

From: clerk@colneyheathparishcouncil.gov.uk
To: [Brenda Taplin](#); ["Andrea Bruce"](#); simon.treacy@brett.co.uk; ["David Hodbod"](#); ["Matt Pyecroft"](#); ["Chris Carter"](#); ["Andrew Wright"](#)
Cc: ["Brian Owen"](#); ["Chay Dempster"](#)
Subject: RE: APP/M1900/W/24/3346607 Deed of Variation [GATELEY-GHAM.FID139926]
Date: 20 December 2024 15:31:07
Attachments: [image003.png](#)
[image006.png](#)

Dear Brenda,

I am writing to you with a response on the Deed of Variation from the Colney Heath Group:

The Colney Heath Group in particular local councillors remain disappointed that, despite a meeting some time ago, there has been no further engagement on the Deed of Variation (DoV) until its recent agreement. Unfortunately, any concerns regarding the implications for residents remain unaddressed.

1. Replacement of Arlington with Advanced Research Clusters GP Limited (ARC):

The release of Arlington and its replacement with ARC GP Limited—a company with no significant assets—raises serious concerns. It is unclear what due diligence has been conducted by the Councils to ensure that ARC GP Limited is capable of fulfilling its obligations. If ARC GP Limited fails to deliver, what guarantees or safeguards are in place to ensure accountability and compliance? Without adequate guarantees, residents may face delays or incomplete commitments, further exacerbating the uncertainty surrounding this agreement.

2. Contribution and Financial Guarantees:

While it is noted that Brett is now responsible for the financial contribution, the terms outlined in the agreement suggest a high likelihood of non-payment by the due date. This scenario could result in Brett being allowed to pay over several years, which aligns with ARC's earlier proposal of paying via royalties per ton of extracted mineral.

This arrangement effectively removes ARC from any meaningful financial obligation and leaves the burden on Brett, potentially delaying the timely delivery of funds. Our primary concerns here include:

- **Lack of Penalties for Non-Payment:** Aside from indexation adjustments, there appear to be no significant penalties for late payment of the contribution.
- **Maintenance of Non-Mineral Land:** How will the Trust fund the maintenance of non-mineral land transferred via lease while quarrying continues if the contribution is delayed?

The absence of clear financial safeguards undermines the confidence of residents in the delivery of the promised benefits.

3. Transfer of Land and Timeline:

The agreement seems to heavily favour ARC in determining the transfer of non-mineral land to the Trust, with a backstop date set for 2031. This date aligns with the life of the quarry and appears to reflect a strategy of deferring obligations until the quarrying activities conclude. For residents, this means a prolonged period of waiting—31 years from the original s106 agreement—before seeing any tangible benefits such as the delivery of the promised park. This delay is unacceptable and illustrates a lack of urgency in meeting community expectations.

The redrafted DoV raises significant concerns about the financial accountability of ARC, the timeliness and reliability of the contribution, and the delayed transfer of non-mineral land. The agreement appears to prioritise the interests of ARC and Brett, leaving residents in a vulnerable position, forced to “watch from the sidelines” as decisions affecting their community unfold.

We urge the Planning Inspector to carefully consider the implications of this agreement, particularly the lack of guarantees, penalties, and safeguards that could protect the interests of residents. If permission is granted, mechanisms should be put in place to ensure timely delivery of commitments and accountability from all parties involved.

Kind Regards

Lisa

Lisa Peters LGCI PSLCC CPFA CiLCA

Clerk to the Council

For and on behalf of

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