

The Planning
Inspectorate
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**Mrs Kay Prendergast
(Gateley Legal)**

Your Ref:

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

Date: 18th January 2024

Dear Mrs Prendergast,

Town and Country Planning Act 1990

Appeal by: Tarmac Limited

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

Thank you for your Planning Appeal. 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.

If you have not already sent copies of your appeal form, full statement of case, draft statement of common ground and other relevant documents to the local planning authority (LPA), please do so immediately.

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.

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.

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](#) (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

The LPA should send us and you a copy of their completed appeal questionnaire and supporting documents.

By 22 February 2024

The LPA should send me a copy of their statement and they should also send a copy to any statutory parties. I will send a copy of any LPA statement to you. I will also send a copy of any comments I receive from other interested persons or organisations to both you and the LPA.

The LPA 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>

By 19 March 2024

You and the LPA 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.

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 your appeal

If you decide to withdraw your appeal(s), please contact me immediately on the telephone number or email address provided. You must confirm your decision in writing and it would be helpful if you could provide reasons why you are withdrawing

Costs

Costs can be awarded in this type of appeal. Details of this can be found on GOV.UK: <http://planningguidance.communities.gov.uk/blog/guidance/appeals/>. **You are advised to read this guidance very carefully as it contains important information about how one party to an appeal might have to pay another party's costs.** You should be aware that withdrawal at any stage in the proceedings without good reason, may result in a successful application for costs. A successful application is also possible should an event be adjourned because of the submission of late evidence.

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 sincerely,

John Legg
Inquiries & Major Casework