

~~101~~ 101
UPDATE

NOTIFICATION LETTER – FAILURE TO SEND

NOTE FROM HCC

1. On 14th October, PINS asked HCC to provide a site notice for the Appellant to display and for a notification letter of the date, time and place of the inquiry to be sent to all persons who had made representations on the application and/or appeal. Yesterday evening, counsel became aware that the latter had not been done and immediately requested that some mitigation steps were taken. No excuse for this omission is offered, but sincere apologies for the administrative oversight are. The focus of this Note is what to do in the light of it.

Other Notification of the Inquiry date and venue

2. The following facts are relevant to that question:
 - a. PINS provided direct notification to all persons entitled to appear in accordance with regs 10 and 11 – the outstanding issue therefore applies to those who may wish to watch the inquiry or to make a short statement to it but not to those who are entitled to play a role in hearing sessions, to call evidence, to cross-examine or to make opening and closing speeches;
 - b. The Council provided site notices which have been displayed at clear and prominent locations at the site;
 - c. The council provided a press advertisement of the date ~~and time~~ of the inquiry;
 - d. The Council's website has a dedicated page for the inquiry which makes the date and place of the inquiry clear and provides a contact point as does the website set up by the Appellants for the inquiry;
 - e. The active rule 6 parties have heavily publicised the inquiry; and
 - f. There have been recent press articles as to the inquiry starting today. (WH Times)
3. In those circumstances the potential for any relevant member of the public who made representations and is interested in this inquiry not to know of it must be minimal at worst.
4. Further, in order to seek to mitigate any consequences of the omission, counsel asked that notification letters (albeit very late) be sent last night to all those who had provided an email address with their representation. This was done. Letters will be sent out today to all those who did not provide an email address. This will further reduce any remaining potential for people interested to not be aware of the hearing. They will not get the two weeks normal notice but will have the next 10 days to contact the inquiry (and attend or watch online) if they wish.

Prejudice

5. In such circumstances it is difficult to see how anyone could claim any prejudice (*Main v. Swansea*) and it is therefore proposed that the inquiry proceed, that further efforts are made to contact everyone today and that flexibility is shown to allow any members of the public who were not previously aware of the inquiry date to appear at anytime over the course of the inquiry.
6. As to the legal framework, the SoS can require HCC to give notice (reg 10(6)) in a number of ways. The Council has done the Site Notice as requested and has provided a press

announcement which was not but which serves the same purpose. Procedural failings are only of significance if they cause prejudice. For the reasons stated above it is difficult to see any possible route to prejudice here.

DFQC

16/11/21 (prior to meeting with team this morning)

7.

8.

NOTIFICATION LETTER – FAILURE TO SEND

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**PUBLIC INQUIRY at The Fielder Centre, Hatfield Business Park, Hatfield
Avenue AL10 9TP, with the facility to participate virtually**

Opening on 16th November 2021 at 10:00

REASON FOR INQUIRY Appeal by Brett Aggregates Limited

Relating to the application to Hertfordshire County Council for the establishment of a new quarry on land at the former Hatfield Aerodrome, including a new access onto the A1057, aggregate processing plant, concrete batching plant and other ancillary facilities, together with the importation of inert fill materials for the restoration of the minerals working at Land at Former Hatfield Aerodrome, Hatfield

An Inspector appointed by the Secretary of State will hold an Inquiry opening on the date shown above to decide the appeal.

The inquiry is being live streamed and can be viewed at
<https://www.hertfordshire.gov.uk/about-the-council/news/news-archive/hatfield-aerodrome-public-inquiry>

Members of the public may attend the Inquiry and, at the Inspector's discretion, express their views.

If you wish to participate in the Inquiry virtually please contact the Local Planning Authority (email: spatialplanning@hertfordshire.gov.uk or telephone: 01992 556255 for details of how to do so.

If you, or anyone you know has a disability and is concerned about facilities at the inquiry venue, you should contact the council to confirm that suitable provisions are in place.

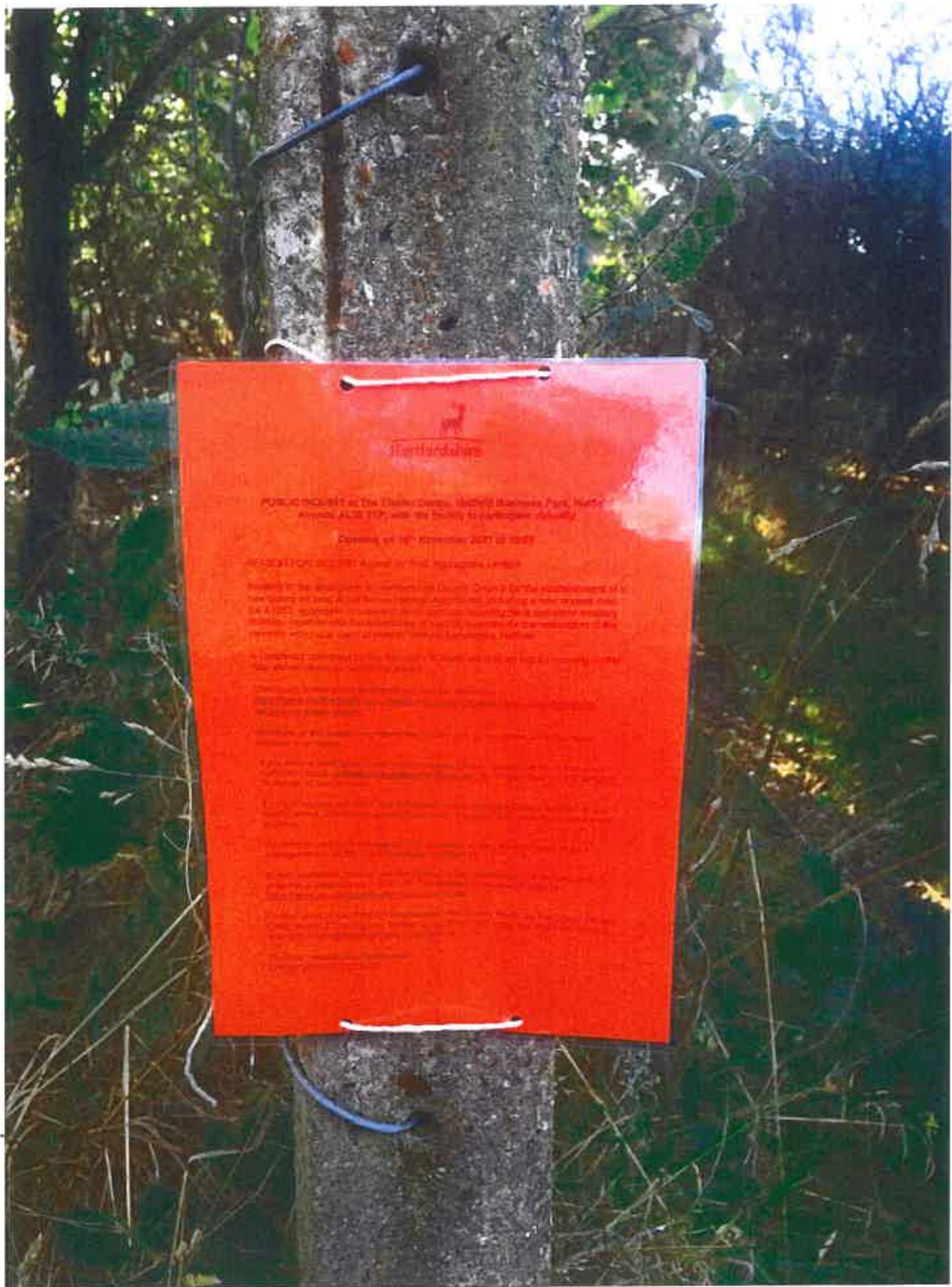
Documents relating to the appeal can be viewed at the Council offices by prior arrangement or on the Council website (5/0394-16).

Where applicable, you can use the internet to see information and to check the progress of cases through GOV.UK. The address of the search page is -
<https://www.gov.uk/appeal-planning-inspectorate>

Contact point at the Planning Inspectorate: Kerr Brown, Room 3J, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Tel. 0303 444 5243. E-mail kerr.brown@planninginspectorate.gov.uk.

Planning Inspectorate References:
APP/M1900/W/21/3278097

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PUBLIC INQUIRY AT THE ELMS, THE ELMS, HEMEL HEMPSTEAD, HERTS
Anybody ALSO STOP, with the Inquiry to Hertfordshire Council

Opening on 10th November 2021 at 10:00

OFFICIAL PUBLIC INQUIRY at the Elms, Hemel Hempstead

Following the decision by the Hertfordshire Council to build a new leisure centre at The Elms, Hemel Hempstead, Hertfordshire Council has decided to hold a public inquiry. The purpose of the inquiry is to allow the public to express their views on the proposed development and to ensure that the Council has taken account of those views before making a decision on whether to approve the development.

The Council has decided to hold a public inquiry at The Elms, Hemel Hempstead, on 10th November 2021 at 10:00.

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**PUBLIC INQUIRY at The Fielder Centre, Hatfield Business Park Hatfield
Avenue AL10 9TE, with the facility to participate virtually**

Opening on 16th November 2021 at 10:00

REACH VITIS INDUSTRY Appeal for East Anglesville Limited

In response to the application of East Anglesville Limited for planning permission for a new 1000sqm industrial building on land at the corner of the A10 and A1000, Hatfield Business Park, Hatfield, Hertfordshire. The application is for a new 1000sqm industrial building on land at the corner of the A10 and A1000, Hatfield Business Park, Hatfield, Hertfordshire. The application is for a new 1000sqm industrial building on land at the corner of the A10 and A1000, Hatfield Business Park, Hatfield, Hertfordshire.

All comments submitted by the 16th November 2021 at 10:00 will be considered by the planning committee on 17th November 2021.

The Council is holding the public inquiry at the Fielder Centre, Hatfield Business Park, Hatfield, Hertfordshire. The public inquiry will be held at the Fielder Centre, Hatfield Business Park, Hatfield, Hertfordshire.

Members of the public are invited to attend the public inquiry at the Fielder Centre, Hatfield Business Park, Hatfield, Hertfordshire.

For more information, please contact the Planning Department, Hertfordshire County Council, at 01438 844444 or visit the website at www.hertfordshire.gov.uk.

The Council is holding the public inquiry at the Fielder Centre, Hatfield Business Park, Hatfield, Hertfordshire. The public inquiry will be held at the Fielder Centre, Hatfield Business Park, Hatfield, Hertfordshire.

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PROTECTORSHIP at The Deer Centre, Hartford Business Park, Hadden Avenue AL10 1TP, with the focus on particular diversity

Opening on 10th November 2017 at 10:00

PROTECTOR FOR PROTECTORSHIP in your ACCOUNTING Ledger

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Town and Country Planning Act 1990

Town and Country Planning (Environmental Impact Assessment) Regulations 2017

A planning application has been submitted to the Council for the development of a new house on land at the corner of the road, including new access into the street, together with other ancillary buildings, together with landscaping, to be used to create the desired dwelling.

The land is within the boundary of the Council's Local Planning Area.

The application is submitted to the Council for consideration.

Any comments should be submitted to the Council by 20th November 2021.

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The Council will consider the application and may decide to grant or refuse the application.

Comments should be submitted to the Council by 20th November 2021.

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HP

Date: 28.7.21

Op: Sue

Pub:

Revise:

2:

Welwyn & Hatfield Times

Size: 90x64

AH: Danni

PLEASE CHECK SIZE IS CORRECT

400225 Herts CC PN x64

09:19 Wed, 28 Jul 2021

HERTFORDSHIRE COUNTY COUNCIL:**TOWN AND COUNTRY PLANNING ACT 1990
APPEAL UNDER SECTION 78**

Application for the establishment of a new quarry on land at the former Hatfield Aerodrome, including a new access onto the A1057, aggregate processing plant, concrete batching plant and other ancillary facilities, together with the importation of inert fill materials for the restoration of the minerals working at Land at the former Hatfield Aerodrome

Brett Aggregates Ltd has submitted an appeal against the decision of Hertfordshire County Council to refuse planning permission for the above proposed development.

The appeal will be a Public Inquiry due to start on 16 November 2021 at a local venue (to be confirmed).

The appeal procedure is set out in the Town and Country Planning Appeals (Determination by Inspectors) (Inquiry Procedure) (England) Rules 2000, as amended.

The planning appeal process is administered by The Planning Inspectorate. Any persons wishing to make further representations may submit comments online at <https://acp.planninginspectorate.gov.uk>.

All representations must quote the appeal reference:

APP/M1900/W/21/3278097

The final date to submit representations is **26th August 2021**

Representations received by the deadline will be considered by the Inspector when determining the appeal. Any representation submitted after the deadline will not usually be considered and will be returned.

Representations will not normally be acknowledged by the Planning Inspectorate. Copies of representations will be provided to the Appellant and the Mineral Planning Authority.

The Grounds of Appeal together with the planning application documents are available to view online at www.hertfordshire.gov.uk/planning.

**Hertfordshire**

Hatfield Aerodrome Public Inquiry, Fielder Centre, Hatfield or virtually

Brian Owen <Brian.Owen@hertfordshire.gov.uk>

Further to my email yesterday about the above I wish to apologise for sending the email and not using blind copy, and sorry for any impact this has caused to you. Please would you delete that email and just refer to this one as below.

Further to your representations about the applications and appeal I write to inform you that the public inquiry into the refusal of planning permission for a new quarry on land at former Hatfield Aerodrome commences at 10:00am on 16th November and finishes on 26th November 2021.

You can attend the inquiry at the Fielder Centre, Hatfield Business Park or virtually by following the link on the website for inquiry and also view any documents.

<https://gateleyhamer-pi.com/en-gb/hatfield-aerodrome/>

At the Inspectors discretion you may be able to express your views.



Brian Owen

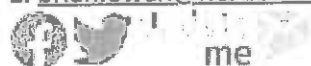
Team Leader | Development Management | Spatial Planning | Environment & Infrastructure

Hertfordshire County Council

County Hall, Pegs Lane, Hertford, SG13 8DE, Postal Point: CHN 216

T: 01992 556255 (Internal: 26255)

E: brian.owen@hertfordshire.gov.uk



Director of Environment and Infrastructure:
Mark Kemp



SPATIAL PLANNING UNIT

CHN216, County Hall,
Hertford, Herts SG13 8DN

Telephone: 01992 566255

Minicom: 01992 556611

Contact: Brian Owen

Email: spatialplanning@hertfordshire.gov.uk

Date: 18 November 2021

257
+509

Dear [REDACTED]

Planning Appeal, Reference APP/M1900/W/21/3278097 Public Inquiry: Application for the establishment of a new quarry on land at the former Hatfield Aerodrome, including a new access onto the A1057, aggregate processing plant, concrete batching plant and other ancillary facilities, together with the importation of inert fill materials for the restoration of the minerals working,

Whilst there has been site notices and press notices/articles about the hearing date and venue, by virtue of an administrative oversight the letter was not sent at the time it should have been. The inquiry started on 16th November and will continue until 26th November starting each day at 9:00am at the Fielder Centre, Hatfield Business Park, Hatfield Avenue, Hatfield, AL10 9TP, where facilities for disabled access are available. The inquiry is being held both at the Fielder Centre and be accessed virtually. The hearing can be accessed remotely by following the link on the website, also inquiry documents can be viewed on this website

<https://gateleyhamer-pi.com/en-gb/hatfield-aerodrome/>

The program officer for the inquiry is Brenda Taplin and she can be contacted at; Brenda.taplin@gateleyhamer.com

If you have any questions, please contact me on telephone number; 01992 556255. I will then be able to contact the Inspector to ask for an opportunity for you to speak.

The appeal is also being recorded and should you wish to view this please contact the program officer, Brenda Taplin.

The Secretary of State has appointed and inspector to determine the appeal, this is Mr John Woolcock. The decision on the application will be published on <https://acp.planninginspectorate.gov.uk>

Yours sincerely

Brian Owen
Team Leader, Development Management

Director of Environment and Infrastructure:
Mark Kemp



SPATIAL PLANNING UNIT
CHN216, County Hall
Hertford, Herts SG13 8DN

Telephone: 01992 566255
Minicom: 01992 556611
Contact: Brian Owen
Email: spatialplanning@hertfordshire.gov.uk

Date: 18 November 2021

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The Secretary of State has appointed an inspector to determine the appeal, this is Mr John Woolcock. The decision on the application will be published on <https://acp.planninginspectorate.gov.uk>

Yours sincerely

Brian Owen
Team Leader, Development Management

22

Hertfordshire County Council | Hatfield Aerodrome Public Inquiry

https://www.hertfordshire.gov.uk/about-the-council/news/news-archive/hatfield-aerodrome-public-inquiry

PROFF personal dcp-online DEF Google Install Microsoft 36... Planning applicatio... Home Page - HCC COVID-19 Respons... HCC Other favorites

Hertfordshire County Council

Hatfield Aerodrome Public Inquiry

Published: 28/10/2021 11:52:24

The Planning Inspectorate is holding a public inquiry, regarding Hertfordshire County Council's application for a new quarry on land at the former Hatfield Aerodrome.

Development applications include:

- A new 200,000 sqm office building
- An aggregate processing plant
- A new 100,000 sqm warehouse
- A new 100,000 sqm warehouse
- A new 100,000 sqm warehouse

The Planning Inspectorate is holding a public inquiry, regarding Hertfordshire County Council's application for a new quarry on land at the former Hatfield Aerodrome.

Hertfordshire County Council | Hatfield Aerodrome Public Inquiry

https://www.hertfordshire.gov.uk/about-the-council/news/news-archive/hatfield-aerodrome-public-inquiry

PROFF personal dcp-online DEF Google Install Microsoft 36... Planning applicatio... Home Page - HCC COVID-19 Respons... HCC Other favorites

The aggregate processing plant is a new plant and gravel that is dug is sorted into different sized gravel and sand and used before being taken away for use. The concrete batching plant is used to mix sand and gravel together with cement which is then taken from the site in concrete mixers and used in building works such as for footings or foundations for roads. The inert fill material would typically consist of excavator or material from construction and engineering projects, roads, etc.

The Public Inquiry will be held at:
The Peckham Centre
Halls of Bushy Park
Hatfield
AL10 9TF

The inquiry will start on 16 November 2021 and is scheduled to last 8 days. Members of the public may attend the inquiry and, at the Inspector's discretion, express their view.

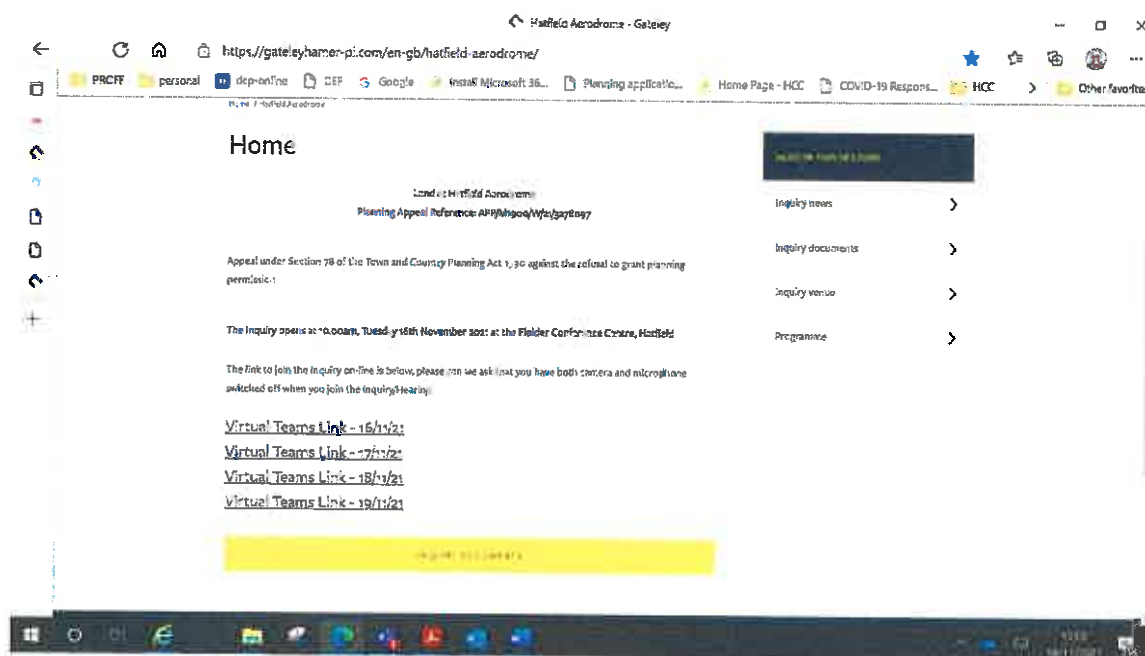
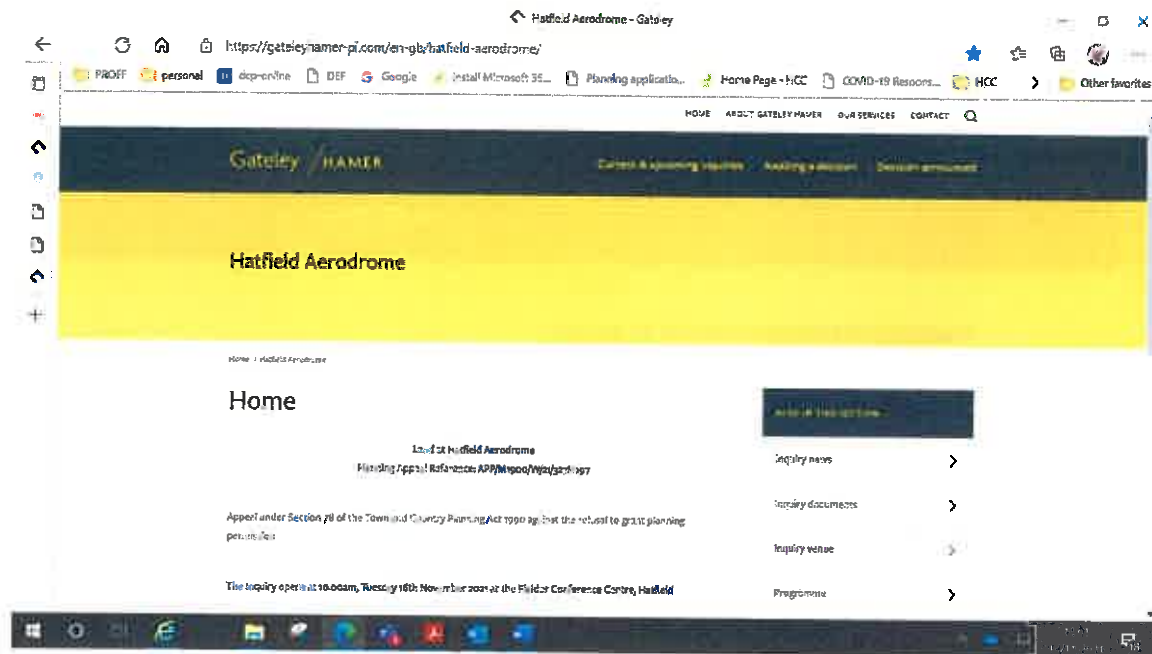
Join the Inquiry on Microsoft Teams

- 17 November
- 18 November
- 19 November

If you are unable to contact or write to the Planning Inspectorate, you can do so at:
Kerry Brown
Room 19, The Wing
Temple Gyle House,
2 The Square, Temple Gyle,
Basingstoke
RG24 8NL
Tel: 01252 4445245
Email: kerry.brown@planninginspectorate.gov.uk

Planning Inspectorate Reference:
APP/1500/W/21/3272097

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2f

only article

Time to comment on Ellenbrook Fields quarry scheme. [Frankie Lister-Fell](#)

Published: 1:52 PM November 9, 2021 Updated: 2:14 PM November 9, 2021

www.hertsad.co.uk/news/local-council/quarry-on-ellenbrook-fields-hatfield-aerodrome-site-8471396

You can soon have your say on plans to build a quarry on the former Hatfield Aerodrome site off Hatfield Road.

The controversial bid by Brett Aggregates to build a sand and gravel quarry was [refused planning permission](#) by Welwyn Hatfield Borough Council's development control committee last September. But Brett - the "largest independent producer of sand and gravel in the UK" - appealed the decision on July 22.

The development will involve quarrying around eight million tonnes of sand and gravel at a rate of approximately 250,000 tonnes per year. The company says that material will help to support local development plans in the surrounding towns which will create a demand for large amounts of aggregates.

Brett Aggregates proposes to build new access onto the A1057, an aggregate processing plant, a concrete batching plant and other supporting facilities importing inert fill materials to restore the land. They hope to operate on the site from Monday to Friday from 7am to 6pm and 7am to 1pm on Saturdays.

The construction company also submitted a new planning application, in case their appeal is rejected, in September this year.

[According to Brett Aggregates](#), the reason for submitting a fresh application was because they have "taken on board the comments [they] received about [their] previous application".

However, [Ellenbrook Area Residents Association](#) strongly opposes both the new application and the appeal. The group explained: "Many of the concerns that we had with the previous application stand, with some further information now available, and some minor modifications made by the applicant."

The association is worried about the loss of Green Belt land, flooding, pollution and other environmental considerations. You can read a summary of their concerns [here](#).

Principal planning officer Chay Dempster confirmed that the consultation on the new application runs until November 20.

The public inquiry for the appeal will start on November 16 and run for two weeks. It will be held at The Fielder Centre in Hatfield. If you'd like to contact the Planning Inspectorate, email kerr.brown@planninginspectorate.gov.uk.

The decision will be published on the [Planning Inspectorate \(PINS\) website](#).

You can comment on the new planning application through Hertfordshire County Council's website [here](#).

The application (PL/0232/21) and associated documents can be viewed [here](#).

