmental Statement, in the form prescribed by the EIA Regulations.

In this instance the Council's screening opinion concluded that the proposed development is one that falls within the description at paragraph 10 (e) of Schedule 2, i.e. it concerns the construction of an airfield and the area of works exceed 1 hectare. The proposed development is therefore Schedule 2 development within the meaning of the EIA Regulations. However, not all Schedule 2 development has an impact or impacts that require an EIA to be undertaken and each case should be considered on its own merits in a balanced way. Schedule 2 developments need to be screened by the local planning authority to determine whether significant effects are likely and hence whether an EIA is required.

Section 1 of Schedule 3 of the EIA Regulations identifies the characteristics of the development that must be considered and amongst the characteristics to be taken into account are the size of the development, risks to human health, pollution and nuisances. Section 2 of Schedule 3 requires consideration to be given to the environmental sensitivity of the geographical area likely to be affected by the development and, amongst other things, consideration should be given to existing land uses, densely populated areas and landscape, historical, cultural or archaeological significance. Section 3 of Schedule 3 requires consideration to be given to the characteristics of a development's potential impact having regard to the extent of the impact, for example in terms of geographical area and size of the affected population, the nature of the impact, duration, frequency and reversibility of the impact, as well as the possibility of effectively reducing the impact.

In this instance, taking into consideration the characteristics of the development, the sensitivities of the site and the development's potential impact, the Council determined that this proposal should be considered an EIA Development under the 2017 Regulations.

Where the screening opinion concludes that an Environmental Impact Assessment is required, the local planning authority must notify the applicant in writing, in accordance with regulation 11, that the submission of an Environmental Statement is necessary. In this case, the positive screening opinion was confirmed by letter, dated 23 August 2019, which was sent to the applicant and published on the Council's website. On receipt of that notice the applicant should, within 21 days of the date of the notice, reply to the Council stating their intention either to provide an Environmental Statement or to request a screening direction from the Secretary of State. If the applicant does not reply within the 21 days, the planning application will be deemed to have been refused.

The notification period set out above expired on the 13 September 2019 and no response has been received from the applicant. Therefore, in accordance with the regulation 11(8) the local planning authority must determine the application only by refusing planning permission.

### **Conclusion**

Taking into consideration the characteristics of the development, the sensitivities of the site and the development's potential impact, the Council determined that this proposal should be considered an EIA Development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. This was confirmed by a positive screening opinion, dated 23 August 2019, sent to the applicant and published on the Council's website (ref: 6/2018/1891/EIA) which provides the main reasons for this conclusion with reference to the relevant criteria. Subsequently, the applicant has failed to state their intention either to provide an Environmental Statement or to request a screening direction from the Secretary of State. Therefore, in accordance with the regulation 11(8) the Local Planning Authority

must determine the application only by refusing planning permission.

**Reason for Refusal:**

1. Taking into consideration the characteristics of the development, the sensitivities of the site and the development's potential impact, the Council determined that this proposal should be considered an EIA Development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. This was confirmed by a positive screening opinion, dated 23 August 2019, sent to the applicant and published on the Council's website (ref: 6/2018/1891/EIA) which provides the main reasons for this conclusion with reference to the relevant criteria. Subsequently, the applicant has failed to state their intention either to provide an Environmental Statement or to request a screening direction from the Secretary of State. Therefore, in accordance with the regulation 11(8) the Local Planning Authority must determine the application only by refusing planning permission.

**REFUSED DRAWING NUMBERS**

2.

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
AKA-00-DR-X-0001	00	Runway Plan	6 July 2018
WHFC-00-DR-X-0003	00	Existing Site Plan	6 July 2018
WHFC-00-DR-X-0004	00	Proposed Site Plan	6 July 2018
WHFC-00-DR-X-0002	00	Site Location Plan	6 July 2018

1. **POSITIVE AND PROACTIVE STATEMENT**

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

**Informatives:**

1. Importantly in the context of the determination this planning application there is no requirement to have regard to extant National Planning Policy or adopted Development Plan policies or any other policy documents with the status of "other

material planning considerations". The fact that there may or may not be conflict with, for example, the National Planning Policy Framework or any extant policies within the Welwyn Hatfield District Plan 2005 or the Draft Local Plan Proposed Submission 2016 is not material to the determination of this application.

**Determined By:**

Mrs Sarah Smith  
23 October 2019