

**Statement of Case on behalf of the Appellant,
BCL (Maple Cross) LLP**

**Employment Land to the north of Maple Cross Lodge,
Maple Cross, Rickmansworth**

Appeal against the non-determination of planning application Ref.
21/0573/FUL

December 2021

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1. Introduction

1.1 This Statement of Case has been prepared by Avison Young on behalf of BCL (Maple Cross) LLP (the Appellant) in connection with an appeal against the non-determination of planning application ref. 21/0573/FUL (the Application) for the proposed employment development at Employment Land to the north of Maple Cross Lodge, Maple Cross, Rickmansworth (the Site).

1.2 The description of development for the Application is as follows:

“Comprehensive redevelopment to provide 2 no. warehouse Class E(giii)/B2/B8 units comprising a total of 16,115 sqm including 1,882 sqm ancillary E(gi) office space, access, landscaping and associated works.”

1.3 The Application was submitted to Three Rivers District Council (TRDC) (the Council), as the Local Planning Authority (LPA), and validated on 5th March 2021. The statutory determination period was due to expire on 4th June 2021. The Appellant and the Council subsequently agreed multiple extensions of time up to 29th October 2021.

1.4 The Application was taken to Planning Committee on 21st October 2021 with a recommendation for approval. Members resolved to defer the Application against officer's recommendation. The approved minutes cite the reason for the deferral being:

“for the Council to instruct their own expert hydrologist or similar to review the application on the grounds that Members are not satisfied that the risks of development to the Maple Lodge Nature Reserve had been fully understood and the suggested conditions would meet the requirements.”

1.5 The Appellant wrote to the Council on 26th October 2021 offering a further extension of time until 19th November 2021. No response has been received from the Council and we understand at the time of writing that the Council are yet to instruct an expert hydrologist or similar as per the reason for deferral.

1.6 The appeal is therefore lodged on the basis that the Council has not determined the Application within this agreed period and no further extensions of time have been agreed.

1.7 The Appellant requests that the appeal be considered as a public inquiry given the scale and complexity of the Application and the issues concerning the proposals. The Application comprises detailed technical matters in relation to groundwater and biodiversity which will require testing by cross examination. Furthermore, the appeal has generated substantial local interest.

Statement Purpose and Structure

- 1.8 The purpose of this Statement is to set out the Appellant's case against the non-determination of the Application by the Council, which will be advanced by the Appellant at the public inquiry. It has been prepared in accordance with the guidance set out in the Procedural Guide to Planning Appeals (England) (updated 13th October 202), published by the Planning Inspectorate (PINS).
- 1.9 A draft Statement of Common Ground (SOCG) is submitted with this appeal. It is the intention that this is a working document with discussions to progress throughout the appeal process and once we are in receipt of the Council's reasons for refusal once the Application has been considered at the Council's Planning Committee.
- 1.10 This Statement is structured as follows:
- **Section 2** provides an overview of the Site and surrounding context;
 - **Section 3** sets out the specification of the planning Application and the proposed development;
 - **Section 4** sets out the background to the appeal;
 - **Section 5** outlines the planning policy context relevant to the appeal;
 - **Section 6** sets out the Appellant's case against the non-determination of the Application;
 - **Section 7** outlines the procedural matters relevant to the appeal; and
 - **Section 8** summarises the Appellant's case against non-determination.

2. Site Description

Site Location

- 2.1 The Appeal Site is located in Maple Cross within the south west of the administrative area of Three Rivers District Council (TRDC). This site is located immediate to the east of the existing employment uses and within the Maple Cross/Maple Lodge Employment area in the secondary centre of Maple Cross.
- 2.2 The Appeal Site comprises an irregular shaped parcel of undeveloped greenfield land of approximately 3.4 hectares. It is currently unoccupied in nil use. The majority of the land is covered by grass with a mixture of shrubs and mature trees situated along the boundaries.
- 2.3 It is bound to the north/northwest by the Rivers Office Park and Hertford Place (subject to implemented planning permission for a hotel); to the south by open space (private Thames Water cricket pitch); to the east by the access road leading to the Thames Water Treatment Works site to the south; and west by the multi-storey car park of Maple Cross House (offices), and residential properties of Longmore Close which are separated from the Appeal Site by a strip of land owned by TRDC.
- 2.4 A plan of the Site can be found within the Core Documents at CD1.1.1 (17019-C4P-AV-00-DR-A-0100_P5_Site Location Plan).

Surrounding Context

- 2.5 The wider surrounding area comprises a mix of employment (office and industrial and storage), residential uses, open space and agricultural land.
- 2.6 Beyond the access road to the north is a large area occupied as storage. To the east of the access road is an area of land which comprises former landfill (sludge beds)/storage area which is bound by the River Colne/Springwell Lake. These areas are both designated as Green Belt. Beyond this to the south is the Thames Water Treatment Works which occupies significant land holding.
- 2.7 Adjacent to the north west of the Site is a cluster of employment uses which form the principal employment area for Maple Cross. The residential area to the west of the Site comprises low density two/three storey terrace houses. This residential area is accessed from the south of Maple Lodge Close. This area is separate from the main area of residential development within Maple Cross which is west of Denham Way (A412).
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Accessibility

- 2.8 The Appeal Site benefits from informal pedestrian access, but no formal vehicular crossover. An existing access road runs north/south along the eastern boundary accessed from Denham Way (A412) to the north which serves the Thames Water Waste Treatment site to the south. An existing pedestrian footpath runs along the northern part of the access road.
- 2.9 Denham Way (A412) runs north to south through Maple Cross connecting Rickmansworth to the north and West Hyde to the south. It also provides access to the M25 via Junction 17 (circa 1.5km from the Appeal Site).
- 2.10 The nearest bus stops are located approximately 500 and 550 metres to the northwest of the Site for northbound and southbound traffic direction respectively. The stops are both sheltered and are served by the 520, 951, E21, E21B, R1, R2 & W1 services. There is an additional bus stop located approximately 800 metres to the south west of the Site access, which is served by services 724 & 951. The closest rail station is Rickmansworth (circa 3km) to the north which provides London Underground (Metropolitan Line) and national rail (Chiltern Railways) services to London Marylebone.

Planning History & Existing Lawful Use

Site Planning History

- 2.11 The Appellant will provide full details of the Site's planning history in its evidence for the appeal, with particular reference to the recent refused application, which was subsequently dismissed at appeal, as set out in **Table 2.1** below.

Table 2.1 Planning History

Address	Reference	Description	Decision/Date
Employment Land to the north of Maple Cross Lodge, Maple Cross, Rickmansworth	19/2106/EIA)	Comprehensive redevelopment to provide 2 no. warehouse Class B1c/B2/B8 units comprising a total of 16,140 sqm including 1,986 sqm ancillary B1a office space, access, landscaping and associated works.	Screening Opinion: Non EIA Development 4 th November 2019
	19/1179/FUL		Refused: 19th November 2019
	APP/P1940/W/19/3243565		Appeal Dismissed: 21 st September 2020

2.12 The Appellant will also refer to planning permissions, applications and other emerging proposals in the surrounding area including those set out within **Table 2.2** below:

Table 2.2 Recent and Emerging Context

Address	Reference	Description	Decision/Date
Witney Place Denham Way Maple Cross Hertfordshire WD3 9XD	07/1401/FUL	The erection of a four storey hotel building incorporating a foyer, lobby bar and lounge, restaurant, health club, office and staff area at ground floor level, with 207 bedrooms in the three floors above, was granted in March 2008	Approved: 19 March 2008
	18/0401/CLPD	Established that a lawful material commencement of development occurred prior to 19 March 2011, which included the laying of foundations and highway works.	Approved: 15 March 2018
	18/1424/CLPD	Confirmed that as a result of 18/0401/CLPD, the site can continue to be lawfully developed to completion.	Approved: 3 September 2018

3. The Proposed Development

3.1 The Proposed Development comprises the provision of two new warehouse buildings for employment use (Class E(giii)/B2/B8) with ancillary E(gi) office space and access, parking, landscaping works and associated works.

3.2 The following revisions were made to the Application (the Revised Application):

- The Site Plan as Proposed was updated to refer to the correct number of car parking bays. The number of bays were correctly drawn on the plan, however, drawing 17019-C4P-AV-00-DR-A-0500 P17 (CD1.1.2) was amended so that the stated number of standard car parking bays for Unit 1 is 75. The Planning Statement was also updated to reflect this and submitted to the Council alongside the Site Plan as Proposed and Cover Letter on 26th March 2021;
- An updated Planning Noise Assessment (CD1.3.3) was submitted to the Council on 22nd April 2021 to clarify the position in respect of vehicle trips and the figures presented;
- An updated Air Quality Assessment (CD1.3.4) was submitted to the Council on 23rd April 2021. The Assessment was updated to correct the road naming within Figure 1.1 which incorrectly labelled the A412 as the M25; and
- A Maple Lodge Nature Reserve Hydrogeological Impact Assessment and GQRA (CD1.3.5) was prepared by H Fraser Consulting, dated 7th June 2021, and submitted to the Council.

3.3 In addition to this, the following clarification and responses were provided following submission of the Application:

Groundwater

- A Letter (CD2.1.15), prepared by Tier Consult and dated 19th May 2021 and a Hydrogeological impact assessment and GQRA (CD1.3.5) prepared by H Fraser Consulting dated 7th June 2021, responding to comments raised by the Environment Agency were submitted to the Council.
- A Maple Lodge nature reserve Hydrogeological impact assessment (CD1.3.7) was submitted to the TRDC, the Environment Agency and Affinity Water on 17th December 2021.

Biodiversity

- A letter including an NVC Survey (CD2.2.7) and a Species List (CD2.2.8) was submitted to the Council on 6th July 2021, as requested by Hertfordshire Ecology in their response dated 13th April 2021 (CD2.2.2).

- A letter, prepared by Greengage, (CD2.2.18) dated 20th August 2021 was submitted to the Council setting out the approach to addressing the presence of the Forester moth, as recorded by Martin Parr of the Maple Lodge Conservation Society on the 12th July 2021.

Transport

- A Transport Technical Note (CD2.3.6), prepared by BWB and dated 7th May 2021, was submitted in response to comments raised by Hertfordshire County Council Highways Authority.

Noise

- A Response to Cass Allen Report (CD2.4.7), prepared by RSK Acoustics, was submitted to the Council on 6th July 2021 to provide commentary in respect to a letter submitted by Cass Allen (On behalf of The Maple Cross and West Hyde Residents Association) regarding the Noise Assessment.

Air Quality

- A revised Air Quality Assessment (CD1.3.4) dated 23rd April 2021 prepared by BWB to update minor labelling errors.

Trees

- Clarification on tree removals was provided by Avison Young to TRDC on 7th and 8th September 2021 (CD2.6.2 and CD2.6.3).

Other

- An email from the Agent (CD2.8.11) was sent to the Council on 19th April 2021 to provide further information regarding the Construction Phase and Piling.

Planning Benefits

3.4 The Application will deliver significant planning benefits:

- It will deliver the overall objectives of national, local and site-specific policy, and in doing so deliver sustainable planned-for development;
- The proposed development will deliver 16,115 sqm employment floorspace that will provide a significant contribution to meeting the need identified by the South West Herts Economic Study (2018) for 13,200 sqm of B1c/B2 floorspace and 15,600 sqm of B8 floorspace for Three Rivers over the 2018-2036 period.

- This employment development will result in the creation of a significant number of operational phase jobs alongside direct and indirect construction jobs that will also be created. This is identified as a priority for sustainable development by the Core Strategy (2011).
- In the context of economic downturn and job losses as a result of Covid 19 the proposed development will deliver significant economic benefits in a strongly performing market sector including: circa 108 direct and 98 indirect jobs during the construction phase and circa 292 direct jobs 179 indirect jobs during the operational phase; circa £884,350 - £1,149,580 in business rates per annum; circa £12.1m direct Gross Value Added (GVA) per annum; and, and circa £9.9m indirect GVA per annum for the local economy.
- Development will enable the remediation of the identified contaminated land as supported by TRDC Development Management DPD Policy DM9.
- Proactively addressing drainage through the upgrade of the estate road as supported by TRDC Development Management DPD Policy DM8;
- It will improve the safety and accessibility of the local highway network through junction improvements to Denham Way (A412) and the private access road to the north of the Site as supported by TRDC Core Strategy Policy CP10.
- The provision of biodiversity net gain through onsite and offsite contributions.
- An exemplar of sustainable development in the District significantly exceeding the relevant policy requirements and proactively responding to the District's wider strategic climate change policy in declaring a climate emergency.

Application Specification

- 3.5 The Application is submitted in detail (full planning permission).

Planning Application Package

- 3.6 A comprehensive package of plans and supporting documentation has been submitted as part of the planning Application. A full list of Application documents is set out within the draft Core Documents list included at **Appendix I**.

Environmental Impact Assessment (EIA) Regulations

- 3.7 The Council adopted a Screening Opinion in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 on 4th November 2019 (ref. 19/2106/EIA).

- 3.8 This was based on a proposal for the development of two Warehouse Units (Class B1c / B2 / B8), comprising a total Gross Internal Area (GIA) of 16,140 square metres (including 1,986 square metres ancillary B1c office space), access, landscaping and associated works, at Development Site, Maple Lodge, Maple Lodge Close, Maple Cross.
- 3.9 The Council had regard to the information submitted and concluded that an Environmental Impact Assessment was not required for the development, and that the conclusions of the Screening Opinion remain valid in relation to the Application ref. 21/0573/FUL, the subject of this appeal.

4. Background to the Appeal

4.1 This Application follows the refusal of a full application (ref: 19/1179/FUL) (the Refused Application') made by the Applicant on the Site for the following:

"Comprehensive redevelopment to provide 2 no. warehouse Class B1c/B2/B8 units comprising a total of 16,140 sqm including 1,986 sqm ancillary B1a office space, access, landscaping and associated works."

4.2 The refused application was taken to the 14th November 2019 Planning Committee with a recommendation for refusal on the basis of five reasons as identified by the Committee Report and Addendum. Members resolved to refuse planning permission citing two additional reasons for refusal on design and heritage grounds.

4.3 The LPA's decision notice, included within the Core Documents at CD3.8, was issued on the 19th November 2019.

4.4 An appeal (ref. APP/P1940/W/19/3243565) was submitted by the Applicant to the Planning Inspectorate following the LPA's refusal of planning permission. The appeal proceeded by way of a Hearing, with the event held between 30th June – 3rd July 2020.

4.5 The following changes were made to the proposal during the appeal process. These included:

- A reduction in floorspace to 16,140 square metres including 1,986 square metres of ancillary B1 office floor space;
- A reduction in height of unit 2 from 12.5m at the eaves and 16m at the highest point to 10m and 12.5m respectively;
- Alterations to the access and parking arrangements;
- The retention of additional trees adjacent to the access road; and
- Alterations to the proposed drainage arrangements.

4.6 The Inspector concluded that these changes would not be prejudicial to any party and would accord with the Wheatcroft principles. The appeal was therefore determined on this basis ('the appeal scheme').

4.7 Prior to the Hearing, the LPA confirmed their intention not to defend the third reason for refusal in relation to flood risk on the basis that this been addressed through the additional information provided. The Applicant submitted a Unilateral Undertaking which covenanted to make a payment of £17,725 to

offset the loss of biodiversity and a contribution of £6,000 towards the implementation and monitoring of the travel plan. It was also agreed between the parties that these contributions addressed the second and fifth reasons for refusal

4.8 The Planning Inspectorate determined the appeal on 21st September 2020. A copy of the Appeal decision is included within the Core Documents at CD3.9.

4.9 The appeal was dismissed on a single ground on the basis that the Inspector found that there was insufficient evidence at that time to be certain that the potential effect on the public water supply could be satisfactorily addressed by way of conditions.

4.10 The Inspector identified 8 main issues and concluded that the appeal scheme was acceptable in respect of 7 of those main issues. The determination of this application must be informed by the inspector's detailed conclusions on the following matters. The appeal scheme:

- Provided an appropriate use and the principle of development for employment is supported by planning policies CP6 of the Core Strategy and SA2 of the Site Allocations Local Development Document.
- Would not harm the living conditions of surrounding residents in terms of:
 - noise in accordance with planning policies DM9 of the Development Management Policies Document, the Noise Policy Statement for England, the NPPF and NPPG;
 - air quality in accordance with planning policy DM9 of the Development Management Policies Document; and
 - traffic, parking and highway safety in accordance with planning policies DM9 and DM13 of the Development Management Policies Document and the NPPF.
- Would not harm the living conditions of the occupants of 19 Longmore Close and would be of a high standard of design in accordance with planning policy CP12 of the Core Strategy.
- Would not result in an unacceptable effect on trees in accordance with planning policies DM6 of the Development Management Policies Document and CP12(b) of the Core Strategy.
- Would not have a significant effect on the lakes either in terms of de-watering or the introduction of contaminants and would provide a net biodiversity gain in accordance with planning policies DM6 of the Development Management Policies Document, CP9 of the Core Strategy and the NPPF.
- Would not be at risk from flooding or increase the risk of flooding elsewhere in accordance with planning policies DM8 of the Development Management Policies Document and CP12 of the Core Strategy.

- Would not give rise to any harm to the neighbouring heritage assets in accordance with planning policies DM3 of the Development Management Policies Document, CP10 of the Core Strategy and the NPPF.
- 4.11 In addition, the Inspector concluded the appeal scheme would result in significant planning benefits.
- 4.12 The LPA's original reason for refusal on this matter, in relation to the previous application was substantiated by the third-party objection raised by Affinity Water.
- 4.13 The Appellant undertook an extensive programme of engagement with Affinity Water and liaison with the LPA prior to the submission of the planning application subject to this appeal, following the principles set out in Section 4 of the NPPF. Further detailed technical assessment has been undertaken prior to submission, as recommended by the inspector. This was prepared in consultation with Affinity Water submitted in support of this application. These steps have ensured that sufficient information has now been provided to Affinity Water to inform a construction method statement (to be secured by way of a suitable condition) to overcome concerns regarding protection of the public water supply.
- 4.14 The Application was submitted to the Council on 5th March 2021. The Council notified the Appellant's Agent that the Application had been validated on 5th March 2021. The Appellant has remained in continuous contact with the Council in the period since, including attendance at meetings and provision of further information in response to queries raised on numerous matters. The Appellant will refer to key correspondence and further submission details in evidence.
- 4.15 The process of managing the Application and resolving issues, including matters not previously raised by the previous application, post-submission has been protracted, despite the Appellant's best efforts. Full details of how the Appellant has sought to work constructively with the Council, its independent advisors, and consultees to resolve issues will be presented in evidence.
- 4.16 The Application was set a target determination date of 4th June 2021 based on a submission date of 5th March 2021. Whilst it is recognised that the Appellant and Council have agreed to multiple extensions of time up until 29th October 2021, with the Appellant offering the Council a further extension until the 19th November 2021, a total of 9 months have since passed with the Council unable to now commit to a timescale for the Application to be reported back to the Council's Planning Committee. Therefore, the Appellant has reluctantly been forced to submit this appeal.

5. Planning Policy Context and Material Considerations

5.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004), planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Adopted Planning Policy

5.2 The planning policy framework affecting the Site comprises the National Planning Policy Framework and the TRDC Local Plan.

5.3 The Local Plan comprises the following documents:

- Three Rivers Core Strategy 2011-2026 (2011);
- Development Management Policies (2013); and
- Site Allocations Local Development Document (2014).

Planning Policy Designations

5.4 The Site is subject to the following policy designations:

- The adopted Policies Map (2014) identifies the Site as within an Employment Area (Site Allocation SA2 E(d)). Policy SA2 safeguards allocated employment sites for business, industrial and storage or distribution uses (Classes B1c/B2/B8) (B1c now E(g)(iii)).

5.5 The Site is subject to a Tree Preservation Order (TPO) (ref. 493).

5.6 The Appeal Site does not include any statutory or locally Listed Buildings, nor is it located within a conservation area.

5.7 The majority of the Appeal site is located within Flood Zone 1. A narrow strip to the eastern and southern boundary is within Flood Zone 2.

5.8 The Appeal Site is within Groundwater Source Protection Zone 1.

5.9 The surrounding area is subject to the following planning policy designations:

- Land to the east of the Site is designated as Green Belt (Policy CP11)

- Grade II Listed Maple Lodge Farm and Maple Lodge Barn are located approximately 100m south of the Site (Policy DM3)
- The Site is within part of the wider Colne Valley Park. The AONB and Central River Valleys Landscape Area is located to the east (Policy CP9).

Key Local Plan Policies

5.10 The principal development plan policies (over and above those referred to above) relevant to considering the appeal are listed below (note that the Appellant may refer to additional policies in its evidence).

Core Strategy (2011)

- Policy PSP3 (Development in Secondary Centres (Kings Langley, Carpenders Park, Eastbury, Maple Cross, Moor Park, Oxhey Hall))
- Policy CP1 (Overarching Policy on Sustainable Development)
- Policy CP6 (Employment and Economic Development)
- Policy CP8 (Infrastructure and Planning Obligations)
- Policy CP10 (Transport and Travel)
- Policy CP11 (Green Belt)
- Policy CP12 (Design of Development)

Development Management Policies (2013)

- Policy DM3 (The Historic Built Environment)
- Policy DM4 (Carbon Dioxide Emissions and On-Site Renewable Energy)
- Policy DM6 (Biodiversity, Trees, Woodlands, Watercourses and Landscaping)
- Policy DM8 (Flood Risk And Water Resources)
- Policy DM9 (Contamination and Pollution Control)
- Policy DM10 (Waste Management)
- Policy DM13 (Parking)

Site Allocations Local Development Document (2014)

- Policy SA2 (Employment Site Allocations)

- Site Ref. E(d) (Maple Cross/Maple Lodge)

Emerging Planning Policy

- 5.11 TRDC is currently progressing a Local Plan which will provide the planning policies and proposals for growth in the District up to 2032. The first stage (Issues and Options and Call for Sites Consultation Document) underwent consultation ending in September 2017.
- 5.12 This was followed by a Potential Site Consultation ending in December 2018. The Site is identified within the Local Plan Potential Sites for Consultation document (October 2018) as CFS33 (Land at Maple Cross, Maple Lodge). The Site forms part of a wider mixed-use development, with potential uses including business, industry/warehousing, residential, retail and hotel.
- 5.13 The Local Plan Regulation 18 Preferred Policy Options and Sites for Potential Allocation underwent consultation from 11 June 2021 to 20 August 2021.
- 5.14 The Local Development Scheme (November 2020) targets November/December 2021 for Regulation 19 consultation and May 2023 for adoption.
- 5.15 TRDC announced (5th October 2021) that the Regulation 19 consultation is likely to be delayed by 12 months to November/December 2022 as a result of the level of response to the Regulation 18 consultation. Therefore, the overall timetable for adoption of the local plan is likely to be at earliest, mid-2024.
- 5.16 The draft Local Plan is at very early stages and therefore the weight which can be attached to it is limited in accordance with NPPF para. 48. Notwithstanding this, the Regulation 19 document proposes to retain the employment allocation covering the Site (ref. E(d)).

Other Material Considerations

- 5.17 The Appellant will also refer to the following in its evidence:
- Relevant Ministerial Statements and Government publications;
 - The South West Herts Economic Study (2018);

Presumption in Favour of Sustainable Development

- 5.18 NPPF paragraph 11 sets out that plans and decisions should apply a presumption in favour of sustainable development. Part c) of paragraph 11 is worded as follows:

'approving development proposals that accord with an up-to-date development plan without delay;'

5.19 Annex 1 (para. 219) confirms that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

6. The Appellant's Case

The Grounds of Appeal

- 6.1 The appeal is submitted on the grounds of non-determination of the Application.
- 6.2 The Application follows an appeal dismissed on a single issue concerning groundwater in relation to the public water supply. As explained in Section 4, the Council's management of the Application has been unreasonable with unnecessarily protracted negotiations in resolving new issues (particularly those relating to highways, noise, biodiversity and groundwater in relation to the nature reserve) which were introduced late-on in the process in respect to matters that the Appellant understood to be agreed. The Appellant has provided all assistance necessary to allow the Council to make a decision on the Application including continued agreement to extensions of time.
- 6.3 The statutory target determination date of 4th June 2021 was set by the Council based on a validation date of 5th March 2021. The Appellant has subsequently agreed to multiple extensions of time totalling c. 9 months. The Council did not respond to the Appellants further proposed extension of time to 19th November 2021 and is unable to commit to a timescale for the Application to be reported to the Council's Planning Committee.
- 6.4 The Appellant's case is that the Application accords with the development plan as a whole and that TRDC has failed to take a decision in accordance with its policies, contrary to Section 38(6) of the Planning and Compulsory Purchase Act (2004). There are no material considerations which indicate otherwise.

The Planning Case

- 6.5 The Appellant considers there to be significant common ground with the Council in that the principal unresolved matter relates to the impact on groundwater in relation to the non-statutory Maple Lodge nature reserve. A draft Statement of Common Ground (between the Appellant and the Council) is submitted with this appeal. In advance of this being agreed, and for the purposes of completeness, the Appellant's overarching planning case is set out in this section.

Unresolved Matters

- 6.6 The Planning Committee Minutes (CD3.1) note members raised concerns that this proposed development would seriously threaten the water supply and detrimentally impact the nature reserve.

Groundwater Public Water Supply

- 6.7 The original refused application was supported by a Site Investigation Report. Based upon the findings of the site investigation, remediation requirements in order to make the Site safe and suitable for development were to be secured by condition.
- 6.8 Third party Affinity Water raised an objection to the original application due to concerns that the development had the potential to adversely impact the public water supply due to the Site being within Source Protection Zone 1 (SPZ1), corresponding to Springwell Pumping Station. Affinity Water's objection concerned that piling within the area posed a risk by creating pathways between shallow gravel groundwater and deep chalk groundwater potentially allowing naturally occurring magnesium present in the gravel aquifer to migrate to chalk. Affinity Water considered insufficient information had been submitted to demonstrate that there would not be an adverse impact on groundwater, particularly due to the proposed piling.
- 6.9 Within the Appeal decision, the Inspector noted that both parties agreed that further investigation in the form of a Detailed Qualitative Risk Assessment was required prior to commencement of works. The Applicant considered that this could be addressed through the suggested conditions, particularly as the risks were minimal, however, Affinity Water disagreed.
- 6.10 The Inspector was not persuaded that sufficient evidence had been provided upfront as part of the refused application or appeal scheme to demonstrate that the risk to public water supply could be adequately mitigated. It was noted that the disruption and/or contamination to the public water supply could have significant consequences for Affinity Water and the population the supply serves. Therefore, the Inspector concluded in the Appeal decision (CD3.9) that the proposed piling would have an unacceptable effect on groundwater and the quality of the public water supply and would fail to comply with Policy DM9.
- 6.11 Following the refused application's dismissal at appeal, the Appellant has continued to work closely with Affinity Water, the Council's Environmental Health Officer and the Environment Agency to agree and collate the relevant technical work required to provide sufficient evidence that the risk to public water supply will be adequately mitigated.
- 6.12 A Piling Method Statement and Risk Assessment (CD1.2.26) and a method statement for the decommissioning of monitoring well installations (CD1.2.25) were submitted as part of the Application in response to this requirement.

- 6.13 A confidential Detailed Qualitative Risk Assessment (DQRA) was undertaken to inform the Piling Method Statement. The Assessment contains confidential information which cannot be placed within the public domain as part of the Application or this Appeal and made publicly available. However, it has been provided directly to Affinity Water, the LPA and the Environment Agency during the course of the Application under the terms of Affinity Water's Non-Disclosure Agreement.
- 6.14 A summary DQRA (CD1.2.27) was also provided as part of the Application which outlines the further technical work that has been undertaken to provide the relevant evidence that the risk to public water supply will be adequately mitigated.
- 6.15 All of these documents were prepared and in consultation with Affinity prior to submission of the application. On the basis of this additional work, Affinity Water agreed in advance of the Application that the risk to public water supply could be appropriately mitigated on the basis of draft conditions included in the Planning Statement (CD1.3.1) at para. 7.186. This position was confirmed by Affinity Water's response to the Application (CD2.1.8) which recognised that whilst a risk remains, Affinity Water is satisfied that this risk can be appropriately managed by way of planning conditions.
- 6.16 The Committee Report (CD3.1) at para 7.14.19 confirms that as a result of the additional evidence provided, it is possible to appropriately mitigate risk to public water supply by way of planning condition.

Groundwater Impacts on Maple Lodge Nature Reserve

- 6.17 The Environment Agency initially objected to the Application in their letter dated 8th April 2021 (CD2.1.9) stating insufficient information had been provided to determine risks to groundwater. In response, the Environment Agency was provided with the full Contaminated Land Assessment and DQRA to enable a to full assessment of the risks to controlled waters. The Environment Agency subsequently issued a second objection dated 12th May 2021 (CD2.1.13), relating to potential impacts on the Maple Lodge nature reserve (MLNR) as a result of the proposed development.
- 6.18 This issue was previously considered by the Inspector as part of appeal ref. APP/P1940/W/19/3243565, in which it was concluded that the previous appeal scheme would not have a significant effect on the lakes associated with the Maple Lodge nature reserve either in terms of de-watering or the introduction of contaminants. Consequently, the previous appeal scheme would comply with Core Strategy Policy CP9 and LDD Policy DM6, as well as the advice in the Framework.
- 6.19 The Environment Agency objection of 12th May 2021 (CD2.1.13) also referenced the site as being within a Water Framework Directive groundwater body with 'poor' classification (Mid-Chilterns Chalk).

Following this, the LPA subsequently wrote to the Appellant on 1st June 2021 (CD2.1.17) to formally request a WFD Compliance Statement from the applicant to enable the LPA to submit the statement to the Environment Agency for their comments.

6.20 The Environment Agency subsequently wrote to the LPA on 1st July 2021 (CD2.1.18) to confirm that:

...we considered requesting a WFD assessment as part of the resolution to our initial objection, but upon speaking with our hydrogeologists it was pointed out that a WFD assessment on the underlying chalk aquifer (as the GW body which would be affected) would have to be at catchment scale and that no development of this size would make an impact – however an assessment of the nature reserve itself would be of more use -which is what we requested and which allowed us to remove the objection. (CD2.1.18)

6.21 Following further direct discussions between the Applicant and the Environment Agency and the provision of further information relating to the potential hydrological impacts on the MLNR (CD2.1.15 and CD1.3.5), the objection was withdrawn on 1st July 2021 (CD2.1.18) and it was agreed that subject to conditions the Application was acceptable.

6.22 The additional evidence comprised a Hydrogeological impact assessment and Ground Water Qualitative Risk Assessment which confirmed that:

- Water from the lake is made up of:
 - 75% from stream (to west of the Appeal site)
 - 11% from direct rainfall
 - 14% from groundwater
- A highly conservative estimate of the reduction in flow through the piling zone is approximately 4% of the inflow to the lake.
- In any event, water that is diverted as a direct result of the development is likely to follow the same path and make its way into the lake.

6.23 The Planning Committee Minutes (CD3.2) note members raised concerns that this proposed development would seriously threaten the water supply and detrimentally impact the nature reserve.

6.24 The Committee Report (CD3.1) at para 7.14.19 confirms that as a result of the additional evidence provided, it is possible to appropriately mitigate risk to public water supply by way of planning condition. Appropriate mitigation has been agreed in the form of planning conditions draft conditions (C7, C9, C15, C16, C17 and C21), specifically in relation to the Monitoring and Maintenance Plans, Piling Method Statement and Dewatering Method Statement.

- 6.25 The Committee Report (CD3.1) also confirms that there is no demonstrable evidence to show that the proposed development of the Application site would cause any material deterioration of the Maple Lodge nature reserve wetland ecosystems or the Ground Water Dependent Terrestrial Ecosystem that are protected by the 2017 Regulations or compromise any WFD objectives. Nor is the development likely to have any significant effect of the ecological status of the maple lodge nature reserve for the purposes of NPPF para. 182.
- 6.26 Notwithstanding this, the Minutes of the 21st October 2021 Planning Committee confirm Members subsequently resolved to defer the Application for the Council to instruct their own expert hydrologist or similar to review the Application on the grounds that Members are not satisfied that the risks of development to the Maple Lodge Nature Reserve had been fully understood and the suggested conditions would meet the requirements.
- 6.27 It has been demonstrated to the satisfaction of the Council's Planning Officers, the Environment Agency and Affinity Water that: the development will not result in an unacceptable risk to water pollution/quality and will therefore protect the natural environment, with reference to Policy CP1 and NPPF para. 174; and, the development will not give rise to unacceptable impacts on nature conservation, or the quality of local groundwater, with reference to Policies DM8 and DM9 respectively.
- 6.28 Notwithstanding the robustness of the evidence submitted in support of the application, the Appellant has continued to undertake further monitoring of the groundwater on the site. This has provided a broader and therefore more robust data source to understand the potential hydro-connectivity between the Appeal site and the MLNR. A Maple Lodge nature reserve Hydrogeological impact assessment has been submitted to the LPA, the Environment Agency and Affinity Water on 17th December 2021 (CD CD1.3.7) which confirms that potential impacts of piling on water levels are considered to be negligible for the following reasons:
- Groundwater in the River Terrace Deposits (RTD) below the Site does not flow towards the nature reserve in the dryer summer months, but southeast towards the River Colne.
 - Groundwater levels in the RTD aquifer in the south of the Site, closest to the nature reserve, are below the water levels in Clubhouse Lake during the summer months.
 - Natural lake levels vary by c. 7 – 8 mm on a daily basis and by at least c. 200 mm on a seasonal basis.
 - The average flow through the volume of ground to be piled is a very small proportion (<1%) of the total inflow into the lake.

- The amount of flow diverted around the piling zone due to densification is a still smaller proportion (0.8%) of the total inflow into the lake.
- The groundwater diverted around the piling zone is not lost but will take a slightly longer route around the piling zone, and will likely regain a similar flowpath.
- The maximum change in water level around the piling zone (at 0.1 m distance) is estimated as less than 7 mm, within the range of natural daily variability in lake water levels.
- A highly conservative estimate of impacts to groundwater levels indicate that measurable impacts would not extend past c. 50 m downstream of the piling zone. It is likely that impacts to groundwater levels will not be measurable beyond 10 m of the piled zone.
- The natural variability of groundwater and lake levels is substantially higher than any change resulting from piling at the Site, hence no impact is likely to be observed due to the development

6.29 This additional evidence further compounds the robust case which demonstrates that the proposed development will not give rise to unacceptable impacts on nature conservation, or the quality of local groundwater, with reference to Policies DM8 and DM9 respectively.

6.30 It is the Appellant's case that draft Condition 7 (Groundwater Levels), which as currently worded includes monitoring of the Maple Lodge Nature Reserve, is not required on the basis that it has been demonstrated that the proposed development would have a negligible impact on groundwater levels (CD1.3.5). This position is further confirmed by the additional monitoring data (CD1.3.6) which has been issued to the LPA the Environment Agency and Affinity Water.

Other Matters Not in Dispute

6.31 The Appellant considers the remaining main relevant matters to be as follows:

- i. The principle of development;
- ii. Land uses and amount;
- iii. Design (Scale, Massing and Layout; and Appearance and Visual Impact);
- iv. Residential Amenity and Overshadowing;
- v. Landscaping and Trees;
- vi. Heritage;
- vii. Transport;

- viii. Energy and Sustainability;
- ix. Noise;
- x. Air Quality;
- xi. Ground Investigations;
- xii. Flood Risk and Drainage; and
- xiii. Habitats & Biodiversity Offsetting.

i. The Principle of Development

6.32 The Appellant will demonstrate that the principle of developing the Site is acceptable in planning terms, with reference to Policy CP1 and NPPF paras. 11, 23, 118, 133 and 134.

ii. Land Uses and Amount

- 6.33 The proposed development falls within use class E(g)(iii)/B2/B8 (Industrial processes/General Industrial/Storage and Distribution) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) for employment use.
- 6.34 The proposed development comprises 16,115 sqm GIA of employment (Class E(g)(iii)/B2/B8 floorspace) with 1,882 sqm GIA of ancillary office space (Class E(g)(i)).
- 6.35 NPPF para 82 requires policies and decisions to plan for locational requirements of specific sectors including storage and distribution. Core Strategy Policies PSP3 and CP6 supports employment use in Maple Cross/Maple Lodge.
- 6.36 Policy SA2 E(d) allocates the Site for business, industrial and storage or distribution uses (Classes B1/B2/B8). The Regulation 18 consultation proposes to continue this allocation as being of strategic importance in planning for the future employment needs of the District as identified by The South West Herts Economic Study (2018).
- 6.37 No specific issues were raised by Members in relation to the proposed land uses or amount of development at Planning Committee, as confirmed by the committee minutes (CD3.1). However, third parties have raised objections relating to the need for employment space of this nature (i.e. industrial floorspace) as part of the consultation process.

6.38 Planning Officers confirm at Section 7.3 of the Committee Report (CD3.1) that the Site is allocated for development and on the basis of an identified need and therefore the principle of development, including the proposed land use, is acceptable:

In summary, whilst the objections, including regarding the need for employment space of this nature are noted, the South West Herts Economic Study (2018) identifies that there is a need for Class E(giii), B2, B8 and E(gi) floorspace within the district and the proposed development within an existing allocated employment site would contribute to meeting the identified need. The proposal in this regard would therefore comply with Policies PSP3 and CP6 of the Core Strategy (adopted October 2011) and Policy SA2 of the Site Allocations LDD (adopted November 2014). (Committee Report, para. 7.3.10 CD3.1)

6.39 Furthermore, the Site continues to be allocated for employment floorspace in the draft local plan, with the Regulation 19 Plan confirming that existing employment allocations will be safeguarded, including the Site, with additional sites identified to meet the increased need for employment floorspace:

The South West Herts Economic Study (2019) has been used to inform the requirements for land or floorspace for economic development over the plan period. The Study indicates that on the basis of projected growth needs in the area, Three Rivers cannot afford to lose any more employment floorspace. The demand for office space is expected to be met by existing commitments at Croxley Park, but there will be a requirement for further land to be allocated for warehousing and industrial uses. Therefore, there is a need to safeguard existing employment allocations and to allocate further land to meet future need for employment floorspace. (Local Plan Regulation 18, para. 4.2 CD4.28)

6.40 The Appeal decision (CD3.9) concluded that the proposed use of the Site and the principle of development accords with the policies of the Core Strategy, the LDD and the Site Allocations LDD.

6.41 As set out in the Planning Statement (CD1.3.1), since the Application was originally refused and subsequently dismissed at appeal, the economic impacts of the Covid 19 pandemic have become clearer. The proposed development will provide significant economic benefits, including circa 108 direct and 98 indirect jobs during the construction phase and circa 292 direct jobs 179 indirect jobs during the operational phase. As noted by the Planning Inspector in their Appeal decision (CD3.9), the provision of these jobs is a planning benefit that should be afforded considerable weight, particularly in the current economic climate.

6.42 The appeal scheme would generate further economic benefits providing circa £884,350 - £1,149,580 in business rates per annum and circa £12.1m direct Gross Value Added (GVA) per annum and circa £9.9m indirect GVA per annum for the local economy. It is submitted that very significant weight should now be given to the fact that this proposal would assist local economic

recovery and provide jobs in a strong performing market sector, especially where there have been such significant local job losses in other sectors.

6.43 In summary, the proposed uses and amount of each use is acceptable within this planned for adopted/emerging site allocation will make a significant contribution in meeting the identified employment needs of the District as well as deliver significant economic planning benefits. Therefore, the proposed development complies with Policies PSP3, CP6 and SA2; and NPPF para. 82.

iii. Design

Scale, Massing, Layout

6.44 Members raised no specific concerns in relation to scale massing and layout in considering the Application at committee (CD3.2). However, third parties have raised objections to the Application in this regard.

6.45 As set out in the Planning Statement (CD1.3.1) the proposed scale and massing of the development remains the same as the previously refused application, which was amended during the course of determination in response to comments raised to reduce potential impacts on neighbouring residential properties.

6.46 The submitted Design and Access Statement (CD1.2.5) provides a robust analysis in relation to the proposed scale, height and layout of the appeal scheme and demonstrates that appropriate separation distances have been provided whilst the design responds to the wider mixed-use context of the Site.

6.47 The Appeal decision (CD3.9) confirmed that although there would be a change in outlook for the occupants of 19 Longmore Close, the proposal would not harm their living conditions and would not conflict with Core Strategy policy CP12 which seeks a high standard of design.

6.48 The Committee Report confirms that planning officers considered the appeal scheme would not be out of keeping with existing buildings in the context of the Site and the scale of the proposed buildings, the site coverage by buildings and hard surfaced areas and the heights of the proposed buildings would not be demonstrably harmful to the character of the area and the pattern and form of development in the area (CD3.1 paras 7.6.14-7.6.15).

6.49 In summary, the proposed design meets the requirement to make effective use of land through its scale, massing and layout, in this case as an allocated employment site, in order to meet objectively assessed need in accordance with Policy CP12(d) and NPPF para. 119. Furthermore, it has been designed to the highest standards to attract and meet the functional requirements of prospective

operators whilst responding to the character of the area and providing adequate levels and disposition of privacy, prospect and amenity of neighbours in accordance with Policy CP12 (a and c).

Appearance and Visual Impact

- 6.50 Members raised no concerns in relation to Landscape Visual Impact at Planning Committee (CD3.2). However, third parties have raised objections in terms of the wider landscape visual impacts of the appeal scheme.
- 6.51 The Planning Statement (CD1.3.1) confirms that there have been no amendments to the proposed scale or massing of the development since the original refused application. The proposed design approach is also consistent with the refused application, with materials chosen for the external façades that are functional but of a sensitive design given the surrounding context, with horizontal colour banding to help to break-up and reduce the visual impact of the proposed buildings.
- 6.52 The Inspector did not consider this matter to be a main issue in relation to the Appeal of the refused application (CD3.9).
- 6.53 The submitted Landscape and Visual Impact Assessment (LVIA) (CD1.2.9) concludes that proposed development would have an acceptable impact on the wider landscape context.
- 6.54 The Committee Report considers this at paras 7.6.32 – 7.6.48 and agrees that the proposed development would not have an adverse impact on landscape or an adverse impact on the character of the landscape in accordance with Policy CP13 and NPPF paras. 126 and 130.
- 6.55 Overall, the appeal scheme remains consistent in terms of appearance and visual impact with the refused application comprising the result of an extensive design process and is considered to be in compliance with the design principles set out in national, regional and local policy guidance.

iv. Residential Amenity and Overshadowing;

- 6.56 No specific concerns were raised by Members in relation to residential amenity and overshadowing. However, objections have been made by third parties in relation to potential impacts on neighbouring residential properties.
- 6.57 In the Appeal decision (CD3.9) the Inspector found that the proposed buildings would be visible and the outlook of the occupants of 19 Longmore Close would change. The existing vegetation and supplementary planting would filter views and provide screening. The Inspector confirmed that the separation distances are comparable to the existing context and relationships between the employment and residential areas. The Inspector concluded that whilst it could be visible, there would

be sufficient separation to avoid an overbearing effect on outlook, the proposal would not add significantly to the existing overshadowing and therefore the proposal would not harm living conditions of neighbours and would not conflict with policy.

- 6.58 The Planning Statement (CD1.3.1) sets out that there are no design changes proposed as part of this Application that would change the impacts of the proposed development in terms of overshadowing or impacts on neighbouring residential amenity. This is demonstrated by the accompanying Design and Access Statement (CD1.2.5). The proposed development is appropriately setback from neighbouring residential properties following an established pattern of development and, due to the orientation of the Site, will not significantly add to the existing overshadowing of neighbouring residential properties. The proposed development therefore complies with Core Strategy Policies CP6 and CP12.
- 6.59 The Committee Report (CD3.1) confirms at para. 7.7.12 that in conclusion, it is considered that the proposal would not result in levels of overshadowing or loss of light to justify the refusal of planning permission.

v. Landscaping and Trees;

- 6.60 No issues relating to landscaping or trees were raised by Members at Planning Committee (CD3.2). However, third parties have raised concerns in relation to the loss of existing trees during the consultation process.
- 6.61 The Appeal decision confirmed that the refused application would not have an unacceptable effect on the existing the trees on the Site and would comply with policies CP12 (b) and DM6 (CD3.9).
- 6.62 The Planning Statement (CD1.3.1) confirms that that proposed development includes a number of minor amendments to the access and car park layouts to further reduce the impact on Root Protection Areas compared to the refused application. These amendments have resulted in the requirement to remove only three category C and four category U trees, and one category C and two category U groups, as detailed in the submitted Tree Survey and Arboricultural Impact Assessment (CD1.2.8). The proposed development is therefore an improvement over the refused application in terms of trees and continues to comply with policies CP12 (b) and DM6.
- 6.63 The appeal scheme also proposes a comprehensive landscaping strategy, appended to the LVIA (CD1.2.9), which is includes the provision of 46 new trees to supplement the retained vegetation.
- 6.64 The Committee Report confirms that the appeal scheme has been reviewed by the Council's Landscape Officer who raised no objections subject to conditions:

The Council's Landscape Officer has reviewed the current application. They note that the submitted tree report indicates that a small number of poor quality trees would be removed to facilitate the development. However, this is substantially less than was proposed in a previous application for the site. They note that whilst the previous application was dismissed at appeal, the Inspector made clear in the decision that the impact on trees was not a reason for dismissal and that the impact had been reduced during the planning process. The Landscape Officer notes that the remedial landscape plans submitted for this application indicate that a substantial number of replacement trees would be planted, following development. They raise no objection to the development on tree grounds, subject to appropriate conditions including in relation to the implementation and maintenance of the landscaping scheme. (Committee Report, para. 7.8.22 CD3.1)

6.65 In summary, the refused application was found to be acceptable on the previous Appeal in terms of trees and this appeal scheme, which represents an improvement in this regard, continues to comply with policies CP12 (b) and DM6. The proposed landscaping strategy has been carefully selected to provide appropriate screening of the proposed development, reflect the existing and surrounding landscaping and to ensure that they will survive in this location and therefore complies with Core Strategy Policy CP12.

vi. Heritage;

6.66 No issues were raised by Members in relation to heritage at Planning Committee (CD3.2). However, objections have been raised by third parties in terms of potential impacts on the Grade II listed buildings Maple Barn and Maple Lodge Farm.

6.67 The Application is supported by a Heritage Statement, prepared by KSA (CD1.2.23). The Statement confirms that the proposed development comprises the same scale and massing as the refused application, alongside the same quantum of development and use. It will therefore have the same impact on the heritage assets as the refused application, which, as confirmed by the planning Inspector, was no harm. Accordingly, NPPF paragraph 202 does not apply.

6.68 The Council's Heritage Officer confirmed that they had no objection to the Application which has not changed in terms of design, height and massing since the original refused application:

As noted in comments on the previous scheme, there is no in principle objection to the sensitive development of the site. Whilst there were concerns previously regarding the scale of the development, it is accepted that the Inspector found no harm to the listed buildings and an objection is no longer raised. (Heritage Officer Comments, Committee Report, prara. 4.2.17 CD3.1)

6.69 In the Committee Report (CD3.1), officers confirm that in view of the Appeal decision (CD3.9) on the basis no design changes have been made, the proposed development would not result in any harm to heritage assets:

In conclusion, whilst it is acknowledged that this is a new planning application submitted to overcome concerns in relation to impact on drinking water, the proposals, in terms of their impact on heritage assets have not changed materially and the conclusions of the previous appeal Inspector are therefore considered wholly relevant in this regard. This is also acknowledged by the Council's Heritage Officer who notes that it is accepted that the Inspector found no harm to the listed buildings and therefore an objection is no longer raised. (Committee Report, para. 4.2.17 CD 3.1)

6.70 In summary, the appeal scheme would not result in any harm to heritage assets and therefore complies with policies CP10 and DM3. Notwithstanding, if the Inspector concluded that less than substantial harm to these heritage assets would occur, it is the Appellant's case that this harm would be outweighed by the significant public benefits associated with the proposed development.

vii. Transport;

6.71 At Planning Committee, Members discussed matters in relation to highways (CD3.1). However, these did not follow through to the reason for deferral. These concerns specifically related to the potential highways impacts from vehicle trips resulting from the proposed development noting that the TRICs figures were from 2017. In addition, concerns were raised in relation to potential trips being made on the residential Maple Lodge Close to access the Site.

6.72 In relation to the impact on the highways network, a Transport Assessment (CD1.2.11) has been submitted as part of the Application which follows the same methodology as the original refused application which was been found to be acceptable by the Highways Authority, LPA and the Inspector on Appeal.

6.73 The Transport Assessment confirms that the proposed development traffic would not have an impact on the operation of these any junctions tested, aside from the Denham Way/Site Access Road junction. It is therefore proposed to provide junction improvements by way of a planning obligation, as with the refused application and appeal scheme, to resolve the existing capacity issues at this junction.

6.74 In relation to the TRICs data, the Committee Report (CD3.1) notes that this was accepted by the Highways Authority on the basis that it undertook its own interrogation to corroborate the results presented in the Transport Assessment and therefore consider the approach to be acceptable.

- 6.75 During the course of the Application Hertfordshire County Council (HCC) requested additional modelling from the Applicant to understand the potential impacts on the Denham Way/Site Access Road junction should the implemented Hotel consent (ref. 07/1401/FUL) be brought forward (CD2.3.5).
- 6.76 An Additional Highways Note was subsequently submitted on 12th May 2021 (CD2.3.6), which confirmed that having considered the forecast number of vehicle trips generated by the consented hotel, it is clear that if the hotel was built without any significant improvements to the A412/site access junction it would result in significant capacity issues being created as a result.
- 6.77 The proposed signalisation of the A412/site access junction would result in it operating within capacity even when including for a robust assessment of the hotel development.
- 6.78 The Committee Report (CD3.1) confirms that based on the information presented in the Transport Assessment (CD1.2.10) and Technical Note (CD2.3.6) and following acceptance from the Highways Authority, the impact from the development on the highways network will accord with policy:

In conclusion, from a highways and transport perspective, HCCHA have assessed and reviewed the capacity and modelling results of the assessment of the proposals in the context of paragraph 111, National Planning Policy Framework (NPPF) (update 2021), which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". In this context and in conjunction with a review of traffic flows using HCCHAs COMET model, the application and above model results have demonstrated that there would not a severe impact on the road network including when assessing the cumulative impact of baseline traffic data + committed developments (including HS2, the Reach Free School and hotel) + TEMPRO growth factors to 2031 + the development in the AM and PM peak. Furthermore the site is an allocated employment site in TRDC's Local Plan and the A412 forms part of an A road network. Therefore the number of additional trips from the application site itself onto the A road would not be considered to be severe in this context. (Committee Report, para. 7.9.30)

- 6.79 In relation to concerns regarding the potential use of Maple Lodge Close to access the Site, the Planning Statement (CD1.3.1) confirms that it is not proposed to access the Site via Maple Lodge Close or the estate road beyond the access to the Site to the east of the cricket pitch. Maple Lodge Close is a private road and the Applicant has no legal right of access via this route.
- 6.80 In the Appeal decision (CD3.9) the Inspector agreed that, due to the improvements to the access road, the proposal would be unlikely to lead to any additional use of Maple Lodge Close.
- 6.81 The Committee Report similarly concludes that, with the junction improvements and subject to conditions, the proposed development would not result in trips along Maple Lodge Road:

Concerns raised regarding use of Maple Lodge Close are noted. In terms of construction traffic, a condition on any grant of consent would require the submission of a Construction Traffic Management Plan (CTMP) for approval. The CTMP would be required to include details of access/delivery routes to ensure that construction vehicles did not access the site via Maple Lodge Close. It is standard practice for such detail to be included within a CTMP. In terms of traffic post completion, as noted above, the development includes highways improvements to the private access road and junction with Denham Way such that it is considered it would be the preferred route for vehicles. As noted below a final submitted Travel Plan would need to be submitted for approval prior to the commencement of works, in a similar manner to the CTMP, this can include notifying staff and delivery vehicles regarding the correct access to the site to avoid use of Maple Lodge Close.

6.82 In summary, the proposed development would not have an adverse impact on the surrounding highways network and complies with Policies CP1, CP10 and DM13.

viii. Energy and Sustainability;

6.83 Members did not raise any specific concerns in relation to energy and sustainability at Planning Committee. However, some third party objections have been made in relation to the development and whether it is consistent with TRDC's sustainability policies and declared climate emergency.

6.84 The Energy Statement (CD1.2.6) submitted as part of the Application which confirms that since the refused application the Applicant has taken the opportunity to deliver environmental planning benefits through the inclusion of renewable energy technology in the form of photovoltaic (PV) panels. As a result, the development now provides 40% reduction in carbon dioxide emissions over Part L (2013) for Unit 1 and 37% for Unit 2, significantly exceeding the 5% policy requirement of DM4. Additionally, the proposed development now includes the provision of 29 active space and 43 passive EVCP spaces which while not previously a reason for refusal or the appeal being dismissed, represents an improvement in terms of sustainability impacts compared to the refused application in response to Core Strategy Policy CP1.

6.85 The Committee Report (CD3.1) confirms that the development would exceed the requirements of Policy DM4 of the Development Management Policies LDD (adopted July 2013).

ix Noise and Light Pollution;

6.86 At Planning Committee Members discussed matters in relation to the noise impacts from the proposed development. However, these did not follow through to the reason for deferral. Objections in relation to potential noise and light pollution impacts on residential amenity have also been submitted by third parties in relation to the Application.

- 6.87 In relation to noise, a Noise Impact Assessment (CD1.2.18) was submitted as part of the Application which followed the same methodology as refused application, where the Inspector concluded that there was no reason based on the submitted evidence to reach a different position to the Council (i.e. that noise impacts were acceptable).
- 6.88 The Noise Assessment has demonstrated that operational noise from the scheme with the operational assumptions made would be considered to be at or below the Lowest Observable Adverse Effect Level (LOAEL). Therefore, noise should not be considered a reason to impede the approval of the planning application. An updated Noise Impact Assessment (CD1.3.3) was submitted on 22nd April 2021; this provided further clarification in response to comments from objectors and did not change the methodology, results or conclusions of the report.
- 6.89 The Committee Report confirms that the Noise Impact Assessment was reviewed by the Council's Environmental Health Officer who raised no initial objections. A Noise Report from the Residents Association prepared by Cass Allen (CD2.4.6) was submitted to the Council on 28th May 2021. The report suggested that a noise survey should be carried out in order to establish suitable noise levels, questioned the character corrections and predictions applied to the commercial noise levels, and suggested a revised planning condition. The Appellant provided a further response (CD2.4.7) to these points on 1st July 2021. The Environmental Health Officer subsequently recommend that the condition proposed by Cass Allen be included as this would give greater protection to the existing environment, with the trigger being amended accordingly as per NPPF guidance.
- 6.90 On this basis, with appropriate mitigation secured by planning condition, the Committee Report confirms that the Application complies with planning policy in this regard:
- In summary, in view of the specialist advice received, it is considered that there would be no adverse impacts with regards to noise as a result of the development. The proposed development complies with the NPPF (2021) and Policy DM9 of the Development Management Policies LDD (adopted July 2013) in this regard. (Committee Report, para. 7.7.23)*
- 6.91 In relation to light pollution, the Planning Statement (CD1.3.1) confirms that the details of the proposed lighting scheme are proposed to be provided by way of planning condition. Lighting will be limited to areas located to the north and east of Unit 1 and east of Unit 2 and would be screened from residential properties to the west by the proposed buildings. External lighting to the rear of the development would be limited to low level emergency lighting only. The proposed lighting strategy will therefore avoid unacceptable impacts on neighbouring properties and countryside and complies with Policy DM9 as confirmed by the Committee Report at para 7.7.28.

x. Air Quality;

- 6.92 No specific concerns were raised by Members in relation to Air Quality at Planning Committee. However, objections have been received by third parties raising concerns over potential air quality impacts.
- 6.93 The Planning Statement (CD1.3.1) notes that air quality was not a reason for refusal in relation to the previous application. However, it was considered by the Inspector as part of the appeal scheme, specifically the impacts on children walking to school. The Inspector recognised that during morning peak hour, when children are likely to walk to school, the overall increase in vehicles would be low and the number of additional HGVs would be extremely low. The Inspector concluded that any additional emissions would be unlikely to adversely impact children walking to school. The Inspector also concluded that the proposal would not have an adverse effect on air quality levels within the area.
- 6.94 The submitted Air Quality Assessment (CD1.2.7) confirms that in terms of construction impacts, with the proposed mitigation impact of construction phase dust emissions is considered to be 'not significant' in accordance with IAQM guidance. In terms of traffic emissions, the impact was again found to be 'insignificant' 'insignificant' in accordance with IAQM and EPUK guidance. It has therefore been confirmed that the proposed development would have no adverse impact on air quality as a result of the development and complies with Policy DM9.
- 6.95 A revised Air Quality Assessment (CD1.3.4) was submitted on 23rd April 2021 which corrected a labelling error in the original report which incorrectly labelled the A412 as the M25.
- 6.96 The Committee Report confirms at para 7.7.38 that in view of the specialist advice received, there would be no adverse impacts with regards to air quality as a result of the development. The proposed development in this respect complies with the NPPF (2021) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

xi. Ground Investigations

- 6.97 No specific concerns were raised by Members in relation to ground investigations outside of groundwater matters. However, objections have been made by third parties relating to potential impacts from contamination, particularly in relation to asbestos deposits found on the Site.
- 6.98 The submitted Site Investigation and Geo-Environmental Assessment Report (CD1.2.17) notes that some Made Ground soils – typically 0.5m thick and encountered only beneath the north east - quadrant contain localised fragments of asbestos containing materials and occasional free fibres. However, the concentrations are very low and have been quantified typically at <0.001% by mass of soil. It is not

considered to be necessary or indeed practical to remediate affected soils but standard risk management procedures during construction should be considered.

6.99 Notwithstanding the low risk, planning conditions have been agreed following the recommendation of the Councils Environmental and Protection Officer to remove risks not only to future occupiers of the site but also to adjacent site users. On this basis, the appeal scheme complies with Policy DM9.

xii. Flood Risk and Drainage.

6.100 No specific concerns were raised by Members in relation to flood risk and drainage matters, save for potential impacts on groundwater and the Maple Lodge Nature Reserve which are outlined above. However, objections have been made by third parties relating to potential impacts on surface water and flooding within and around the Site.

6.101 A Flood Risk Assessment and Drainage Strategy (CD1.2.20) has been submitted as part of this Application. This follows the strategy of the previous refused application, which was found to be acceptable in terms of flooding and drainage by the Inspector.

6.102 The report confirms that there will be no increase in the flood water levels due to the proposed development and there will be no loss in flood storage capacity and no change in the on-site and off-site flood risk. Surface water runoff from the Site will be attenuated to 6.50l/s, which is the QBAR runoff rate for the Site, for all events up to and including the 1 in 100 year (+30%) rainfall event before discharge to the Maple Lodge Ditch.

6.103 The Committee Report (CD3.1) confirms that HCC, as the Lead Local Flood Authority (LLFA) were consulted by the LPA to provide advice with regards to surface water drainage:

In summary, the LLFA have confirmed (4.2.4 above) that they are content that the Applicant has demonstrated a feasible discharge mechanism, management of the volumes of surface water and how they are proposing to manage this (this is with attenuation tanks, permeable paving and an interceptor). The LLFAs consultation response letter to the LPA recommends the inclusion of three conditions, specifically a pre-commencement condition in order to confirm the final details of the scheme, therefore the Applicant will be required to submit a detailed drainage strategy with all requirements before they will be able to commence works on site. The LLFA have had regard to the Water Framework Directive, hence the requirement for appropriate management and treatment of surface water, being provided in the form of permeable paving and a petrol interceptor, as well as the exploration of the need for the Applicant to assess above ground SuDS features such as filter strips for additional treatment as part of the details requested in the condition. (Committee Report, para 7.13.8)

6.104 The strategy continues the approach agreed with the LLFA through the appeal process and therefore continues to be acceptable both in terms of drainage and flood risk.

xiii Habitats & Biodiversity Offsetting

6.105 Members discussed matters in relation to biodiversity, including potential impacts on the Forester moth, at Planning Committee (CD3.2). These were not carried through into the reason for deferral which focuses on potential impacts on the MLNR in relation to groundwater. Objections have also been received from third parties, including Hertfordshire and Middlesex Wildlife Trust (HMWT).

6.106 An Ecological Assessment was undertaken and submitted in support of the refused application. The Site has been subject to various ecology and protected species surveys between 2009 and 2018. This report brought together historic and recent survey findings to establish the ecological value of the Site and the presence/likely-absence of notable and/or legally protected species in order to inform appropriate mitigation, compensation and enhancement actions.

6.107 It was agreed with Hertfordshire Ecology (HECO) and the LPA that the impact on biodiversity, due to the loss of grass land, could be appropriately mitigated by a financial contribution based on the cost of creating and managing a smaller area of more species rich grassland as a comparable ecological resource. The calculation undertaken by HECO amounted to a sum of £17,725 as appropriate mitigation.

6.108 HMWT objected to this and suggested that the DEFRA metric should be used. The Inspector confirmed the use of the DEFRA metric was not a mandatory requirement in planning and concluded the original refused application would provide a more coherent ecological network within the Site as a consequence of the enhancements adjacent to Maple Lodge Ditch and given that the appeal site has low ecological interest overall and does not comprise any priority or protected habitats, the measures put forward, including the planning obligation, would combine to provide a net biodiversity gain.

6.109 As set out in the Planning Statement (CD1.3.1) the Application originally included a unilateral undertaking that proposed the sum of £17,725 towards off-site biodiversity enhancements based on the previous agreed strategy which was considered to comply with policies CP1 and DM6.

6.110 During the course of the Application, An NVC Survey and Species list was submitted to the Council on 6th July 2021 (CD2.4.8) in response to comments made by HECO in their letter dated 13th April 2021 (CD2.2.2) to further assess the current value of the grassland.

6.111 In addition, the Maple Lodge Conservation Society submitted representations suggesting that a Forester moth had been recorded on the Application site. In response to this discovery, a letter

prepared by Greengage dated 20th August 2021 (CD2.2.18), was submitted in response to the finding which confirmed that how appropriate measures can be secured for the conservation of the Forester moth through the provision of the Landscape & Ecology Management Plan to be secured by condition for onsite mitigation and an offsite contribution. Furthermore, this would provide the measures for Three Rivers District Council as the LPA to be satisfied that its duty under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 has been carried out accordingly, and 'having regard' to this species during planning.

6.112 Following further discussions with HECO, the Appellant's ecological advisor, Greengage proposed an updated financial contribution by email (CD2.2.19) based on the previously agreed methodology. In the email, Greenage note that the Application site is 3.4ha, of which approximately 2ha is grass cover. If the stewardship costings that were used for the previous contribution figure of £17,725 (for 2.26ha) are applied for this area, the additional S106 contribution would amount to £16,685, resulting in a total contribution of £34,410.

6.113 HECO noted the Environmental Bill has progressed and therefore it should be afforded greater weight than when the original refused scheme was determined. As such, HECO provided a calculation to achieve biodiversity net gain based on the DEFRA metric as set out in the Committee Report to secure 10% BNG through a contribution of £142,800.

6.114 The Appellant confirmed in writing on 7th October 2021 (CD2.2.23) a willingness to commit to the maximum £142,800 figure if the Council as decision maker feels that this is necessary in order to address third party objections. It was confirmed that such a contribution could be lawfully collected through a bilateral s106 obligation with the council which:

- Names the maximum figure of £142,800 but not a formula (in this way it does not place sole reliance on the Defra Metric which is not yet in force, the planning file shows that it was the metric which influenced the choice of this sum as the maximum figure)
- Requires pre-commencement payment of that sum
- Requires the council to act as banker for that sum and only pass it (or part of it) on to HE or other applicable bodies once in receipt of a written costed scheme which is related to the development and these mitigation objectives. It is therefore foreseeable that the written costed scheme may turn out to be the figure proposed by the Applicant's experts. In this way the figure finally collected will certainly meet the requirements of CIL Reg 122, that it is necessary, related to the development and fair in scale and kind.

- Requires the council to return any unexpended part to the party which made payment within 5 years of the date of payment to ensure that the mitigation is promptly provided

6.115 On the basis of this agreement, the Committee Report (CD3.1) confirmed that it is considered that the proposed development meets the requirements of Policy CP9 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and accords with the guidance in the NPPF (2021).

6.116 It is noted that Environment Bill was passed into law on Tuesday 9th November 2021, however, it is anticipated that there will be a transitional period of up to two years (c. November 2023) before biodiversity net gain becomes a mandatory requirement for all planning applications.

7. Procedural Matters

- 7.1 The Appellant requests that the appeal be considered at a public inquiry for the following reasons:
- The technical complexity of the evidence which is likely to be contested and merit testing by way of cross-examination;
 - There is significant largescale Third Party interest including a Conservation Body who can be expected to present technical evidence; and
 - The length of the proceedings that may be required to consider the main issues is likely to require significant time, which in our view would be 5 to 6 days.
- 7.2 For these reasons, we consider it ill-suited to be dealt with by any other procedure.

Documents

- 7.3 A schedule of documents that the Appellant will refer to at the inquiry is provided at **Appendix I**.

Conditions

- 7.4 The Committee Report (CD3.1) sets out the LPA's full set of draft conditions.
- 7.5 Whilst significant progress has been made, these draft conditions are not agreed. Specifically draft condition 7 (Groundwater Levels), which the Appellant will present evidence to demonstrate that this condition as currently drafted does not meet the tests set by Paragraph 55 of the NPPF.
- 7.6 S.106 Agreement
- 7.7 Heads of Terms for the proposed planning obligations are also set out within the Committee Report.
- 7.8 The Appellant will seek to agree a draft unilateral undertaking with the Council ahead of the public inquiry.

Community Infrastructure Levy (CIL)

- 7.9 The Community Infrastructure Levy (CIL) applies to 'chargeable development'. This is defined as development of one or more additional units or development seeking an increase to existing floor space greater than 100 sqm. A CIL Questions form (form 1) has been completed and accompany this planning application.

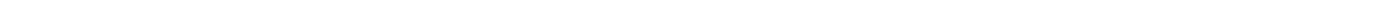
7.10 The TRDC CIL Charging Schedule was adopted on 1st April 2015. The Development is subject to £nil charge.

8. Conclusions

- 8.1 The appeal is submitted on the grounds of non-determination of the Application. As explained in Section 4, the Council's management of the Application has been unnecessarily protracted in resolving previously considered key issues, and new issues (particularly those relating to highways, noise and biodiversity) introduced late-on in the process in respect to matters that the Appellant understood to be agreed ground. The (revised) target determination date was 29th October 2021, yet the Council is unable to commit to a timescale for the Application to be reported to the Council's Planning Committee.
- 8.2 The Proposed Development is acceptable and complies with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended).
- 8.3 The Application will deliver the following significant public benefits:
- It will deliver the overall objectives of national, local and site-specific policy, and in doing so deliver sustainable planned-for development.
 - The proposed development will deliver 16,115 sqm employment floorspace that will provide a significant contribution to meeting the need identified by the South West Herts Economic Study (2018) for 13,200 sqm of B1c/B2 floorspace and 15,600 sqm of B8 floorspace for Three Rivers over the 2018-2036 period.
 - This employment development will result in the creation of a significant number of operational phase jobs alongside direct and indirect construction jobs that will also be created. This is identified as a priority for sustainable development by the Core Strategy (2011).
 - In the context of economic downturn and job losses as a result of Covid 19 the proposed development will deliver significant economic benefits in a strongly performing market sector including: circa 108 direct and 98 indirect jobs during the construction phase and circa 292 direct jobs 179 indirect jobs during the operational phase; circa £884,350 - £1,149,580 in business rates per annum; circa £12.1m direct Gross Value Added (GVA) per annum; and, and circa £9.9m indirect GVA per annum for the local economy.
 - Development will enable the remediation of the identified contaminated land as supported by TRDC Development Management DPD Policy DM9.
 - Proactively addressing drainage through the upgrade of the estate road as supported by TRDC Development Management DPD Policy DM8.
-

- It will improve the safety and accessibility of the local highway network through junction improvements to Denham Way (A412) and the private access road to the north of the Site a supported by TRDC Core Strategy Policy CP10.
- The provision of biodiversity net gain through onsite and offsite contributions.
- An exemplar of sustainable development in the District significantly exceeding the relevant policy requirements and proactively responding to the District's wider strategic climate change policy in declaring a climate emergency.

Appendix I Draft Core Documents List



Maple Cross

Draft Core Documents

Planning Application			
CD1.1	Application Drawings		
CD1.1.1	Plans Submitted with Original Application (March 2021)		
	Drawing Number	Drawing Title	Rev.
	17019-C4P-AV-00-DR-A-0100	Site Location Plan	P5
	1709-C4P-AV-00-DR-A-0101	Site Plan as Existing	P4
	17019-C4P-AV-00-DR-A-0500	Site Plan as Proposed	P16
	17019-C4P-AV-ZZ-DR-A-0700	Site Elevations as Proposed	P4
	17019-C4P-B1-R-DR-A-2001	Unit 1 – Proposed Roof Plan	P4
	17019-C4P-B1-ZZ-DR-A-2000	Unit 1 – Proposed GA Floor Plans	P4
	17019-C4P-B1-ZZ-DR-A-2100	Unit 1 – Elevations as Proposed	P5
	17019-C4P-B2-R-DR-A-2001	Unit 2 – Proposed Roof Plan	P4
	17019-C4P-B2-ZZ-DR-A-2000	Unit 2 – Proposed GA Floor Plans	P4
	17019-C4P-B2-ZZ-DR-A-2100	Unit 2 – Elevations as Proposed	P4
	05-885-700	Landscape Strategy	H
	T_17_1999-65-03	Plan Showing Ex. Access Road Widening, Repairs	P16
	T_17_1999-65-04	Sections Showing Proposed Widening to Ex. Access Road	P6
CD1.1.2	Revised plans submitted during the application		
	Drawing Number	Drawing Title	Rev.
	17019-C4P-AV-00-DR-A-0500	Site Plan as Proposed	P17
CD1.2	Application Supporting Documents (Original Application – March 2021)		
CD1.2.1	Application Form		
CD1.2.2	CIL Additional Information Form		
CD1.2.3	Cover Letter		
CD1.2.4	Planning Statement		
CD1.2.5	Design and Access Statement		
CD1.2.6	Energy Statement		

CD1.2.7	Air Quality Assessment
CD1.2.8	Tree Survey and Arboricultural Impact Assessment
CD1.2.9	Landscape and Visual Appraisal Report
CD1.2.10	Transport Assessment
CD1.2.11	Framework Travel Plan
CD1.2.12	Preliminary Ecological Appraisal
CD1.2.13	Bat Survey Report
CD1.2.14	Riparian Mammal Scoping Survey
CD1.2.15	Local Biodiversity Checklist
CD1.2.16	Supplementary Site Investigation
CD1.2.17	Site Investigation and Geo-Environmental Assessment Report
CD1.2.18	Planning Noise Assessment
CD1.2.19	Utility Services Report
CD1.2.20	Flood Risk Assessment and Drainage Strategy
CD1.2.21	1 in 100yr + 40CC Update APT Ppaving
CD1.2.22	T_17_1999-55-01 02 - Proposed Drainage Layout_P17
CD1.2.23	Heritage Statement
CD1.2.24	Construction Logistics Management Plan
CD1.2.25	Method Statement for Monitoring Well Decommissioning
CD1.2.26	Piling Method Statement and Risk Assessment
CD1.2.27	Contaminated Land Assessment and DQRA Summary
CD1.2.28	Badger Scoping Survey (Confidential)
CD1.3	Application Supporting Documents (Post Submission)
CD1.3.1	Planning Statement (26.03.21)
CD1.3.2	Cover Letter – Parking Clarification (26.03.21)
CD1.3.3	Updated Planning Noise Assessment (21.04.21)
CD1.3.4	Updated Air Quality Assessment_v4.0 (23.04.21)
CD1.3.5	Tier Consult Letter dated (19.05.2021)
CD1.3.6	Hydrogeological Impact Assessment and GQRA (07.06.21)
CD1.3.7	Hydrogeological Impact Assessment (17.12.21)
CD2 Correspondence	
CD2.1	Groundwater
CD2.1.1	210304 - Agent to TRDC confirming submission and Confidential Info
CD2.1.2	210305 - Agent to TRDC NDA for DQRA
CD2.1.3	210305 - TRDC email to Agent request for DQRA

CD2.1.4	210309 - Applicant and TRDC Correspondence re DQRA
CD2.1.5	210309 - TRDC email to Agent confirmation of NDA for DQRA
CD2.1.6	210312 - Thames Water Amended Response
CD2.1.7	210312 - Thames Water Response
CD2.1.8	210331 - Affinity Water Response Letter
CD2.1.9	210408 - Environment Agency Response
CD2.1.10	210408 - TRDC email to Agent providing EA Comment
CD2.1.11	210421 - HCC LLFA Response
CD2.1.12	210422 - Thames Water Response
CD2.1.13	210512 - Environment Agency Response
CD2.1.14	210512 - TRDC email to Agent providing further EA Comments
CD2.1.15	210519 - Tier Response to Environment Agency
CD2.1.16	210621 - TRDC email to Agent re WFD Compliance Statement
CD2.1.17	210701 - Environment Agency email to TRDC re WFD
CD2.1.18	210701 - Environment Agency Response
CD2.1.19	211203 - TRDC email to Agent re Full DQRA
CD2.1.20	211206 - Agent email to TRDC re Full DQRA and NDA
CD2.1.21	211206 - Agent to TRDC NDA for Third Party Hydrologist
CD2.1.22	211206 - TRDC email to Agent re NDA to third party hydrologist
CD2.1.23	211217 - Agent email to TRDC with Updated HIA
CD2.2	Biodiversity
CD2.2.1	210305 - Agent email to TRDC submitting Confidential Badger Survey
CD2.2.2	210413 - Hertfordshire Ecology Response
CD2.2.3	210415 - Herts & Middlesex Wildlife Trust Response
CD2.2.4	210420 - TRDC email to Agent with Hertfordshire Ecology Response
CD2.2.5	210421 - Hertfordshire Ecology Response
CD2.2.6	210616 - Hertfordshire Ecology Site Survey
CD2.2.7	210706 - 550987mc14Jun21L1_NVC
CD2.2.8	210706 - NVC Species List
CD2.2.9	210723 - TRDC email to Agent re Forester Moth Photos
CD2.2.10	210726 - Hertfordshire Ecology Biodiversity Metric
CD2.2.11	210726 - Hertfordshire Ecology Response
CD2.2.12	210727 - Agent to TRDC following HE letter of 26th July
CD2.2.13	210802 - Agent to TRDC Request to discuss HE Letter of 26th July
CD2.2.14	210805 - Herts & Middlesex Wildlife Trust Response

CD2.2.15	210806 - Agent to TRDC Request for legal advice re HE Letter of 26th July
CD2.2.16	210811 - Natural England Response
CD2.2.17	210820 - Agent to TRDC submitting Forester Moth Letter
CD2.2.18	210820 - Greengage Letter to TRDC re Forester Moth
CD2.2.19	210826 - Greengage to Hertfordshire Ecology re Ecology Contribution
CD2.2.20	210909 - Agent to TRDC Request for HE Response
CD2.2.21	210914 - Hertfordshire Ecology Response
CD2.2.22	210921 - Herts & Middlesex Wildlife Trust Response
CD2.2.23	211007 - Agent to TRDC Biodiversity Contribution (Metric)
CD2.2.24	211012 - Herts & Middlesex Wildlife Trust Response
CD2.3	Transport
CD2.3.1	210317 - TRDC email to Agent with Parking Spaces Questions
CD2.3.2	210331 - HCC Highways Response
CD2.3.3	210331 - Highways England Response
CD2.3.4	210401 - HCC Email to TRDC
CD2.3.5	210408 - TRDC email to Agent with HCC Highways Supplementary Comments
CD2.3.6	210507 - MLC-BWB-GEN-XX-RP-TR-003 S1 P2 Technical Note
CD2.3.7	210511 - BWB email to HCC submitting Technical Note
CD2.3.8	210512 - Agent email to TRDC submitting Technical Note
CD2.3.9	210608 - HCC Highways Response
CD2.3.10	210609 - TRDC email to Agent providing HCC Highways Comments
CD2.4	Noise
CD2.4.1	210319 - TRDC email to Agent with Noise Assessment Traffic Flow Questions
CD2.4.2	210326 - Agent email to TRDC re clarification on Noise Assessment Traffic Flows
CD2.4.3	210330 - TRDC email to Agent confirming receipt of Clarification
CD2.4.4	210422 - Agent email to TRDC re Vehicle Trips within Noise Assessment
CD2.4.5	210422 - TRDC Environmental Health Officer Comments
CD2.4.6	210528 - RA Cass Allen Noise Peer Review
CD2.4.7	210701 - RSK Response to Cass Allen Report
CD2.4.8	210706 - Agent email to TRDC submitting Noise Response and NVC Survey
CD2.4.9	210818 - TRDC Environmental Health Officer Comments
CD2.5	Air Quality
CD2.5.1	210422 - TRDC email to Agent re Air Quality Assessment
CD2.5.2	210423 - Agent email to TRDC submitting amended AQ Assessment
CD2.6	Trees

CD2.6.1	210505 - Principal Tree and Landscape Officer Response
CD2.6.2	210907 - Agent to TRDC Clarification on Trees
CD2.6.3	210908 - Agent to TRDC Further clarification on Trees
CD2.7	Other Third Party
CD2.7.1	210300 - Colne Valley Regional Park Response
CD2.7.2	210319 - Chiltern Society Response
CD2.7.3	210408 - Springwell Residents and Conservation Association
CD2.7.4	210413 - Maple Cross and West Hyde RA Comments
CD2.7.5	210413 - Maple Cross and West Hyde RA Further Comments
CD2.7.6	210418 - Maple Lodge Conservation Society
CD2.7.7	210419 - Maple Lodge Conservation Society
CD2.7.8	210426 - Maple Cross and West Hyde RA Comments
CD2.7.9	210428 - Maple Lodge Conservation Society
CD2.7.10	210429 - Maple Lodge Conservation Society
CD2.7.11	210816 - Maple Lodge Conservation Society
CD2.7.12	210924 - Maple Lodge Conservation Society
CD2.7.13	211005 - Maple Cross and West Hyde RA Comments
CD2.8	Other
CD2.8.1	210310 - TRDC Application Service Charter Letter
CD2.8.2	210310 - TRDC Application Validation Letter
CD2.8.3	210310 - TRDC email to Agent with Application Acknowledgement Letter
CD2.8.4	210310 - TRDC email to Agent with Application Service Charter
CD2.8.5	210319 - Herts Constabulary Response
CD2.8.6	210319 - TRDC email to Agent with Construction Phase Questions
CD2.8.7	210323 - HCC Minerals and Waste Policy Team
CD2.8.8	210325 - TRDC Local Plans Response
CD2.8.9	210401 - HCC Growth and Infrastructure Unit
CD2.8.10	210409 - Watford Community and Environmental Services Response
CD2.8.11	210419 - Agent email to TRDC responding to Construction Phase Questions
CD2.8.12	210427 - Agent to TRDC confirming agreement to EOT to 2nd July
CD2.8.13	210603 - TRDC Conservation Officer Comments
CD2.8.14	210629 - Agent to TRDC confirming agreement to EOT to 20th August
CD2.8.15	210921 - Agent to TRDC confirming agreement to EOT to 30th September
CD2.8.16	210922 - TRDC email to Agent confirming Extension of Time to 29th Oct Acceptance
CD2.8.17	210922 - TRDC email to Agent confirming Extension of Time 30th Sept Acceptance

CD2.8.18	210927 - 21-0573-FUL Draft Conditions V1
CD2.8.19	210927 - TRDC email to Agent re Draft Conditions
CD2.8.20	210930 - Agent email to TRDC submitting Changes to Draft Conditions
CD2.8.21	210930 - Agent Tracked Changes on Draft Conditions
CD2.8.22	211005 - 21-0573-FUL Draft Conditions Final
CD2.8.23	211005 - 21-0573-FUL Draft Conditions V2
CD2.8.24	211005 - Agent email to TRDC agreeing to Conditions
CD2.8.25	211005 - Agent email to TRDC re comments on Draft Conditions
CD2.8.26	211005 - TRDC email to Agent re Clean Version of Conditions
CD2.8.27	211005 - TRDC email to Agent re Conditions
CD2.8.28	211005 - TRDC email to Agent re Draft Conditions
CD2.8.29	211013 - TRDC Committee Notification
CD2.8.30	211026 - Agent to TRDC Proposed extension to 19th November
CD3 Planning Committee and Decisions	
CD3.1	Maple Lodge Committee Report
CD3.2	21 October Planning Committee Minutes
CD3.3	Preliminary Committee Report 19_1179_FUL (15.08.19)
CD3.4	Preliminary Committee Minutes 19_1179_FUL
CD3.5	Committee Report 19_1179_FUL
CD3.6	Addendum to Committee Report 19_1179_FUL
CD3.7	Committee Minutes 19_1179_FUL
CD3.8	Decision Notice 19_1179_FUL
CD3.9	Appeal decision 3243565
CD4 Planning Policy, Guidance and Evidence Base	
CD4.1	NPPF Para 11
CD4.2	NPPF Para 23
CD4.3	NPPF Para 38
CD4.4	NPPF Para 80
CD4.5	NPPF Para 113
CD4.6	NPPF Para 120-121
CD4.7	NPPF Para 124
CD4.8	NPPF Para 126-136
CD4.9	NPPF Para 159-169
CD4.10	NPPF Para 174-182
CD4.11	NPPF Para 183-188

CD4.12	NPPF Para 184-202
CD4.13	NPPF Para 189-208
CD4.14	Site Allocation SA2E(d)
CD4.15	TRDC Core Strategy Policy CP1
CD4.16	TRDC Core Strategy Policy CP6
CD4.17	TRDC Core Strategy Policy CP8
CD4.18	TRDC Core Strategy Policy CP9
CD4.19	TRDC Core Strategy Policy CP10
CD4.20	TRDC Core Strategy Policy CP12
CD4.21	TRDC Core Strategy Policy PSP3
CD4.22	TRDC Development Management Policies Appendix 2
CD4.23	TRDC Development Management Policy DM1
CD4.24	TRDC Development Management Policy DM3
CD4.25	TRDC Development Management Policy DM6
CD4.26	TRDC Development Management Policy DM8
CD4.27	TRDC Development Management Policy DM9
CD4.28	Local Plan Regulation 18
CD4.29	TRDC Core Strategy 2011
CD4.30	TRDC Development Management Policies 2013
CD4.31	TRDC Site Allocations 2014
CD4.32	South West Herts Economic Study Update 2019
CD4.33	Historic England The Setting of Heritage Assets 2017
CD4.34	National Planning Policy Framework 2021
CD5 Appeal Correspondence	
CD5.1	211026 - Agent Lawyer Notification of Inquiry
CD5.2	211026 - Agent to TRDC Notification of Inquiry

Avison Young
December 2021

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