RE: LAND AT HATFIELD AERODROME

PLANNING APPEAL REFERENCE: APP/M1900/W/21/3278097

LPA Reference: 5/0394-16

COSTS REPLY TO CHPC EARA SRA

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1. This is the Reply of the Appellant to the costs application made by the Parish Council and Residents' Associations against the Appellant, dated 29th November 2021.

2. The Inquiry has, in very large measure, been a good natured and constructive process. It has been helpful to have the concerns of residents marshalled via the intervention of the Rule 6 parties, whose contributions have been very much appreciated and respected.

3. The costs application appears to have two identifiable themes which this Reply seeks to identify and respond to. If any of the particular points is omitted, no disrespect is intended, and no doubt any omission can be pointed out during the hearing of the application.

AMENDMENTS

4. The Rule 6 parties seek to "*piggy back*" on the costs application made by HCC. The relevant points in the Reply to HCC are incorporated here by reference.

5. It is said that the Rule 6 parties were either confused or that the objective was to confuse, by reference to the four points of amendment. With respect, this assertion lacks any basis whatsoever in the evidence heard over two weeks at the Inquiry. Nobody said that they were confused about what change was proposed in respect of the access road. The plans were there to be seen. Indeed, nobody expressed the view that they strongly preferred one access or another. The deletion of the concrete batching plant was not difficult to understand. A change to "*no pumping*" was not difficult to understand. Likewise, the standoff, which the Rule 6 parties say they in fact proposed, can hardly be said to be difficult to understand.

6. Indeed, nobody said that they found any of those matters difficult to understand.

7. In any event, the above points go nowhere. All that has happened at the Inquiry is that the Appellant has made an application to proceed on the basis of four changes. It cannot possibly be said that to merely make that application is in itself unreasonable. That is still more the case when nobody has been able to articulate why any of those changes ought not to be permitted. Unfortunately, the position taken by the Rule 6 parties is in fact opportunistic. Their view is that the prospect

of the scheme obtaining consent is reduced if the appeal is determined without some or all of those changes. It is the Rule 6 parties' objective to secure the dismissal of the appeal. It is a perfectly reasonable (and expected) approach for a Rule 6 party to take. No criticism is made of this tactical approach being adopted. But it needs to be seen for what it is. Call a spade a spade.

"**PLANT SITE AND SOUTHERN BUND**"

8. This point, at paragraphs 10 to 14 of the costs application, is not fully understood. The Appellant introduced two plans to show a southern bund and in doing so expressly and very clearly explained that they were no more than an illustration of what had been put to Mr Tunnell in his re-examination. If that, notwithstanding what was said when those documents were introduced, was not clear to the Rule 6 parties, then it is re-emphasised now and the Rule 6 parties are invited to withdraw this aspect of their application.

9. It is to be noted that the Rule 6 parties raised no objection to either HCC re-examining on this basis, nor to the introduction of the documents, nor as to the evidence which was adduced from the Appellant's witnesses, both in evidence in chief and in cross examination, nor was it cross examined upon by the Rule 6 parties.

10. Still further, it is very difficult to understand what costs it is said were unreasonably incurred by the Rule 6 parties receiving two plans. Certainly, no evidence was presented in response.

CONCLUSION

11. Returning to where this Reply started, the Appellant emphasises and repeats the remarks made at the outset. The Appellant fully understands, and expressly acknowledged during the course of evidence, the frustrations properly held by local people, and indeed by HCC as to the delay in the proper delivery of features of the 2000 Section 106 Agreement. But the Appellant has had, and has, no role in that regard.

12. Still further (and it is most surprising that this point has to be made) it ought not to be held against the Appellant that there is an allocation in the Development Plan, which is longstanding. The Appellant is at this appeal merely because HCC, after years of detailed work by the Appellant, officers and consultees, decided, by its members, to refuse planning permission for the reasons which it did. It is evident from both the time period over which the application was before the Council and the overburden of reports and paperwork that the Appellant has done very much more than it could reasonably be expected to do to obtain a planning permission locally. An appeal was not something which the Appellant looked for. That is patent from the application history. The Rule 6 parties should therefore understand that the Appellant shares the frustration that it has been necessary to attend a long Inquiry which has had to deal with some complex materials.

13. The Appellant looks forward to working on a constructive and friendly basis with members of the local community in due course, upon the grant of consent for the

reasons which have been set out in the Appellant's Closing Submissions, notwithstanding this unmeritorious application.

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