

33346607 - Inquiry Opening

Introduction

- Good morning. It is now 10 o'clock and time for me to open this Inquiry is open.
- Can everyone hear and see me?
- My name is Melvyn Middleton. I am an Economist, a Chartered town planner and planning inspector. I have been appointed by the Secretary of State to hold this Inquiry, following his decision to request additional information concerning matters of cross park public access during the life of the quarry, the integration of restored areas into the unaffected part of Ellenbrook Fields to the east of the appeal site and related phasing and establishment matters.
- The appeal was made by Brett Aggregates Ltd under s78 of the Town and Country Planning Act 1990 against the decision of Hertfordshire County Council to refuse planning permission for

The establishment of a new quarry, including new access onto A1057, aggregate processing plant and other ancillary facilities, together with the importation of inert fill material to restore the mineral workings.

On land at the former Hatfield Aerodrome, Hatfield, Hertfordshire.

We held an Inquiry in November 2024 into all of the issues affecting this appeal and I wrote and submitted a report to the SoS that summarises all of the evidence presented to me. The Secretary of State will make a final decision on the appeal in due course but before that and prompted by evidence in my report, he has asked that I reopen the Inquiry to seek further evidence specifically on

a) the potential for changes or redesign or any other provisions, to lead to improved public access to

Ellenbrook Park, including the unaffected eastern part of the park.

In this context the SoS specifically refers to the convenient cross-park public access during the life of the quarry that is envisaged by the 2000 Agreement and MLP Policy 18(X), particularly the two paths that currently link Sleepshyde with Salisbury village and the integration of the restored phases into the unaffected part of Ellenbrook Park in a timely manner, with particular reference to the lagoons located close to the appeal site's eastern boundary.

b) implications arising from any changes or provisions identified above, including any implications for the submitted Environmental Statement and signed Deed of Variation.

c) the proposed amended and additional conditions.

- I need to stress that this is a reopened Inquiry specifically at the request of the SoS to provide additional information concerning public access but only in the context of the letter that he wrote on 11 November 2025 and as I have just read out. Not only is it not an opportunity to revisit any of the numerous other matters that were discussed last time, it is also not an opportunity to discuss access matters that do not relate to east-west cross park movement or the integration of the restored areas with the unaffected parts of the park to the east of the appeal site. If the SoS wanted additional information on any of these other matters before he makes his decision, then he would have asked for it but he has not. My role in this is only to report what is said in evidence to this Inquiry that is relevant to the specific questions posed by the SoS. The only exceptions will relate to matters such as policy or other circumstances where there has been an obvious and fundamental change, since I wrote my report, that the SoS needs to consider when making his decision.

Please in presenting evidence do not stray from these parameters. If you do not only will I not report what you say but in order to avoid wasting time (this Inquiry's duration has only a short timescale programmed and it will not be helpful to dwell on matters about which the SoS has not requested additional information) I will ask you to refrain from addressing whatever inappropriate matter you are referring to and if necessary ask you to end your presentation.

- Couple of housekeeping, procedural and admin matters.
- Please ensure that phones and other devices are switched off or to silent. I now have a no tolerance approach to this and if anyone's phone rings, whilst in the Inquiry they will be asked to leave immediately and will not be allowed to return until after the next break.
- Fire drills, fire escape, assembly points, toilets – There is no planned fire drill. Exit via the fire door on the room's outside wall and assemble outside and to the left of the entrance for a roll call.

Can I take this opportunity to introduce Joanna Vincent who will be acting as Programme Officer. Please direct any questions about the Inquiry process through Joanna in the first place. Also please remember that Inspectors not only need to act fairly, they need to be seen to be acting fairly. In that context it is not appropriate for me to have private conversations with any of you. If you need to speak to me about a matter that Joanna cannot deal with or it is urgent and she is not around, please find a member of the opposition and approach me together or ask the question at an appropriate time when we are in session so that everyone can hear what you are saying to me.

Can I also introduce Daniel Leyva. Daniel is a trainee barrister under the Planning and Environmental Bar Association. As a part of his training he is required to attend Public Inquiries and to marshal the Inspector in order to learn from his experience. You will therefore see him speaking to Joanna and myself during the adjournments. He will not be taking part in the proceedings and I can assure you that the conversations that I

will have with him will be of an educational nature and apart from procedure will not involve any discussions about the appeal itself.

A conversation, at some point during the Inquiry's progress with the two barristers and Colney Heath's lead representor would be useful to Daniel. Would each of you be able to facilitate a conversation with Daniel at some point?

Can I now take the names of those people who will be actively involved in the Inquiry throughout – including later sessions on conditions and obligations, starting with the Council?

For the Local Planning Authority:

Matthew Dale Harris	Of Counsel
Instructed by -	

For the appellant:

Odette Chalaby	Of Counsel
Instructed by -	

Colney Heath Group.

Name	From?	Support/objecting
	Colney Heath Parish Council	

I have the following interested parties requesting to speak – are you here?

Interested parties:

Name	From?	Support/objecting
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Gareth Aicken		
John Hale		
Vanessa Meader		
Harriet Redpath		

In fairness to the Appellant, I am requiring everyone who wishes to speak to have submitted a representation with or without a subsequent statement and that the Appellant has been afforded sufficient time to read the material and if necessary to prepare a response. In that context I set a deadline of 17 April (last Friday) for the receipt of this information.

- Is there anyone else who would like to say something at the inquiry? Have you submitted a representation in writing
- I have allocated time in the programme later this morning for interested parties to speak.

Before you speak Joanna needs to know

- your name and address
- whether you are representing anyone or any group [and if you have authority to do so]
- whether you support or object to the proposed development
- any qualifications you want recording
- By giving oral evidence I assume you will be happy to answer questions on your evidence from me and the appellant unless you say otherwise;
- You are not obliged to, but your evidence will carry far more weight if you do answer questions.
- If you want to ask questions of the opposing witnesses you will need to participate in the relevant round table session(s), and the Programme Officer needs to know this morning if you do.

- do you have any specific time restrictions?
- You should also note that, if you do speak, give evidence or ask questions during the inquiry your name will be listed in my decision letter.

(If large number consider appointing spokesperson. Not helpful to me and neither is it good use of Inquiry time to hear the same points being made a number of times. Moreover, it is not necessary to repeat points that have already been made in writing). (If people there and do not want to speak, find out who they are eg members of public or part of main party teams.)

- Is anyone present from the press?

Notification letters

- I have a copy of the letter informing interested parties of the date, time and venue for the Inquiry (21 April 2026) and the list of those to whom the notification was sent.
- Can the Council confirm that it notified all relevant parties and that the site notices have been posted? – I have a copy of the email confirming that site notices were posted.

Representations

- I have 110 responses to the Appellants consultation on its response to the SoS's request. I will take all of these, whether or not people attend this Inquiry, into account in writing my supplementary report.
- *[if there is any doubt about whether the main parties have seen all of these – offer the opportunity to check them - eg during an adjournment – or consider giving out a list if you have one]*

Case management conference call

A case management conference was held on 14 December 2025 with representatives of the Appellant, the Council, the two affected District Councils and three other groups who participated in the last Inquiry. It was held to discuss the procedure for this inquiry and the merits of the appeal were not discussed. An agenda, notes and summary of this are available to read.

At that Conference the two district Councils indicated that they would be unlikely to participate. Popefield Farm and Salisbury Village were unsure. Shortly before the previous Inquiry in November 2025, Hertfordshire County Council, the minerals planning authority, withdrew its objections to the proposal and did not defend its decision to refuse the application at that Inquiry. I understand that that is still its position and that its attendance is to assist me by answering factual questions and participating in any discussions about amendments to the previously agreed conditions and legal agreements.

Following the withdrawal of the four Rule 6 parties, who were local Parish Council's or Residents Associations, Colney Heath Parish Council coordinated the cases that third parties were putting before the Inquiry to the extent that it was possible and presented the main case against the proposal, under the banner of the Colney Heath Group.

I held a supplementary CMC on October 4th 2024 with this group, the Appellant and the Council.

The documents that were prepared for the December 2025 CMC and the two previous ones held in late 2024 are available on the Inquiry website if anyone wishes to read them.

Plans

The Appellant has prepared sets of revised plans to illustrate its revised proposals and to compare them to its previous scheme. These plans are listed at section 17.03 and 17.04 in the Core Documents.

They were published and consulted on between 11 February and 15 March 2026, following discussions with the main parties to the previous Inquiry in December 2025 and January 2026.

Documents

- All documents and evidence should have already been provided.
- I am not inviting any - but if there is any late evidence to be submitted, then please let me know now.

If there is, ask:

- Is it directly relevant and necessary
- If it is not covered in the evidence already received? Are there any exceptional circumstances for it being provided now rather than with the statement of case?
- Seek the views of the other parties – have they seen it?
- Would an adjournment be needed (how long, same day, different day)?
- If appropriate, warn about risk of costs application

Decide:

- *Party – whether to submit it*
- *Me – whether to accept it*

Ask the party to take you through it if necessary

Note that:

- *The other party could apply for costs*
- *I could initiate costs [if the behaviour was unreasonable and led to unnecessary expense]*

- Please note that Joanna is managing the inquiry document list and website. If you have any late material then you should give it to Joanna in the first instance, along with a copy to the Appellant, unless you are supporting the proposal.
- Would third parties please ensure that Joanna has a copy of your statement and any other material that you have placed before the Inquiry before you give any evidence or participate in the Inquiry in any way.

Planning Obligation and conditions

- The SoS has asked that the Inquiry consider the ramifications of any revised proposals for the current list of agreed conditions and suggested alternatives that I have already sent to him and for the legal agreements that accompany the proposals.
- I understand that the Council and Appellant have already discussed amendments to the conditions to reflect the revised proposals and have consulted with Colney Heath thereon. We will have a formal discussion on conditions towards the end of the Inquiry, probably on Wednesday. Those discussions will be limited to changes that are necessary as a result of the Appellant's proposed revisions to its proposals in response to the SoS's specific requests. Without very good reason, it is not an opportunity to revisit other conditions.

- As previously I would like to have a brief discussion with one representative from each of the main parties immediately following the close of proceedings today, in the hope that we can prepare the way for full agreement on conditions on Wednesday. If there are to be disagreements that need resolution before Wednesday, then we need to know this evening.
- I will not be closing the formal Inquiry proceedings until we have full agreement on conditions or established alternatives where there is not agreement. If the achievement of that means adjourning the Inquiry and returning at another time then so be it.
- The Appellant and the three Council's involved do not see a need to make changes to the legal agreements or the Environmental Statement, although I have placed items on the agenda to discuss this if necessary. The Appellant has prepared an addendum to the Environmental Statement that confirms why no amendments are required. If anyone does consider that changes are necessary at this stage then they should speak now.

Dealing with the evidence

- I have sent out an agenda and there are copies available in this room. Is everyone content with the content as the basis for conducting the Inquiry? Anyone requesting changes?
- The evidence will be heard on a topic-by-topic basis sequentially and as listed under the main issues (unless we subsequently agree otherwise). In the context of the finalised Statements of Common Ground and Statements of Evidence, I will lead round table sessions, but the parties will need to work together in order to ensure that all matters that they consider to be relevant are properly aired and interrogated. I will say more about this later
- With the exception of the representations from third parties, which are located in Core Documents CD18, all of the material received in the context of the SoS's letter and the reopened Inquiry is contained in CD 17.
- I have received statements of Common Ground from the Appellant/Council on Policy, the Legal Agreements, and

Public Access and from the Appellant/Colney Heath Group on Public Access

- I have Statements of Case with appendices from the Appellant, the Council, the Colney Heath Group and Popefield Farm and a Supplemental Statement with Appendices from the Appellant.,
- Just to confirm, have the parties got each other's proofs and the associated documents?
- *[if for some reason, the main parties do not appear to have each other's proof, consider adjourning at the end of the opening]*
- For the benefit of interested parties, all core documents are on the Inquiry Website (Gately Hamer) and there is a hard copy at the venue?
- Before we begin each round table session, it would be helpful if participants could identify a list of the documents that they intend to refer to – this will allow us all to have the relevant documents to hand. Please bear in mind that I have the statements from each party in paper form as well as electronically.

Procedure

- Moving on then to procedural matters and the conduct of the Inquiry:
- Apart from dispensing with cross-examination etc, I shall follow the procedure in the 2000 Inquiry Procedure Rules *[ie The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000]*.
- The Inquiry is scheduled to last for 3 days. I have already referred to the draft timetable. This is available from the Programme Officer if you do not have a copy.
- Any comments on the timetable and agenda
- On conclusion of these opening remarks, I have a question and some points of clarification to make. I will then invite the Appellant, then the Council and then the Colney Heath Group to make their opening submissions.
- This will help everyone to understand the main arguments and set the scene.
- I will then hear from interested parties who wish to speak to the Inquiry. For the benefit of persons who have submitted statements but do not wish to make a formal presentation I should emphasise that the weight given to

evidence that is read out attracts no more weight than that which is not. The inquiry timetable is available on the Inquiry website but the order will be based on hearing the evidence topic by topic. Other than in instances where we agree that the Appellant will present its proposals in the context of the issue to be discussed, the Colney Heath Group is to be heard first and then the Appellant

- The Appellant will have the final word.
- There will very likely be questions from me both during and at the end of each discussion.
- IPs – if any establish if they wish to ask questions of witnesses.
- If there is a need, we will then move on to discuss changes to the Environmental Statement and the legal Agreements followed by the Planning Conditions.
- I have included a section for party's to raise Policy matters but from my perspective this needn't extend beyond an update on plan preparation and related matters such as mineral supply, unless there have been specific changes since the last Inquiry. I have already reported on Policy matters to the SoS and do not see a need to repeat this.
- At item 8 is Other Matters. Any material change that could affect the conclusions of a particular matter already covered in evidence to the previous Inquiry should be raised here. If there are any then the Programme Officer should be notified today.
- We visited the site and relevant places in the surrounding area towards the end of the previous Inquiry. I visited the site again yesterday afternoon and will probably visit it again after we conclude here. I will nevertheless conduct another formal site visit if parties consider one to be necessary, probably on Wednesday afternoon if there is time. Any views?
- I will hear closing submission from the Colney Heath Group and then the Council followed by the Appellant on Thursday – just a reminder that written copies will need to be provided. Closings should ideally be no longer than 1 hour and preferably shorter.
- Could I remind you all that Closing Submissions should be fully referenced with footnotes setting out the details of all of the documents referred to in the submissions. This

includes paragraphs and page references in statements and links to source documents that are relied on in the evidence. Without that it is not easy for the SoS to follow and understand your evidence. Perhaps because the instructions were not clear enough, last time much of the Colney Heath evidence was not adequately cross referenced such that I had to spend a considerable amount of time trying to link the statements in the closing submissions with their source documents to enable the SoS to be able to follow the paper trail and fully understand the case being put forward. I do not wish to have to repeat that task.

- Following closing submissions, and pending any further application for costs, I will close the Inquiry.
- If any additional costs applications are to be made this should be done before I close the inquiry
- Any comments on this running order?
- Please note, the running order is subject to change, and we may overrun or things may take less time. Therefore please use it as a guide only, especially if you are intending to dip in and out of the event. Also note that I may ask more questions of one party than the others. That does not indicate I have made up my mind, it is to ensure I understand all evidence before me.
- I plan to break for lunch around 1 o'clock each day
- short breaks in the morning and afternoon, so there should be up to 4 sessions each day
- I will aim to finish around 5 – not sit later ideally
- On subsequent days I intend to start at 09.30 as we agreed at the CMC.
- I will keep all of these timings under review as we progress, and if the advocates/spokespersons think an adjournment is necessary or they need time to take instruction, please let me know.

CONDUCT

Witnesses –

Your duty is to assist the Inquiry with matters relating to your expertise.

I would encourage you to answer the questions clearly stating yes or no and then qualify your answer as necessary. If you don't know the answer please say so. If you don't understand the question, please ask for clarification.

I may have questions of my own for you. I will either ask them as the issue arises during discussion or at the end of the item in question.

Please be audible in your responses so everyone can hear.

I would urge direct and concise answers to questions.

Please ensure that you are set up and comfortable before we begin Please do indicate if you wish for a break.

I would also ask that everyone gives Joanna a list of Core Documents that they wish to refer to ahead of the session starting, so that these can be ready for everyone participating and any members of the public listening.

Interested Parties (and audience members)-

Please no clapping or booing – its very disruptive of proceedings. It is important that everyone gets their say and a fair hearing.

Health warning. I need to consider all relevant aspects of this proposal when making my decision and it is my job to ensure that all relevant lines of argument have been explored. I will ask questions some possibly provocative, if they have not already been asked. Don't imply anything from the questions that I ask or the lines of argument that I am pursuing. They do not necessarily represent my opinion on the matter, I may just be testing a line of argument that I currently agree or don't agree with just to make sure!

Language. As you are probably all aware, I come from a part of the world where people tend to speak to the point and sometimes abruptly and perhaps more abruptly than in London and the South-East of England. In that context could I ask

everyone to make allowances and not to take offence at anything I say as none is intended

Main issues and other matters

Moving on then to main issues.

These are what were set out in the CMC note:

- “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.
- The extent (if any) to which this would need to involve changes to the existing conditions and the introduction of new conditions.
- 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”.
- Has anyone got any comments on these?
- Are there any queries about the procedure or other matters before we start?
- That concludes my opening remarks

Points of Clarification

On page 7 of the Appellant’s Updated Landscape Management Document the Appellant refers to various areas in or adjacent to the appeal site, Among other matters the table sets out the hectarage off each area with sub totals. It would be helpful if the table were accompanied by a plan identifying the geographic extent of each area and an explanation of the cumulative totals would also be welcome.

Is everyone agreed that option 2 is preferable to option 1 and that we should be concentrating our discussions on the acceptability of that scheme?

There seems to be confusion on all sides about the meaning of the requests from SoS. I am charged with responding to the letter through an addendum to my report, which I shall write in due course. However, I have no mandate to vary the scope of that report beyond what the SoS has requested in his letter other than in the case of the significant changed circumstances that I discussed earlier and if there are any. In that context I will need to be persuaded that matters such as site drainage or the final restoration scheme are relevant to the reply. As I read the letter, the SoS's concerns about public access and the need to improve it stems from paragraphs 2a and 2b in his letter.

In paragraph 2a he is specifically referring to convenient cross-park access during the life of the quarry (i.e. from one side to the other) and presumably for the benefit of cyclists, pedestrians joggers etc who traverse the park (not for casual users who come to various parts of the park for short walks, often with dogs) and for them to be able to achieve that in a reasonably convenient fashion at all times. Given that some people will prefer to use the unaffected eastern fields once the quarry becomes established, if parking at Nottcuts, then they too could prefer a direct access from Nottcutts to the eastern park. It seems to be agreed that at the moment there are two such routes across the park. It would be helpful if your evidence could be focussed on the benefits or otherwise of the Appellant's revised proposals to maintain convenient cross park access in an approximate east-west direction.

In paragraph 2b the SoS refers to a failure to integrate the restored phases into the unaffected part of EP in a timely manner partly in the context of the location of the two lagoons. Whilst I understand the hydrology associated with their proposed location, close to the eastern

boundary of the site, I am not clear how prescriptive the precise extent and configuration of the lagoons actually is. The SoS's concerns presumably relate to the use of the restored areas whilst quarrying is taking place elsewhere, which in part will be conditioned by the attraction of the links between the eastern and western parks. In this context it would be helpful if we can have the intended precise nature of the lagoons in the context of the proposed landscape surrounding them and their ability or otherwise to appear as features within a parkland rather than as a part of the quarry infrastructure. Also the extent to which it is possible to increase the extent of the areas adjacent to and between the two lagoons that will link the eastern and western parts of the parks.

In paragraph 6a when referring to improved public access to the unaffected eastern part of Ellenbrook Park the SoS is probably referring to the evidence that discusses an increased usage of the appeal site when compared to the eastern park because of the availability of convenient car parking at Nottcutts Garden Centre when linked to an absence of any public car parking at or near the eastern park. The continuation of this whilst quarrying operations are taking place could lead to people having to otherwise unnecessarily traverse the appeal site to obtain access to the eastern park.

My notes of the brief discussion about public rights of way at the last Inquiry and an examination of what evidence there was about the matter suggests that there was little if any representation against the diversion of the north-south public right of way that crosses the site. The SoS's reference to MLP Policy 18(X) is to the third sentence in the context of new rights of way and the improvement of public access.

Are there any more questions?

In that case, may I ask the Appellant's advocate, to make the opening statement on behalf of the Appellant?

Followed by the COUNCIL –