



APPEAL REF: APP/ P1940/W/21/3289305

**Land to the North of Maple Cross Lodge, Maple Cross, Rickmansworth
WD3 9SE**

**Case Management Conference held at 11.00 hours on Tuesday 1 March
2022**

INSPECTOR'S POST CONFERENCE NOTE

1. The case management conference was led by the Inquiry Inspector, Darren Hendley. The Inquiry will open on Tuesday 26 April 2022 at 10.00am.
2. The purpose of the conference was to provide a clear indication as to the ongoing management of the case and the presentation of evidence so that the forthcoming Inquiry is conducted in an efficient and effective manner. There was no discussion on the merits of the case. The Council is encouraged to post a copy of this note on its website so that interested parties are aware of it.
3. The advocates were confirmed as Giles Cannock QC for the appellant and Timothy Comyn for the Council. Maple Cross Residents Environment Group (MCREG) confirmed the intention to appoint an advocate and are to let the Planning Inspectorate and the main parties know who this is as soon as is possible.

Main Issues

4. The Council and the appellant confirmed that it was the intention that an agreed and signed Section 106 Agreement will be submitted containing planning obligations that would secure the various provisions relating to the Council's second and third putative reasons for refusal.
5. With regard to the Council's first putative reason for refusal, the Council confirmed that the groundwater matter concerned the Maple Lodge Nature Reserve, not public water supply. This was also the subject of the result of a hydrogeological review that is due at the start of next week. There is also an outstanding matter as regards an Environment Agency condition that is in dispute with the appellant.
6. MCREG stated that it would be the intention to put forward hydrogeological evidence on the Maple Lodge Nature Reserve and on public water supply, as well as on biodiversity interests and noise. MCREG also provided clarification on where its noise concerns lie. MCREG's Statement of Case is to be submitted by Friday 4th March 2022 at the latest.
7. In considering the various points made by the parties, the main issues are the effect of the proposal on a) groundwater with regard to the hydrogeological impact on the Maple Lodge Nature Reserve and public water supply; b) biodiversity interests, in particular biodiversity net gain

and the Forester Moth; c) the living conditions of the occupiers of local residential properties by way of noise from traffic and the operation of the proposal; and d) planning balance (including the benefits of the scheme if not a separate issue) and the conclusion.

How the Main Issues will be Dealt With

8. Evidence related to groundwater with regard to the hydrogeological impact on the Maple Lodge Nature Reserve and public water supply; and biodiversity interests, in particular biodiversity net gain and the Forester Moth will be dealt with through formal evidence and cross examination of the respective witnesses.
9. It was also agreed that noise will proceed by way of a round table session (RTS), which the Inspector will lead on. This will concern matters relating to traffic and the operation of the proposal. A draft agenda is to be prepared by the appellant and MCREG for the Noise RTS, to ensure that all relevant matters are properly aired and interrogated. The Inspector will then issue a finalised agenda shortly before the Inquiry opens.
10. Planning policy matters, any benefits of the proposal and the overall planning balance, will be dealt with through the formal presentation of evidence in chief, which will be subject to cross-examination. The Council intends to rely on a Planning Officer presenting the associated Committee Report.
11. The evidence of the appellant will also need to address any additional matters raised by the interested parties. This is also to include matters in relation to the setting of listed buildings and Green Belt. The appellant proposes dealing with this through notes appended to the planning evidence. As this largely concerns matters raised by interested parties, such matters are to be dealt with when interested parties are afforded the opportunity to speak.
12. The appellant intends to call 4 or 5 witnesses (drainage and flood risk, to be confirmed), the Council 1 or 2 (dependant on the outcome of the hydrogeological review) and MCREG 3. This includes noise witnesses who would take part in the RTS.

Conditions

13. A list of conditions is contained in the Council's Statement of Case. A final agreed schedule of suggested planning conditions and the reasons for them, including references to any policy support, is to be submitted. The Council should take the lead on preparing the list. The parties need to pay careful attention to the wording and the conditions will need to be properly justified having regard to the tests.
14. Any difference in views on any of the other suggested conditions, including suggested wording, should be highlighted in the schedule with a brief explanation given. This should include the views of MCREG.

Planning Obligations

15. A final draft of the Section 106 agreement is to be submitted before the Inquiry opens. The final draft must be accompanied by the relevant office copy entries. If the appellant is relying on a Unilateral Undertaking which is placing obligations on others, e.g. spend of commuted sums, the evidence needs to fully justify such an approach.
16. A Community Infrastructure Levy (CIL) Compliance Statement is to be submitted by the Council. It must contain a fully detailed justification for each obligation sought, setting out how it complies with the CIL Regulations, in particular the test of necessity in order to mitigate a harm arising out of the development proposed. It should also include reference to any policy support and, in relation to any financial contribution, exactly how it has been calculated and on precisely what it would be spent.
17. A short period of time will be allowed after the Inquiry for the submission of a signed version of the Section 106 agreement by the appellant.

Core Documents and Hard Copies

18. As well as an agreed Statement of Common Ground (SoCG) to be submitted between the appellant and the Council, the appellant also intends to submit SoCG with Herts Ecology, the Environment Agency and Affinity Water. The appellant requested that I make a Direction (Ruling) in relation to Affinity Water, which I attach to this note (Annex B).
19. The parties need to discuss and agree a list of core documents in advance of preparing the proofs so that they can be properly referenced in the proofs. That list is to be co-ordinated by the appellant. A hard copy set of the core documents are to be submitted at the same time as the proofs. The template for the list of core documents is attached as Annex A to this note. The core documents are to be made available on the Council website.
20. The core documents should comprise only those documents to which the parties will be referring to. The National Planning Policy Framework does not need to be included as a specific core document. Any Appeal Decisions and/or legal authorities which the parties intend to rely on will each need to be prefaced with a note explaining the relevance of the document to the issues arising in the Inquiry case, together with the propositions on which you are seeking to rely, with the relevant paragraphs flagged up.

Event Details

21. The Inquiry will run as an in-person event. The Council indicated that the Council Offices in Rickmansworth will be used. The Council also expressed some difficulty due to the technical limitations of complimenting a face to face event with a virtual element when needed by someone who has a right to participate. No one as yet has confirmed they wish to attend virtually. In this event, the Council may need to set up separate rooms for myself and the parties, in order to facilitate this. The Council confirmed that it uses Zoom.

22. There are guidance documents on the Planning Inspectorate website for Councils hosting Inquiries, and setting up a venue and the facilities that are needed for public inquiries. A retiring room will need to be provided for the Inspector. A parking space should also be arranged for the Inspector.
23. The Council will need to issue a notification letter setting out details of the Inquiry, and a list of those notified. The notification should also be put on its website and in a local newspaper. The appellant will be asked to put up the site notice. This will be sent by the Planning Inspectorate Case Officer. Please record where the site notice is erected. These actions are to be done at least 2 weeks before the Inquiry.

Inquiry Running Order/Programme (including Site Visit)

24. All parties considered that 6 days should be sufficient for the Inquiry. The Inspector impressed on the parties that they need to carefully bear this in mind, including by way of the time estimates made by the advocates for each stage of their respective cases, which should be worked on collaboratively and with the co-operation of the witnesses. A draft programme will be issued by the Inspector following the receipt of the final timings from the advocates in due course. It was agreed that the Inquiry will proceed on this basis. No request for an evening session has been received.
25. On the first day, the Inquiry will open at 10am. The Inquiry will open at 9.30am on the days thereafter and it is intended that it will sit no later than 5pm.
26. In terms of the running order, on the first day of the Inquiry and following the Inspector's opening comments, opening statements will be invited from the advocates (copies to be provided in writing). These should be no longer than 10 minutes, with the appellant first, followed by the Council, then MCREG. Any interested parties who may wish to speak will then be given the opportunity.
27. The respective witnesses would then be called, on a topic by topic basis. Either the Council and/or MCREG first, and then the appellant. The noise RTS will then take place. Thereafter the planning witnesses shall be called, Council first and then the appellant. Planning obligations and conditions will then take place by way of an RTS.
28. Closing submissions by the Council, MCREG and then the appellant would be made. Copies shall be available in writing and electronically beforehand. They should take no more than 30 minutes, preferably. They should simply set out the respective cases as they stand at the end of the Inquiry and should be fully cross-referenced.
29. The Inspector will visit the site accompanied. Provisionally, it is the Inspector's intention that this would take place on the last day of the

Inquiry, prior to the closing submissions. The Inspector will not be able to listen to any representations/discussion/arguments on site, but the parties can point out physical features.

30. An itinerary and a plan will need to be provided if there are specific locations outside of the site which the main parties wish for the Inspector to visit. The Inspector would visit these locations unaccompanied.

Timetable for Submission of Documents

31. Following the discussion which took place at the case conference, the timetable is as follows:

Date for Submission to the Planning Inspectorate (no later than)	Document
4 March 2022	- Statement of Case from MCREG
w/c 7 March 2022 (start)	- Council's Hydrogeological Review and update on position
29 March 2022	- Proofs of Evidence - Statement(s) of Common Ground - Core Documents - Draft Noise RTS agenda - Site visit plan/itinerary (if submitted) - Conditions Schedule
12 April 2022	- Final draft of Section 106 Agreement - Notification letter and associated list of addresses, press notice - Details of where site notice has been erected - Final timings for openings and closings, evidence in chief and XX - Rebuttal proofs (if submitted)
26 April 2022	Inquiry scheduled to open at 10am

32. There is no reference in the Rules or the Procedural Guide to supplementary or rebuttal proofs and the Planning Inspectorate does not encourage the provision of such. It is important that any rebuttal proofs do not introduce new issues. As an alternative to a rebuttal, it may be that the matter could more succinctly be addressed through an addendum SoCG.

33. A paper copy of each document will be needed and is to be submitted to the Temple Quay House address by the respective submission dates.

Costs

34. If any application is to be made, the Planning Practice Guidance (PPG) makes it clear that, as a matter of good practice, it should be made in writing before the inquiry.

35. In order to support an effective and timely planning system in which all parties are required to behave reasonably, the Inspector has the power to

initiate an award of costs in line with the PPG. Unreasonable behaviour may include not complying with the agreed timetable.

36.The appellant raised costs matters which concerned who potentially would be the subject of a claim against MCREG. I confirmed this is not a matter for my consideration because cost claim decisions are not predicated on this basis.

Any Other Procedural Matters

37.The Council was requested to provide details of how it has advertised/publicity concerning the effect on the setting of listed buildings. The Council has subsequently provided photographs of the site notices, in addition to the press notice that was appended to the questionnaire.

38.With regard to a Detailed Qualitative Risk Assessment document, the appellant will provide an edited version. This was agreed by all parties.

39.Please make sure that when you submit correspondence to the Planning Inspectorate, that you copy in the other respective parties.

40.The case conference closed at 12.42pm.

Darren Hendley

2 March 2022

ANNEX A TEMPLATE FOR CORE DOCUMENTS LIST

CD1 Application Documents and Plans

1.1

1.2 etc

CD2 Additional/Amended Reports and/or Plans submitted after validation

2.1

2.2

CD3 Committee Report and Decision Notice

3.1 Officer's Report and minute of committee meeting

3.2 Decision Notice

CD4 The Development Plan

4.1

4.2

CD5 Emerging Development Plan

5.1

5.2

CD6 Relevant Appeal Decisions*

6.1

6.2

CD7 Relevant Judgements*

7.1

7.2

CD8 Other

8.1

8.2

* Any Appeal Decisions on which a party intends to rely must each be prefaced with a note explaining the relevance of the Decision to the issues arising in the current Inquiry case, together with the propositions relied on, with the relevant paragraphs flagged up. A similar approach is to be taken in relation to any legal citations relied upon.

ANNEX B RULING – AFFINITY WATER

The appellant requested that I make a Ruling in relation to Affinity Water entering into a SoCG with the appellant.

SoCG have the general benefit of ensuring that the inquiry focuses on the material differences between the cases. However, it is not evident what the material differences are between the appellant and Affinity Water in relation to hydrogeological impact. The appellant is seeking that planning permission be granted and Affinity Water have suggested the imposition of planning conditions to deal with this matter.

Nor is there a requirement under the Rules for statutory consultees and/or interested parties to be compelled to enter into a SoCG under these circumstances. The Rules concern a SoCG between the local planning authority and the appellant.

Whilst such a SoCG may or may not include pertinent information on hydrogeological impact, Affinity Water cannot be obliged to enter into such a document and I would thus not require them to do so. This does not though prevent the preparation of a SoCG between the appellant and Affinity Water; however, this is a matter between those parties. In conclusion, that is my Ruling.