

APPEAL REF: APP/M1900/W/24/3346607
Land at the former Hatfield Aerodrome
Inspector's Supplementary Note

1. This note should be read alongside my note of 20 September 2024, which sets out the pre-inquiry timetable and discusses several procedural and timetabling matters.
2. At the Supplementary Case Conference held on Friday 4 October, Lisa Peters of Colney Heath Parish Council, agreed to act as coordinator for those members, of the four former Rule 6 parties, who were maintaining their opposition to the proposal and for anyone else who wished to join them. In the circumstances, I also agreed to extend the deadline for the submission of third party's proofs that contain technical information, until 29 October.
3. Subsequently, the Council has appointed Joanna Vincent (contact details Joanna.Vincent@gateleyhamer.com Tel 07483 133975) to act as Programme officer. Any communication about the Inquiry or the future progress of the appeal should now be addressed to Joanna in the first instance.

Inquiry format

4. The Minerals Planning Authority (MPA) has withdrawn its opposition to the proposal and will not be giving evidence against it. It will however make a statement outlining its current position and the reasons for its withdrawal. It will also have witnesses available at the Inquiry, to answer any questions that I may have for them at the topic sessions, and to participate in the formulation of conditions. The four Rule 6 parties have also withdrawn. In the new circumstances, I no longer consider the usual format of an Inquiry, largely via cross examination of witnesses, to be appropriate. Instead, the bulk of the Inquiry will be undertaken through round table discussion sessions that I will lead on a topic-by-topic basis.
5. This is a Public Inquiry, and its conduct is governed by the Inquiry Rules Procedures¹. The participants will consist of the Appellant, the Council and anyone else allowed to speak at the discretion of myself. I have already agreed that the Colney Heath group can appear as an organised group of people with a common interest in the proposal and similarly Keith Spence and Ally Thomas from the Environment Agency and Mike Jackson as an individual.

¹ The Town and country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000/1625 (as amended) <https://www.legislation.gov.uk/uksi/2000/1625/contents/made>

6. I will also allow anyone else, with a genuine interest in the case, to speak either through the presentation of a statement or by taking part in one or more of the round table sessions. To take part in the round table sessions you will need to notify the Programme Officer by **12 November** and to submit a statement outlining your case in the context of the issue(s) being discussed by **14 November**. If the sessions are oversubscribed, then I will select the requisite number of people on the basis of achieving the widest cross section of points of view. Other third parties, with an interest in the case, will be allowed to individually present evidence on any matter related to the planning context of the appeal. A session will be held on the first morning. Anyone unable to attend this session should notify the Programme Officer by **14 November** and I will try to arrange additional sessions at convenient times, including an evening session if there is sufficient demand.

Round table sessions

7. The round table sessions can accommodate up to 10 persons (beyond that number they can sometimes become unmanageable). That number would be comprised of representatives from the Appellant, the Colney Heath Group (up to 3 representatives each) and 4-6 other participants who have submitted a detailed statement on the topic being discussed. It would be appreciated if the main participants could let the Programme Officer know *in advance* how many participants they will be fielding at each Round Table session. Any other third parties who wish to participate should also contact the Programme Officer before **12 November**.
8. The round table sessions will be opened by a brief presentation of the Appellant's case. I will give the Colney Heath Group the same opportunity, but it is not mandatory. Then I will invite questions about the Appellant's case, followed by a discussion. I will probably ask questions at an appropriate time myself, unless they have already been asked by someone else and I may intervene in the discussion if I think it is appropriate. The Appellant will be given the opportunity to have the last word through a brief statement if it considers this to be necessary.
9. I will prepare an agenda for the sessions, once I have received and read all of the statements, submitted in advance by participants. If the sessions lend themselves to being subdivided into sub-topics, I will do that. At the moment, I anticipate that there could be round table sessions on the following topics.
 - Policy matters;
 - The need for sand and gravel in the Hertfordshire area;

- The cumulative effect of sand and gravel quarrying in the local area;
- The character and appearance of the site and area including landscape character;
- Green Belt;
- Heritage assets;
- Public access and the use of Ellenbrook Park;
- Groundwater;
- Flooding;
- Highway safety and the free flow of traffic;
- Noise;
- Air quality;
- Residential amenity at Popefield Farm and in the surrounding area and including noise and dust;
- Biodiversity;
- Restoration proposals;
- The availability of inert material to restore the site in accordance with the timescales proposed.

If third parties wish to discuss other matters then they should notify the Programme Officer by **5 November**.

Statement of Common Ground

10. The Appellant in discussion with the Council has prepared and submitted a Statement of Common Ground, which has been posted on the website. Any third party participating in the Inquiry is advised to look at this before preparing a statement of evidence, in order to learn of the current state of evidence, from the main parties, before the Inquiry. This should provide a context for their evidence.

Conditions

11. A draft schedule of agreed, planning conditions and the reasons for them, including references to any policy support, is to be submitted along with the proofs of evidence by **29 October**. The Council has taken the lead in preparing the list, in discussion with the Appellant and the Colney Heath group. The final agreed schedule is to be submitted by **5 November**.

12. Careful attention is to be paid to the wording and the revised conditions will need to be properly justified having regard to the relevant tests, in particular the test of necessity. Any difference in view on any of the suggested revised condition, including its precise wording, should be highlighted in the schedule with a brief explanation given. If the

differences are significant then alternative conditions should be submitted.

13. I will lead a formal discussion on conditions after all of the evidence has been heard. In addition, and if necessary, there will be an informal discussion between myself and representation from each side, following the conclusion of evidence presentation at the end of the first or second day. This would be an opportunity for me to express my thoughts on the final draft conditions, assuming that I have issues about some of them.

Planning Agreements

14. Although the submission of a signed version of the obligation needs to occur before **5 November**, if changes occur as a result of the discussion of evidence at the Inquiry, I will allow revisions to the text during the Inquiry and will consider an extension of time to allow the revised document to be signed.

15. St Albans Borough Council and Welwyn Hatfield Borough Council have both referred me to a historic Agreement pertaining to the redevelopment of Hatfield Aerodrome. They claim that it restricts the use of the land and that it is relevant to my decision. In my note of 20 September, I urged all relevant parties to the original agreement to discuss and agree the drafting of a variation to this Agreement. If no agreement to a variation is agreed, then I will allow the two District Council's along the Minerals Planning Authority and the Appellant to appear before the Inquiry to discuss the matter. The timing will probably be towards the end, between the session on conditions and the accompanied site visit, unless anyone considers there to be a justified advantage in having the session closer to the start.

Core Documents/Inquiry Documents

16. A list of Core Documents has been submitted by the Appellant. Third parties preparing statements are asked to refer to these when preparing them, rather than attaching duplicate documents. Any additional documents that participants wish to refer to should be sent to the Programme Officer for inclusion in the Core Documents by **14 November**. After that date any additional documents will become Inquiry documents to be handed to the Inspector at the beginning of the Inquiry or subsequently. Inquiry documents will only be accepted if they occur as a direct request from the Inspector during the proceedings or if their submission is otherwise essential.

17. One hard copy set of the Core Documents should be provided for the Inspector to use at the Inquiry and a second set should be included in an Inquiry library, for the use of third parties during the event.

18. Any Appeal Decisions and/or legal authorities on which any party intends to rely will need to be prefaced with a note explaining the relevance of the document to the issues arising in this case, together with the propositions on which you are seeking to rely, with the relevant paragraphs flagged up. The relevant paragraphs should include the context of the point(s) that you are referring to.

19. Where any documents on which it is intended to rely are lengthy, only relevant extracts need be supplied, as opposed to the whole document. Such extracts should, however, be prefaced with the front cover of the relevant document and include any accompanying relevant contextual text.

20. Any documents submitted once the Inquiry has opened will be recorded as Inquiry Documents on a separate list, overseen by the Inspector.

21. A minimum of three copies of any new documents produced at the Inquiry will be required - one for the Inspector - one for the Appellant - one for the Colney Heath Group, with extra copies to be made available to assist other interested parties if necessary.

Inquiry timetable

22. In general, the Inquiry is expected to finish each day around 17.00 hours and, with the exception of the first day (10.00), the Inquiry will resume on subsequent days at 09.30 hours. The afternoon sessions may be extended if it assists the completion of topic discussions or witnesses' evidence that day.

23. In terms of running order, following the Inspector's opening comments on the first day of the Inquiry, he will invite opening statements from the main parties (Appellant first, followed by the Council and then the Colney Heath group). This should set the scene. He will then hear from any interested parties who wish to speak then unless they prefer to speak at a convenient time later.

24 We will then work through the issues in the order listed in paragraph 9 above. The presentation of evidence during the round table sessions will commence with a short presentation by the Appellant on the matter being discussed, followed by a statement from the Colney Heath Group if it so wishes, which will lead into the discussion.

25. On conclusion of that, the Inspector will lead the usual round table discussion on conditions and then the provisions of the planning agreement. A discussion will follow, if necessary, on a variation to the historic planning agreement that affects the site. St Albans and Welwyn-

Hatfield Borough Councils along with Hertfordshire County Council are invited to participate in this session if it occurs.

26. That will probably be followed by an accompanied site visit and then closing submissions (Colney Heath group, then Appellant). These should set out your respective cases as they stand at the end of the Inquiry. A written copy should be handed in at the time, appropriately cross-referenced where specific evidence is relied upon, for the avoidance of doubt. Closing submissions should not take any longer than 30 minutes each.

Site visits

27. The Inspector will carry out an unaccompanied site visit during the afternoon of **18 November**. Would the Appellant indicate in advance whether the Inspector has free access to be able to see all of the site and the surrounding area from public vantage points and if not make the necessary arrangements for him to be able to obtain access.

28. An accompanied site visit is proposed to be held at some point after the round table sessions have concluded, most likely after the Agreements have been discussed if time allows, or if not on the morning of the following day. However, the timing will be influenced by the weather prospects, daylight and the estimated time necessary to undertake it. The Inspector may also revisit the site unaccompanied after the conclusion of the Inquiry.

29. Any locations that participants wish the Inspector to visit or features that they wish him to observe, should be notified to the Appellant before the end of the round table sessions. The Appellant is to provide a map of the locations to be visited/features to be observed, with a suggested itinerary and route to be taken.

30. Whenever it takes place, the accompanied site visit's purpose is simply to enable the Inspector to see the site and its surroundings. He cannot listen to any representations / discussion / arguments during the visit, but parties can point out physical features. It is therefore important that you give some prior thought as to which parts of the site you wish him to see and where you wish him to see the site and other relevant features from. An indication by **12 November** would enable him to plan to look at features identified before the Inquiry commences.

Timetable

29 October 2024

Agreed draft planning
conditions (Council to lead).

	<p>Signed completed statement of common ground.</p> <p>Finalised core documents.</p> <p>Council to send a copy of the Inquiry notification letter and a list of those notified to PINS.</p>
5 November 2024	<p>Agreed final planning conditions (Council to lead).</p> <p>Signed copies of planning agreements and relevant office copy entries.</p> <p>CIL Compliance Statement (Council to lead).</p> <p>List of features to be viewed by Inspector on unaccompanied site visit.</p>
12 November 2024	<p>Final time estimates</p> <p>Final timetable for unaccompanied site visit.</p> <p>Deadline for third parties speaking at round table sessions to submit evidence.</p> <p>Deadline for other third parties to request to speak at the Inquiry</p>
14 November 2024	<p>Deadline for additional material to be included in Core Documents submitted to the Programme Officer.</p> <p>Deadline for third parties wishing to speak independently to submit statements.</p>
18 November 2024	<p>Inspector undertakes unaccompanied site visit.</p>
19 November 2024	<p>Inquiry opens at 10.00 AM.</p>

Melvyn Middleton
Inspector

28 October 2024