

LAND AT HATFIELD AERODROME, OFF HATFIELD ROAD

HCC ref: PL/0232/21

PINS ref: APP/M1900/W/24/3346607

OPENING STATEMENT on behalf of HERTFORDSHIRE COUNTY COUNCIL for reconvened inquiry 21-23 April 2026

Introduction

1. The Secretary of State has directed that the inquiry be reopened to collect additional evidence on three points associated with the level of public access to be delivered at the Appeal Site during the period of mineral extraction. This follows from the Inspector's advice that the proposals had not effectively struck a fair balance between maximising the use of the mineral resources and protecting the amenity of residents and users of the park.¹
2. This conclusion reflects one of HCC's reasons for refusal (RfR 6)². However, by the time of the first CMC, HCC had confirmed that it was no longer pursuing a case on this ground and has confirmed³ that it considers that the Original Scheme for public access was acceptable and met the requirements of policy.
3. The Secretary of State's enquiry and the Inspector's related concerns therefore go beyond any issue raised by HCC.⁴
4. The Appellant has now submitted revised details which has been subject to consultation following and in accordance with the directions agreed at the second CMC on 15 December 2025.⁵ The consultation presented two "options". The first of these retained the phasing sequence laid out in the Original Scheme, the second proposed new phasing.

¹ CD17.09

² INQ 15 pg 2

³ CD17.20 para 4.

⁴ HCC's position is that it is clear that any costs incurred by the Appellant in relation to reopening of the inquiry have not been occasioned by any action of HCC. It is understood that the Appellant agrees that those costs are outside of the scope of its extant costs application and does not intend to make a further application at this time.

⁵ Inspector's note at CD17.10

Both Options 1 and 2 are both referred to by the Appellant as the “Revised Scheme”.⁶ It is not currently known which the Appellant is asking the Secretary of State to secure. HCC’s position is that a choice should be made and not left to later determination⁷.

Main Issue 1: “Whether the identified concerns relating to cross-park public access and integration with the unaffected eastern part of EP, are satisfactorily improved through the revised public access strategy and phasing drawings”

5. HCC had previously concluded that the Original Scheme was acceptable in terms of cross park public access and integration with the unaffected eastern part of the Ellenbrook Park.
6. HCC also considers that the Revised Scheme is acceptable⁸ and agrees with the Appellant that both options present an improvement on the Original Scheme in public access terms.
7. HCC has set out observations on the relevant policies within its statement of case for the reopened inquiry and will expand on these in the relevant session.

Main Issue 2: “The extent (if any) to which this would need to involve changes to the existing conditions and the introduction of new conditions”

8. HCC has set out its position in relation to the proposed condition 4a at paragraph 3 of the SoS’s letter in its statement of case⁹ which explains why it does not favour deferring detail of the public access scheme to approval under condition.
9. As such, HCC favours securing the Revised Scheme through limited amendments to the detail of the conditions previously submitted and discussed has engaged with the other parties in seeking to agree them. Two sets of proposed conditions are available, one for Option 1¹⁰ and the other for Option 2¹¹. The only difference between them relates to the approved plan condition (condition 4).

⁶ See Appellant’s opening at paragraph 7, circulated last week.

⁷ I.e. under approval of conditions.

⁸ CD 17.15 pg19 para 10

⁹ CD17.20 paras 6-7

¹⁰ CD 17.34-0

¹¹ CD 17.34-1.

Main Issue 3: “The extent (if any) to which this would need to involve changes to the deed of variation, with particular reference to the potential for changes to phasing or redesign, or any other provisions”.

10. HCC does not consider that any change to the signed DoV¹² is required by the Revised Scheme.

Conclusions

11. In the circumstances, HCC’s position on the appeal remains as set out at the first inquiry.

Matthew Dale-Harris

Landmark Chambers

21 April 2026

¹² INQ 43