

The Planning
Inspectorate
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St Albans City Council

Your Ref: 5/2022/0599

Our Ref: APP/B1930/W/23/3333685

Date: 18th January 2023

Dear Sir,

Town and Country Planning Act 1990

Appeal by: Tarmac Limited

Site Address: Land adjacent to Colney Heath Football Club, Colney Heath, St Albans

I have received appeal forms and documents for this site. I am the case officer. If you have any questions, please contact me. I have checked the papers and confirm that the appeal is valid. If I later find out that this is not the case, I will write to you again.

The procedure and the starting date

The appellant has requested the inquiry procedure. In accordance with s319A of the Act we have applied the criteria and considered all representations received, including the appellant's preferred choice. We consider the Inquiry procedure to be suitable.

The date of this letter is the starting date for the appeal. The timetable for the appeal begins from this date.

The Inspector and Inquiry date

The Inspector appointed to decide the appeal is **S Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI** and the inquiry will open at 10.00am on **23rd April 2024**. We have currently scheduled 7 sitting days. The length of the inquiry will be discussed at the CMC, but the Inspector is minded to sit in person for a week to address the main issues and undertake the site visit. She would then deal with conditions, planning obligations and closing submissions virtually the following week.

Please can the LPA secure a suitable venue as soon as possible and provide details.

All parties are reminded that witnesses to the Inquiry should be available for its duration.

Please note the Inspector is not available from 11 February – 9 March, or for the period over Easter from 25 March – 10 April. It is therefore her intention to hold the CMC **at 10.00 on 5th February 2024**, with a view to issuing the post CMC note by 9 February. In addition to the LPA and appellant, the Parish Council will be invited to attend the CMC – **please could you provide contact details for the Parish Council?**

More details will follow including an agenda and details of how to call in. Each party should have a single spokesperson nominated to speak; the intended advocates should participate if possible. Please can you provide the name and email address of your spokesperson 7 days before the case conference, along with the names/email addresses of any other participants.

In advance of the case management conference, parties are requested to focus only on the matters that are in dispute and give detailed consideration as to exactly what topics could most efficiently be dealt with as a round table discussion at the inquiry (or even just by written submissions) in order to ensure that the inquiry is conducted in an efficient and effective manner, optimising inquiry time. This will be an item on the agenda for the conference. In light of the outcome of that discussion, the Inspector will direct how the evidence will be dealt with at the inquiry.

The Inspector would be grateful if, in the lead up to the CMC, the parties would consider the following:

- A suitable venue, (size and technology support) having regard to the significant public interest in the appeal;
- Details of likely participants (advocates, witnesses) and interested parties;
- The provision of proofs **w/c 18 March**. Whilst this is earlier than the standard 4-week period before the inquiry would begin it would ensure that there is no clash with Easter holidays.

Sending documents to us and looking at the appeal

A timetable for some elements of the case is set out below. No reminders will be sent, and any documents sent after the deadlines will normally be returned.

You can use the Internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is <https://acp.planninginspectorate.gov.uk/>

If emailing documents, please use the email address above. If posting documents please send a single copy. Whichever method you use, please make sure that all documents/emails are clearly marked with the full reference number.

Guidance on communicating with us electronically can be found at [Appealing to the Planning Inspectorate: communicating electronically with us - GOV.UK](https://www.gov.uk/government/organisations/planning-inspectorate/about-us) (www.gov.uk)

Sending documents electronically, if possible, will enable us to deal with them more quickly. Should we require hard copies of any documents we will advise.

Keeping to the timetable

You must keep to the timetable set out below and make sure that you send us the relevant documents within these deadlines. This will mean that we can deal with the appeal promptly and fairly. If you do not send us the relevant documents in time, the Inspector will not normally look at them and we will return them to you unless there are exceptional reasons for accepting them. Not meeting the prescribed timetables may be a reason for the Inspector to initiate an award of costs (see section on costs below).

Unless agreed otherwise by the Inspector at the case management conference the following documents must be sent within this timetable.

By 25 January 2024

Using the model notification letter at the following link <https://www.gov.uk/government/publications/model-notification-letter-for-planning-appeals> you must notify any person who was notified or consulted about the application in accordance with the Act or a development order and any other interested persons who made representations to you about the application, that the appeal(s) has been made. You should tell them:-

- i) that any comments they made at application stage will be sent to me and the appellant(s) and will be considered by the Inspector (unless they withdraw them within the 5 week deadline). If they want to make any additional comments they must submit them within 5 weeks of the starting date, by (add date – start date plus 5 weeks). If comments are submitted after the deadline, the Inspector will not normally look at them and they will be returned;
- ii) when and where the appeal documents will be available for inspection;
- iii) that the Planning Inspectorate will not acknowledge representations. We will, however, ensure that letters received by the deadline are passed on to the Inspector dealing with the appeal(s);
- iv) that they can get a copy of our booklet 'Guide to taking part in planning appeals proceeding by Inquiry' either free of charge from you, or on GOV.UK <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>;
- v) that the decision will be published on GOV.UK.

You must send a copy of a completed appeal questionnaire and supporting documents, a copy of your notification letter and a list of those notified to the appellant and me.

By 22 February 2024

Please send me a copy of your statement giving full details of the case you will put forward at the inquiry including any documents, maps or plans you intend to refer to or use in evidence. The appellant may require you to send any such document (or relevant part of such a document). Please also include a list of any conditions or limitations you would agree to, if the appeal were to be allowed. I will send a copy of your statement to the appellant and you must send a copy of your statement to any statutory parties. I will also send you and the appellant a copy of any comments received from other interested persons or organisations.

You must also submit a copy of the completed agreed statement of common ground, listing all matters that are not only agreed but also confirming areas where there is disagreement. Further guidance on producing statements of common ground (and a model form) is available from <https://www.gov.uk/government/publications/statement-of-common-ground>

You must allow anyone who wants to inspect the appeal documents a reasonable opportunity to do so. Your statement must say when and where this can be done.

By 19 March 2024

You and the appellant must send me a copy of your proof(s) of evidence (and a written summary if the proof is over 1500 words in length). You should also send a copy to any statutory party. A 'proof of evidence' is a written statement that you, the appellant or a witness wishes the Inspector to take into account at the inquiry. Any summary should reflect the contents of the proof and should not include new evidence.

By 2 April 2024

Please send a copy of the LPA inquiry notification letter.

Planning obligations - section 106 agreements

A planning obligation, often referred to as a 'section 106 agreement', is either a legal agreement made between the LPA and a person 'interested in the land' or a legally binding undertaking signed unilaterally by a person 'interested in the land'. If you intend to submit a planning obligation, you must read the guidance provided on GOV.UK - <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>

A draft, or heads of terms, should be submitted before the case management conference. A final draft, agreed by all parties to it, must be submitted to me no later than 10 working days before the inquiry opens.

Statutory parties

'Statutory parties' are owners or tenants of the application/appeal site who made comments within the time limit on the application, or who do so on appeal. You must give details of any statutory parties at application stage on the

questionnaire. I will tell you about any statutory parties who write to us at appeal stage, before your statement of case is due.

Withdrawing the appeal

If you hear that the appeal is to be withdrawn, please telephone me immediately. If I receive written confirmation of this from the appellant(s), I will write to you.

Costs

The appellant has been directed to GOV.UK for further information regarding costs – <http://planningguidance.communities.gov.uk/blog/guidance/appeals/>. You should also be aware that costs may be awarded to either party.

Additionally, a Planning Inspector or the Secretary of State may on their own initiative make an award of costs, in full or in part, if they judge that a party has behaved unreasonably resulting in unnecessary appeal expense.

Further information

Further information about the appeals process can be accessed at GOV.UK - <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>. I recommend that you read the relevant guidance.

Yours faithfully,

John Legg
Inquiries & Major Casework