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**Subject:** FW: Hatfield Public Inquiry  
**Date:** 25 November 2021 13:04:15  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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**From:** Brian Owen  
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**Subject:** Hatfield Public Inquiry

Please see below,

As promised by our counsel yesterday, we have considered our position in respect of the private law rights of Arlington to grant any lease to Brett and any implications for delivery here. In the light of Mr Lowden's evidence in cross examination that it will take at least 12 months before any activities can start on site, the County is satisfied that there is a (tight but, with goodwill, adequate) window for Arlington to comply with its obligations under the 2000 s.106 and for any private law issues impeding mineral extraction to be resolved. It will be taking up that issue with Arlington separately. As a result, the County will not, in the context of the appeal be submitting that the private law difficulties pose an insuperable difficulty to delivery here or go the "need". The consequence is that there is no need to recall Mr Lowden, in the context of this appeal to seek the views of specialist counsel; or to delay the closing of the inquiry by reason of this issue. None of that detracts however from the County's case that this appeal has to be determined in the light of the status of the country park as a park open to the public without restriction and that any mineral development has to minimize impacts on users (through e.g. openness) and that only necessary working areas and associated areas could be taken out of public use."

Thanks  
Brian



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