
Statement of Common Ground between TRDC and 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

29 March 2022

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1. Introduction

1.1 This Statement of Common Ground (SOCG) has been prepared by Avison Young on behalf of BCL (Maple Cross) LLP (the Appellant) and Three Rivers District Council (Local Planning Authority) 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), on 5th March 2021. The Council validated the Application on 5th March 2021. The statutory determination period was due to expire on 4th June 2021; however, the Appellant and the Council subsequently agreed to multiple extensions of time until 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 determination of the application. The sole issue being the hydrological impact on the Maple Lodge nature reserve. 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 appeal is therefore lodged on the basis that the Council has not determined the Application within this agreed period and no further extension of time has been agreed. At the time the application was reported to Committee and at the time it was appealed, there was no outstanding request for further information from the Council regarding Hydrological or hydrogeological assessments from the applicant.

1.6 The Application was reported to Extraordinary Planning Committee on 8th February 2022 with a recommendation that it is confirmed to the Planning Inspectorate that in the absence of an appeal against non-determination, planning permission would have been granted subject to the conditions set out at section 8 below and subject to the completion of a S106 Agreement.

Statement Purpose and Structure

- 1.7 The purpose of this Statement is to set out the factual information agreed between the Appellant and the LPA about the appeal in order to narrow the areas of dispute at appeal. It is the intention that this is a working document with discussions to progress to find common ground, where possible, throughout the appeal process.
- 1.8 This Statement has been prepared in accordance with the guidance set out by the Planning Inspectorate (PINS).
- 1.9 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 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 factual elements of the Appeal Scheme that are not in dispute;
 - **Section 7** sets out the elements of the Appeal Scheme that are in dispute; and
 - **Section 8** provides a signed declaration that both the Appellant and LPA are in agreement with this Statement.

2. Site Description

Site Location

- 2.1 The Appeal Site (the Site) is located in Maple Cross within the south west of the administrative area of Three Rivers District Council (TRDC). The Site is located immediately to the east of the existing employment uses and is within the Maple Cross/Maple Lodge Employment area in the secondary centre of Maple Cross.
- 2.2 The Site comprises an irregular shaped parcel of undeveloped land of approximately 3.4 hectares. It is currently unoccupied in nil use. The majority of the Site is covered by grass, with a mixture of shrubs and mature trees situated along the Site 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 the residential properties of Longmore Close which are separated from the Appeal Site by a strip of land owned by TRDC.

Surrounding Context

- 2.4 The wider surrounding area comprises a mix of employment (office and industrial and storage), residential uses, open space and agricultural land.
- 2.5 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 these to the south is the Thames Water Treatment Works which occupies significant land holding.
- 2.6 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). Maple Lodge Nature Reserve is located 150m south of the site, beyond Maple Lodge Close.
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Accessibility

- 2.7 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.
- 2.8 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).
- 2.9 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.
- 2.10 It is agreed that the site is considered to be reasonably accessible to modes of transport other than the private car and complies with the NPPF in this regard.

Planning History & Existing Lawful Use

Site Planning History

- 2.11 The following planning history is relevant to the appeal site, 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: 19 th November 2019
	APP/P1940/W/19/3243565		Appeal Dismissed: 21 st September 2020

2.12 The following planning history is relevant to the surrounding emerging context of the site, as 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 We understand that this planning permission has been implemented, as per the lawful development certificates identified below, but not built out.
	18/0401/CLPD	Established that a lawful material commencement of development occurred prior to 19 th 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
Hertford Place Denham Way Maple Cross WD3 9AB	21/1834/PDND	Prior Notification Demolition: Demolition and removal of existing buildings and structures (Office building, car park and cycle shelter)	Approved: 20 August 2021
	22/0033/FUL	Proposed demolition of existing office block and multi-storey car park and redevelopment to provide 6 no. warehouses for a flexible range of employment uses (within Classes E(g)(iii), B2 and / or B8) with ancillary offices together with associated works.	Pending Consideration

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. The description of development 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.”

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 (CD3.3.4) 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 (CD3.3.5) 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 was submitted to the Council.
- A Maple Lodge nature reserve Hydrogeological impact assessment (CD1.3.7) was submitted to the Council, the Environment Agency and Affinity Water on 17th December 2021.

Biodiversity

- A letter including an NVC Survey (CD2.2.7) and a Species List (2.2.8) 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 to the Council 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 was submitted to the Council.

Trees

- Clarification on tree removals was provided by Avison Young to the Council on 7th and 8th September 2021 (CD2.6.2 and CD 2.6.3).

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.

Application Specification

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

Planning Application Package

- 3.5 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**.
- 3.6 **Table 3.1** provides a list of drawings as submitted to the LPA for determination (i.e. including revisions made during the life of the application) as stated within Condition 2 within the LPA's committee report for the 21st October 2021 committee:

Table 3.1 Proposed Drawings

Drawing Number	Title
17019-C4P-AV-00-DR-A-0100 REV P5	Site Location Plan
17019-C4P-AV-00-DR-A-0500_P17	Site Plan as Proposed
17019-C4P-AV-00-DR-A-0101 REV P4	Site Plan as Existing
17019-C4P-AV-ZZ-DR-A-0700 REV P4	Site Elevations as Proposed
17019-C4P-B1-R-DR-A-2001 REV P4	Unit 1 – Proposed Roof Plan
17019-C4P-B1-ZZ-DR-A-2000 REV P4	Unit 1 – Proposed GA Floor Plans
17019-C4P-B1-ZZ-DR-A-2100 REV P5	Unit 1 – Elevations as Proposed
17019-C4P-B2-R-DR-A-2001 REV P4	Unit 2 – Proposed Roof Plan
17019-C4P-B2-ZZ-DR-A-2000 REV P4	Unit 2 – Proposed GA Floor Plans
17019-C4P-B2-ZZ-DR-A-2100 REV P4	Unit 2 – Elevations as Proposed
55-01 REV P17	Proposed Drainage Layout
65-03 REV P16	Plan Showing Ex. Access Road Widening, Repairs
65-04 REV P6	Sections Showing Proposed Widening to Ex. Access Road
05-885-700 REV H	Landscape Strategy

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 remained 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) previously 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 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 its intention not to defend the third reason for refusal in relation to flood risk on the basis that this had 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.

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 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 Inspector was “not persuaded that sufficient evidence has been submitted to demonstrate that the risk to the public water supply could be adequately mitigated” and therefore concluded that the proposed piling works “would have an unacceptable effect on groundwater and the quality of the public water supply and would fail to comply with Policy DM9”. (CD3.9: paragraph 153) and dismissed the appeal. This was the sole basis for the dismissal of the Appeal. The previous appeal decision is agreed to be a material consideration of significant weight.
- 4.13 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.
- 4.14 The Appellant, accordingly, undertook an extensive programme of engagement with Affinity Water and the Environment Agency 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.
- 4.15 The Application was submitted and validated on the Council on 5th March 2021. This included further evidence including a Piling Method Statement and Risk Assessment (CD1.2.26). The scope, method and results of the further hydrological and hydrogeological assessments are agreed with the EA and AW. Further, the modelling and its results are also agreed. At the time of the Appeal, neither the EA nor AW had any criticism of the submitted assessments nor were there any outstanding requests for further information.
- 4.16 The Appellant has remained in 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 and agreed extensions of time for determination of the application.
- 4.17 The Application was set a target determination date of 4th June 2021 based on a submission date of 5th March 2021. The Appellant and Council agreed to extensions of time up to 29th October 2021.

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.

National Planning Policy Framework (NPPF)

5.2 The principal parts of the NPPF relevant to the Appeal Scheme include:

- Achieving sustainable development includes seeking to attain the economic objective of ensuring sufficient land of the right types is available in the right places and at the right time to support growth; and the environmental objective of protecting and enhancing the natural environment **(Paragraph 8)**;
- This establishes a 'presumption in favour of sustainable development' where development proposals that accord with the development plan should be approved without delay **(Paragraph 11)**;
- The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed **(Paragraph 12)**;
- LPA's should identify broad locations for development, including planning for and allocating sufficient sites to deliver the strategic priorities of the area **(Paragraph 23)**;
- Local Planning Authorities should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area **(Paragraph 38)**;
- Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development **(Paragraph 81)**;
- There is a requirement to proactively drive and support sustainable economic development to deliver homes, businesses and infrastructure and thriving places that the country needs; encourage the effective use of land by reusing land that has been previously developed (brownfield land) **(Paragraph 119)**;

- Local Planning Authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs (**Paragraph 121**);
- The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...(Paragraph 126);
- Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (**Paragraph 130**);
- Permission should be refused for development of poor design where it fails to reflect local design policies and government guidance on design (**Paragraph 134**);
- The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence (**Paragraph 137**);
- Where development is necessary in areas at risk of flooding it should be made safe for its lifetime without increasing flood risk elsewhere (**Paragraph 164**);
- Policies relating to flood risk should take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards (**Paragraph 156**);
- Where appropriate, applications should be supported by a site-specific flood-risk assessment (**Paragraph 163**);
- Major developments should incorporate sustainable drainage systems which take account of advice from the lead local flood authority (**Paragraph 169**);
- The planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate (**Paragraph 174**);
- The planning system should contribute to and enhance the natural and local environment by: preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality. (**Paragraph 174**);

- In order to protect and enhance biodiversity and geodiversity, plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity (**Paragraph 179**);
- If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused (**Paragraph 180**); and
- The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes) (**Paragraph 188**).

Adopted Planning Policy

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

5.4 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

5.5 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)**). “Comments” included in the allocation note that “Part of the site is adjacent to a Wildlife site. Measures to avoid adverse impacts and to enhance biodiversity will need to be provided by developers; applications would need to be supported by an adequate ecological survey”. **Policy SA2** safeguards allocated employment sites for business, industrial and storage or distribution uses (Classes B1c/B2/B8) (B1c now E(g)(iii)).

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

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

- 5.8 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.
- 5.9 The Appeal Site is within Groundwater Source Protection Zone 1.
- 5.10 Whilst the majority of the site lies outside of the Green Belt, a small area of land near the eastern boundary comes within it, but no development is proposed in this area.
- 5.11 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**); and
 - 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

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

Core Strategy (2011)

- Policy PSP3 (Development in Secondary Centres (Kings Langley, Carpenders Park, Eastbury, Maple Cross, Moor Park, Oxhey Hall))
- CP1 (Overarching Policy on Sustainable Development)
- CP6 (Employment and Economic Development)
- CP8 (Infrastructure and Planning Obligations)
- CP9 (Green Infrastructure)
- CP10 (Transport and Travel)
- CP11 (Green Belt)
- CP12 (Design of Development)

Development Management Policies (2013)

- Policy DM2 (Green Belt)

- 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)
- Appendix 5 (Parking Standards)

Site Allocations Local Development Document (2014)

- Policy SA2 (Employment Site Allocations)
 - Site Ref. E(d) (Maple Cross/Maple Lodge)

Emerging Planning Policy

- 5.13 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.
- 5.14 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 is shown forming part of a wider area of mixed-use development, with potential uses including business, industry/warehousing, residential, retail and hotel.
- 5.15 The Local Plan Regulation 18 Preferred Policy Options and Sites for Potential Allocation underwent consultation from 11 June 2021 to 20 August 2021.
- 5.16 The Local Development Scheme (February 2022) targets November/December 2022 for Regulation 19 consultation and May 2025 for adoption.
- 5.17 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

5.18 The Appellant and the Council may also refer to the following in their evidence:

- Relevant Ministerial Statements and Government publications; and
- The South West Herts Economic Study (2018).

Presumption in Favour of Sustainable Development

5.19 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;’

5.20 NPPF 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. Matters Not in Dispute

- 6.1 This section of the Statement sets out the particulars of the application that are considered areas of common ground between the Appellant and the LPA.

Principle of Development

- 6.2 It is agreed that the Appeal Site is allocated for development within the Site Allocations LDD (2014) and therefore the principle of development is not in dispute.

Principle of Land Use

- 6.3 It is agreed the proposed E(g)(iii)/B2/B8 and ancillary E(g)(i) land use of the Appeal Site is supported by Policy SA2d(e) of the Site Allocations LDD (2014) and not in dispute.

Development Need

- 6.4 It is agreed that there is an identified need for Class E(g)(i), E(g)(iii), B2 and B8 floorspace within the district as identified by the South West Herts Economic Study (2018) and the Appeal Scheme would contribute to meeting this need.

Economic Benefits

- 6.5 It is agreed that as a result of meeting the identified need the Appeal Scheme would result in economic benefits for the local economy including investment, construction and operational job creation, and revenue from business rates.

Green Belt

- 6.6 It is agreed that the majority of the site is outside of the Metropolitan Green Belt, however, the Green Belt overlaps the eastern site boundary in the form of a narrow strip. It is agreed that no buildings, parking or service yards are proposed within the part of the site which is designated as Green Belt.
- 6.7 It is agreed that the Green Belt adjoins the eastern boundary of the Appeal Site but that the Appeal Scheme would not result in harm to the openness of the Green Belt.
- 6.8 It is agreed that the Application is in accordance with Core Strategy Policy CP11 and Development Management Policy DM2.

Character & Appearance

- 6.9 It is agreed that the Appeal Scheme is in keeping with and not harmful to the character, pattern and form of development of the surrounding area.
- 6.10 It is agreed that the Application is in accordance with Core Strategy Policy CP1 and CP12.

Landscape Visual Impact

- 6.11 It is agreed the Site does not form part of a valued landscape. It forms part of a landscape where employment development is considered to be acceptable
- 6.12 It is agreed that the Appeal Scheme is acceptable in terms of its visual impact on the landscape and on the character of the landscape.
- 6.13 It is agreed that in respect of landscape and visual impact the Application is in accordance with Development Management Policy DM6.

Heritage

- 6.14 It is agreed that the appeal (ref. APP/P1940/W/19/3243565) Inspector found that the development would not harm the heritage assets and therefore the weighing of harm against public benefits was not required.
- 6.15 It is agreed that the proposals in terms of their impact on heritage assets have not changed materially and that the heritage conclusions of the Inspector in respect of the previous appeal are a material consideration.
- 6.16 It is agreed that the Council's Heritage Officer confirmed that the Inspector found no harm to the listed buildings and therefore the Council has no objection to the Appeal Scheme on heritage grounds.
- 6.17 It is agreed that the Application is in accordance with Development Management Policy DM3.

Design

- 6.18 It is agreed that the layout and appearance of the buildings is acceptable and would result in a high-quality design solution.
- 6.19 It is agreed that it is reasonable and necessary to impose a condition requiring samples of the external materials to be submitted.

6.20 It is agreed that it is appropriate to impose a condition to control the installation of means of enclosure across the site so as to safeguard the ongoing external appearance of the development.

6.21 It is agreed that subject to the imposition of conditions the Application is in accordance with Core Strategy Policies CP1 and CP12.

Amenity

6.22 It is agreed that there is no right to a private view in planning terms.

6.23 It is agreed that the Appeal Scheme is acceptable in terms of light and overshadowing and does not result in overshadowing, material loss of prospect/outlook or loss of light to neighbouring properties.

6.24 It is agreed that the Appeal Scheme does not result in overlooking of neighbouring properties and is acceptable in privacy terms.

6.25 It is agreed that the Application is in accordance with Core Strategy Policy CP12.

Noise

6.26 It is agreed that the Appeal Scheme is acceptable in terms of noise, subject to the inclusion of appropriate planning conditions including in relation to preventing refrigerating HGVs and the operation of tug units.

6.27 It is agreed that, in respect of noise and subject to conditions, the Application is in accordance with Development Management Policy DM9.

Lighting

6.28 It is agreed that the Appeal Scheme is acceptable in terms of lighting. It is agreed that full details of lighting can be provided by way of planning condition.

6.29 It is agreed that, in respect of lighting and subject to conditions, the Application is in accordance with Development Management Policy DM9.

Air Quality

6.30 It is agreed that the Appeal Scheme is acceptable in terms of air quality.

6.31 It is agreed that, in respect of air quality, the Application is in accordance with Development Management Policy DM9.

Wildlife/Biodiversity

- 6.32 It is agreed that there are no adverse impacts on bats as a result of the Appeal Scheme. It is agreed that full details of lighting control with respect to bats can be secured by way of planning condition.
- 6.33 It is agreed that the Appeal Scheme is acceptable in terms of all other wildlife including protected species on the Appeal Site.
- 6.34 It is agreed that appropriate measures and mitigation in relation to badgers can be secured via condition.
- 6.35 It is agreed that a contribution of up to £142,800 is to be secured by way of a S106 Agreement to achieve 10% biodiversity net gain and provide for the creation and management over a 25-year period of an appropriate species rich grassland, suitable for the Forester moth, in a location within close proximity of the Site, which in the opinion of the Council, will deliver 11.90 Biodiversity Units (BU) applying the NE Metric V2 in accordance with Development Management Policy DM6.

Trees

- 6.36 It is agreed that the development would result in the loss of a small number of poor-quality trees and that the loss would be mitigated by the additional planting of 46 new trees to supplement the retained trees.
- 6.37 It is agreed that it has been demonstrated that the existing trees to be retained can be adequately protected and that the development is acceptable in terms of trees.
- 6.38 It is agreed that, in respect of trees, the Application is in accordance with Development Management Policy DM6.

Transport

- 6.39 It is agreed that the Appeal Scheme is acceptable in terms of highways operation and there are no safety impacts.
- 6.40 It is agreed that the proposed car/HGV parking provision accords with policy and is acceptable. It is agreed that the provision of cycle parking is capable of being addressed by a condition.
- 6.41 It is agreed that Hertfordshire County Council Highways Authority consider the vehicular trip rates to be robust and that the baseline data, assessment years and growth factors used are sufficient and acceptable.

- 6.42 It is agreed that the number of additional trips from the application site would not give rise to an unacceptable impact on highway safety or result in residual cumulative impacts on the road network that would be severe.
- 6.43 It is agreed that conditions are required to secure the submission of a Construction Traffic Management Plan and a Travel Plan to avoid the use of Maple Lodge Close.
- 6.44 It is agreed that the proposed highway works would improve the accessibility and safety for pedestrians and cyclists travelling between Maple Cross and Rickmansworth (including to and from the Reach Free School) and therefore onto and from the wider highway network.
- 6.45 It is agreed that a financial contribution of £6,000 is to be secured by way of a S106 Agreement to support the implementation, processing and monitoring of a full travel plan in order to maximise sustainable travel options.
- 6.46 It is agreed that subject to conditions and a S106 Agreement the Application is in accordance with Core Strategy Policy CP10 Development Management Policy DM13.

Energy

- 6.47 It is agreed that the proposed energy strategy accords with policy and would exceed the requirements of Policy DM4 of the Development Management Policies LDD (2013) and is acceptable.

Flood Risk/Drainage

- 6.48 It is agreed that the proposed buildings are located wholly within Flood Zone 1 and that there is a 'low probability' of fluvial flooding, with less than a 1 in 1000 annual probability of river or sea flooding in any year.
- 6.49 It is agreed with the Lead Local Flood Authority and LPA that the application has demonstrated a policy compliant discharge mechanism and management of the volume of surface water.
- 6.50 It is agreed that, in respect of flood risk/drainage, the Application is in accordance with Core Strategy Policy CP1 and Development Management Policy DM8.

Contaminated Land

- 6.51 It is agreed that the Appeal Scheme is acceptable in terms of land contamination, subject to conditions.

6.52 It is agreed that remediation of the Appeal Site will remove contamination risks to future occupiers and adjacent users.

6.53 It is agreed that, in respect of land contamination issues and subject to conditions, the Application is in accordance with Development Management Policy DM9.

Groundwater

6.54 It is agreed that the Environment Agency has no objection to the proposed development subject to conditions being imposed on any planning permission in respect of the control of impacts on groundwater.

6.55 It is agreed that Affinity Water has no objection to the proposed development, and whilst they state that a “risk to public water supply still remains”, as the Statutory Undertaker, they have confirmed (31/03/2021, CD2.1.8) that the risks to public water supply can be managed by the imposition of planning conditions.

6.56 It is agreed that the proposed development’s effect on the groundwater and Maple Lodge Nature Reserve can be managed and appropriately mitigated by planning conditions.

6.57 It is therefore agreed that, subject to conditions, there would be no adverse impact on the quality of local groundwater and that the quantity and quality of groundwater resource is protected from pollution in respect of the public water supply in accordance with Development Management Policies DM8 and DM9 and that subject to conditions, there would be no adverse impact on the Maple Lodge Nature Reserve.

Refuse/Recycling

6.58 It is agreed that the Appeal Scheme is acceptable in terms of refuse and recycling.

6.59 It is agreed that a Site Waste Management Plan and elevational details of the storage area will be secured via condition.

6.60 It is agreed that, in this regard, the Application is in accordance with Development Management Policy DM10.

EIA

6.61 It is agreed that the Screening Opinion, dated 4th November 2019, has confirmed that the scheme does not comprise EIA development and that this remains valid despite a slight reduction in total GIA.

Conditions


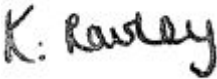
6.62 A schedule of conditions is attached at APPENDIX A. With the exception of conditions 20 (Noise Assessment) and 37 (Hours of Use/Operation), the suggested conditions are agreed between the Appellant and Council.

7. Matters in Dispute

7.1 Conditions 20 (Noise Assessment) and 37 (Hours of Use/Operation) are not agreed.

8. Declaration

- 8.1 The Appellant and Local Planning Authority hereby declare that we are in agreement with this Statement of Common Ground prior to attendance at appeal.

Signed on behalf of the Appellant	Signed on behalf of Local Planning Authority
	
Date: 29/03/2022	Date: 29.03.2022
Position: Tim Sturgess, Director on behalf of Avison Young	Position: Head of Regulatory Services

APPENDIX A

Draft Conditions Agreed between the LPA and Appellant (29/03/2022)

C1 Time

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 Plans

The development hereby permitted shall be carried out in accordance with the following approved plans:

17019-C4P-AV-00-DR-A-0100 REV P5
17019-C4P-AV-00-DR-A-0500_P17
17019-C4P-AV-00-DR-A-0101 REV P4
17019-C4P-AV-ZZ-DR-A-0700 REV P4
17019-C4P-B1-R-DR-A-2001 REV P4
17019-C4P-B1-ZZ-DR-A-2000 REV P4
17019-C4P-B1-ZZ-DR-A-2100 REV P5
17019-C4P-B2-R-DR-A-2001 REV P4
17019-C4P-B2-ZZ-DR-A-2000 REV P4
17019-C4P-B2-ZZ-DR-A-2100 REV P4
55-01 REV P17
65-3 REV P16
65-4 REV P6
05-885-700 REV H

Reason: For the avoidance of doubt, in the proper interests of planning in accordance with Policy SA2 of the Site Allocations Local Development Document (adopted November 2013), Policies PSP3, CP1, CP6, CP8, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM4, DM6, DM8, DM9, DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C3 Construction Traffic Management Plan (Highway Authority and Highways England)

The development hereby permitted shall not be begun until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing to avoid use of Maple Lodge Close;
- b. Expected frequency of vehicles during construction and size and weight of these vehicles;
- c. Access arrangements to the site;
- d. Traffic management requirements;
- e. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- f. Siting and details of wheel washing facilities;
- g. Cleaning of site entrances, site tracks and the adjacent public highway;

- h. Timing of construction activities (including delivery times and removal of waste);
- i. Post construction reinstatement of the working areas and/or temporary access to the highway;

Reason: This is a pre-commencement condition in order to protect highway safety and the amenity of other users of the public highway and rights of way and to mitigate any adverse impact from the development on the M25 in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

C4 Site Levels – Details (TRDC)

The development hereby permitted shall not be begun until details of the existing site levels and the proposed finished floor levels and sections of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: This condition is a pre commencement condition in order to ensure a satisfactory form of development relative to surrounding buildings and landscape and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

C5 Scheme for compensatory habitat creation (Environment Agency)

The development hereby permitted shall not be begun until a scheme for the provision and management of the buffer zone adjacent to the Maple Lodge Ditch main river for the benefit of biodiversity has been submitted to, and agreed in writing by, the Local Planning Authority and implemented as approved. The buffer zone shall have a minimum width of 8 metres. The scheme shall be implemented as approved prior to the occupation of the development.

Reasons: This condition is a pre commencement condition in the interest of biodiversity net gain and to meet the requirements of Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C6 Drainage Scheme – Final Design (LLFA)

The development hereby permitted shall not be begun until the final design of the drainage scheme is completed and sent to the Local Planning Authority for approval. The surface water drainage system will be based on the Flood Risk Assessment and Drainage Strategy for Maple Cross Rickmansworth, Issue 1.6, dated 25 February 2021, Ref: T/17/1999/FRA, prepared by Tier Consult Ltd and the General Arrangement Drawing showing proposed foul and surface water drainage layout Sheet 1, Project No. T_17_1999, Drawing No. 55-01, Rev. P17, dated 25.02.2021, prepared by Tier Consult. The scheme shall also include:

1. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs.
2. All corresponding detailed calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + climate change event.
3. Details of half drain down times of the surface water attenuation.
4. Clarification on the volumes of water to be stored within each SuDS attenuation feature / permeable paving sub-base e t c .
5. Detailed engineering drawings, calculations and evidence to secure and safeguard the SuDS features from groundwater infiltration.

6. Detailed engineering drawings and evidence of the proposed surface water pump including details of safeguarding and a management and maintenance plan.
7. Detailed management and maintenance plan for the Maplelodge Ditch Main River and a timetable for implementing maintenance and the removal of any blockages.
8. The design of above ground SuDS, to include the provision of filter strips / filter trenches to support effective and sustainable management and treatment of surface water.
9. Silt traps for the protection of any tanked elements.
10. A demonstration of appropriate SuDS management and treatment and inclusion of above ground features such as permeable paving and the minimization of any requirement for any underground storage, to include details of products and maintenance.

Reason: This is a pre commencement condition to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C7 Groundwater Levels – Operational Environmental Management Plan (OEMP) (Environment Agency)

The development hereby permitted shall not be begun until a monitoring and maintenance plan (OEMP) in respect of groundwater levels across the site, has been submitted to and approved in writing by the Local Planning Authority. The OEMP shall include:

- Provision for short and long-term monitoring of the groundwater and surface water to demonstrate that there is no likely material impact on the groundwater or surface water of the site or that of Maple Lodge Nature Reserve from post construction phases and operational phases compared to baseline values;
- A monitoring programme as stated with the Pilling Method Statement and Risk Assessment;
- Instructions on management of run-off and drainage, management of stockpiles, management of storage and use of hazardous fluids and substances; and a plan for the mitigation of the impact of all operational activities to be established and approved by the Local Planning Authority including the fulfillment of the requirements of the Hydrological Impact Assessment and GQRA (ref. 30422R3, dated 07.06.2021); and
- A timetable of monitoring and submission of reports on the operation of the OEMP to the Local Planning Authority.

Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports.

The development hereby permitted shall be carried out in accordance with the approved OEMP.

Reasons: This is a pre commencement condition will ensure that the development does not cause undue detriment to groundwater levels upon which the Maple Lodge nature reserve relies in line with paragraph 174 of the National Planning Policy Framework and to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C8 Land Affected By Contamination (Environment Agency & Watford Environmental Health)

The development hereby permitted shall not be begun until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potential risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk of contamination to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

The contamination remediation strategy shall be implemented as approved.

Reason: This condition will ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by levels of water pollution in line with paragraph 174 of the National Planning Policy Framework and Policy CP1 of the Core Strategy and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C9 Long Term Monitoring and Maintenance Plan for Groundwater (Environment Agency)

The development hereby permitted shall not be begun until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reasons: To ensure that the site does not pose any risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 174 of the National Planning Policy Framework. To prevent further deterioration of a water quality element to a lower status class of adjacent surface waterbodies and prevent the recovery of a drinking water protected area in the Mid-Chilterns Chalk groundwater body and to meet the requirements of and Policy CP1 of the Core Strategy and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C10 Site Waste Management Plan SWMP (Hertfordshire County Council)

The development hereby permitted shall not be begun until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

Reason: This is a pre commencement condition to promote sustainable development and meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

C11 Dust Management Plan (Watford Environmental Health)

The development hereby permitted shall not be begun until a Dust Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Dust Management Plan shall include best practicable means to be employed to minimise dust caused by the permitted construction and operation of the development and to prevent the emission of dust from the site. The development shall be carried out in accordance with the approved Dust Management Plan.

Reason: This is a pre-commencement condition in the interests of the amenities of surrounding occupiers during the construction of the development and to meet the requirements of Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C12 Arboricultural Method Statement and Tree Protection

The development hereby permitted shall not be begun until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of any development works with the potential to impact retained trees including demolition, ground level changes, the installation of services, drainage, hard surfaces, foundations, contamination investigation/remediation works, archaeological investigations, site facilities/accommodation works, contractor parking areas and equipment/material storage. Any necessary encroachment into the Root Protection Area (RPA) of a retained tree by the proposed development shall be undertaken only in accordance with a detailed design and working specification demonstrating how the works will be carried out to minimise any adverse impact upon the tree. The detailed design and working specifications shall include full details of all tree protection and mitigation works and include a timetable

of site monitoring and arboricultural supervision of works to be carried out.

The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site in accordance with the approved plans. The development shall be implemented in accordance with the approved detailed design and working specification.

The protective measures, including fencing, shall be undertaken in full accordance with the approved detailed design and working specification prior to any equipment, machinery or materials being brought on to the site for the purposes of carrying out the development, and shall be maintained during the construction of the development and until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition; and the ground levels within those areas shall not be altered, nor shall any excavation be made unless in accordance with the approved detailed design and working specification. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in accordance with the approved detailed design and working specification.

The development hereby permitted shall be carried out in accordance with the approved arboricultural method statement.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction, to protect the visual amenities of the trees within the area of the site and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C13 Construction Environment Management Plan (CEMP)

The development hereby permitted shall not be begun until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include; instructions on management of run-off and drainage, management of stockpiles, management of storage and use of hazardous fluids and substances; and a plan for the mitigation of the impact of all construction activities to be established and approved by the Local Planning Authority including the fulfillment of the requirements of the Hydrological Impact Assessment and GQRA (ref. 30422R3, dated 07.06.2021). The development shall be carried out in accordance with the details and measures approved as part of the CEMP throughout the entirety of the construction period.

Reason: This is a pre commencement condition to mitigate/prevent any risk to the groundwater, surface water and Maple Lodge Nature Reserve in accordance and to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C14 Materials (TRDC)

Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used in the construction of the development hereby permitted other than those approved.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

C15 Highways Improvements (Highway Authority)

A. Offsite (Design Approval)

Notwithstanding the details indicated on the drawings accompanying the application no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on submitted drawing number MLC-BWB-GEN- XX-DR-TR-0001 S2 rev. P3 have been submitted to and approved in writing by the Local Planning Authority.

B. Offsite (Implementation / Construction)

Prior to the first use of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and to ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011).

C16 Piling Method Statement (Affinity Water, Thames Water, Environment Agency)

No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure and the source protection zone of one or more of Affinity Water's groundwater abstractions for Public Water Supply (PWS). Piling has the potential to impact on local underground sewerage utility infrastructure in addition to contaminant transport to the Chalk aquifer (including manganese), turbidity in the Chalk aquifer and potentially at the PWS abstractions, and on ground permeability, which may affect groundwater levels and flows. This condition is necessary to protect underground infrastructure and water supply in accordance with Policies CP1 and CP8 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C17 Decommission of Investigation Boreholes (Affinity Water & Environment Agency)

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected (and details of the consultation undertaken with Affinity Water). The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in accordance with Policies CP1 and CP8 of the Core Strategy (adopted October 2011) and Policy DM8 of

the Development Management Policies LDD (adopted July 2013).

C18 Dewatering Method Statement (Affinity Water)

No dewatering shall take place save that should dewatering be necessary, no dewatering shall occur until a Dewatering Method Statement (detailing the dewatering method and predicted impact on groundwater flow and details of the consultation undertaken with Affinity Water) has been submitted to and approved in writing with the Local Planning Authority. Any dewatering must be undertaken in accordance with the terms of the approved dewatering method statement.

Reason: The proposed work will be within the source protection zone of one or more of Affinity Water's groundwater abstractions for Public Water Supply (PWS) and within 500 m of the Clubhouse/Marsh Lakes within Maple Lodge Nature Reserve. This condition is necessary to protect water supply and the environment in accordance with Policies CP1 and CP8 of the Core Strategy (adopted October 2011) and Policy DM6 and DM8 of the Development Management Policies LDD (adopted July 2013).

C19 Conditions to be displayed on site (Affinity Water)

A copy of all conditions addressing groundwater protection, foundation design and site drainage, and any other groundwork or surface water matters and details submitted during the discharge of conditions, and approved as part of and pursuant and subsequent to this consent, shall be displayed at the site office at all times.

The Site Manager will ensure that the contents and intent of each are known to any persons given responsibility for operational management or control of the site, or carrying out works on that site.

Reason: To ensure that any potential contamination or other activity likely to pose a risk to groundwater and public water supply, is recognised, monitored and managed by all contractors on site, in good time in accordance with Policies CP1 and CP8 of the Core Strategy (adopted October 2011) and Policy DM6 and DM8 of the Development Management Policies LDD (adopted July 2013).

C21 Provision of Parking & Access (Highway Authority)

Prior to the first use of the development hereby permitted the proposed access road, on-site car parking, electric vehicle charging provision, cycle parking and turning areas shall be installed, laid out, demarcated, surfaced and drained as appropriate in accordance with the plans set out at Condition 2 and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C22 Travel Plan (Highway Authority)

Prior to the first use of the development hereby permitted a detailed Travel Plan for the site, based upon the Hertfordshire Council document Hertfordshire's Travel Plan Guidance, shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall thereafter be implemented at all times.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

C23 Cycle Parking (Highway Authority and TRDC)

Prior to the first use of the development hereby permitted, detailed designs for the parking of cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C24 Electric Vehicle Charging Points (EVCPs) (Highway Authority and TRDC)

Prior to the first use of the development hereby permitted, the details and design of EVCPs shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of the units and permanently maintained and retained.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

C25 Refuse and Recycling Details (TRDC)

Prior to first use of the development a scheme for the separate storage and collection of waste shall be submitted to and approved in writing by the Local Planning Authority. Details shall include siting, size and appearance of refuse and recycling facilities on the premises. The development hereby permitted shall not be brought into use until the approved scheme has been implemented and these facilities should be retained permanently thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies document (adopted July 2013).

C26 Landscaping (TRDC)

Prior to the first use of the development hereby permitted, a scheme of hard and soft landscaping, which shall include the location and details of all existing trees and hedgerows to be retained, and the recommendations of Greengage Preliminary Ecological Appraisal (REF 550987dpJan21FV02_PEA), together with a scheme detailing measures for their protection in the course of development shall be submitted to and approved in writing by the Local Planning Authority.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first use of the development hereby permitted.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the development or the completion of the development, whichever is sooner.

If any of the proposed soft landscaping is removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (i.e. November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. It is required to enable the LPA to assess in full the trees to be removed and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C27 Landscape & Ecology Management Plan (TRDC & Herts Ecology)

Prior to the first use of the development hereby permitted, a landscape and ecology management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape and ecology management plan shall include details for the management and maintenance of the 8m buffer zone between Unit 2 and the Maple Lodge Ditch main river for 25 years and include details for replacement in this location if any of the proposed soft landscaping within this zone is removed, dies or becomes severely damaged or diseased. The landscape and ecology management plan shall be carried out as approved.

Reason: To ensure that the approved landscaping is satisfactorily maintained, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C28 Lighting Design – Biodiversity (Herts Ecology)

Prior to first use of the development a “lighting design strategy” in accordance with current guidance from Bat Conservation Trust and Institution of Lighting Professionals, for features or areas to be lit, shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for nocturnal species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specification) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed

without prior consent from the Local Planning Authority.

Reason: In the interests of visual amenity and biodiversity and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

C29 External Lighting (TRDC Environmental Health)

Prior to first use of the development a scheme for external lighting including details of the position, height, design and intensity of lights shall be submitted to and approved in writing by the Local Planning Authority. The approved external lighting details shall be designed in accordance with CIBSE external lighting guidelines, BS 5489 and BS 5266. The lighting shall be installed in accordance with the approved details before the use of the site for the development hereby permitted is commenced.

Reason: In the interests of visual and residential amenity to meet the requirements of Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

C30 Boundary Treatments (TRDC)

Prior to first use of the development a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected in accordance with the approved details and shall be permanently maintained thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).

C31 Sustainability – In Accordance With (TRDC)

Prior to first use of the development the measures detailed in Section 5 within the KGA (UK) Ltd Energy Statement (ref. 5000 rev 4, dated February 2021) shall be incorporated into the approved development and as provided for by these conditions and thereafter be permanently maintained.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

C32 Flood Risk Assessment – In Accordance With (LLFA)

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy for Maple Cross Rickmansworth, Issue 1.4, dated 22 August 2019, Ref: T/17/1999/FRA, prepared by Tier Consult Ltd and the General Arrangement Drawing showing proposed foul and surface water drainage layout Sheet 1, Project No. T_17_1999, Drawing No. 55-01, Rev. P17, dated 25.02.2021, prepared by Tier Consult. The scheme shall include the following mitigation

measures:

1. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
www.hertfordshire.gov.uk 3
2. Restrict surface water discharge into Maplodge Ditch (via pump) to the QBAR Greenfield run-off rate (6.5l/s).
3. Implement drainage strategy including lined permeable paving, lined cellular attenuation and discharge via surface water pump into the nearest watercourse, Maplodge Ditch, which is a Main River.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C33 SuDS Management & Maintenance (LLFA)

Upon completion of the drainage works referred to in condition 32 for the site and in accordance with the timing / phasing arrangement, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Provision of a complete set of as built drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

The development hereby permitted shall be carried out in accordance with the approved management and maintenance plan.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C34 Unidentified Contamination (Environment Agency and Watford Environmental Health)

If, during development, contamination not previously identified is found to be present in or on the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how the unforeseen contamination shall be dealt with and has obtained written approval of the remediation strategy from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons: This condition ensures that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework and to prevent deterioration of a water quality element to a lower status class of adjacent surface waterbodies and not to prevent the recovery of a drinking water protected area in the Mid-Chilterns Chalk groundwater body and to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C35 Infiltration of Surface Water onto the Ground (Environment Agency)

In the construction and operation of the development hereby permitted no drainage systems for the infiltration of surface water to the ground from the site shall be installed or permitted other than with the approval in writing of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reasons: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework. To prevent further deterioration of a water quality element to a lower status class of adjacent surface waterbodies and prevent the recovery of a drinking water protected area in the Mid-Chilterns Chalk groundwater body and to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

C36 Noise—no refrigerated HGVs or use of tug units (TRDC Environmental Health)

In the construction and operation of the development hereby permitted there shall be no operation of refrigerated HGVs or of tug units without prior details of such operations being submitted to and approved in writing by the Local Planning Authority which demonstrate that the proposed operation would not give rise to unacceptable noise levels.

Reason: To ensure that nearby residential properties are not subjected to excessive noise and disturbance having regard to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

Draft Conditions Not Agreed between the LPA and Appellant (29/03/2022)

C20 Noise Assessment (TRDC Environmental Health)

Draft LPA Wording:

Prior to the use of Unit 1 and Unit 2 by any prospective tenant (including all subsequent uses by future tenants thereafter in perpetuity), a noise assessment that demonstrates that the rating noise level from any fixed or mobile mechanical plant on the buildings or within the application site and commercial activity including all noise associated with deliveries and vehicle movements within the car park and service yards shall not exceed the background sound level representative of the period being assessed at noise sensitive receptors such as residential properties within Longmore Close (the noise sensitive receptors to have been previously agreed with the Council) shall be submitted to and approved in writing by the Local Planning Authority. The noise assessment should be carried out in line with the methodology presented in BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound. The use of Unit 1 or Unit 2 shall thereafter be implemented and operated in accordance with the approved noise assessment including undertaking the required mitigation measures (if required) contained therein (unless those mitigation measures would require separate planning permission from the LPA).

Reason: This is a pre-operation condition to ensure that nearby residential properties are not subjected to excessive noise and disturbance having regard to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

Draft Appellant Wording:

Prior to the use of Unit 1 and Unit 2 by any prospective tenant (including all subsequent uses by future tenants thereafter in perpetuity), a noise assessment that demonstrates that the rating noise level from any fixed or mobile mechanical plant on the buildings or within the application site and commercial activity including all noise associated with deliveries and vehicle movements within the car park and service yards shall not exceed 5 dB above the background sound level representative of the period being assessed, or 45 dB(A) during the day/40 dB(A) at night, whichever is higher, at noise sensitive receptors such as residential properties within Longmore Close (the noise sensitive receptors to have been previously agreed with the Council) shall be submitted to and approved in writing by the Local Planning Authority. The noise assessment should be carried out in line with the methodology presented in BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound. The use of Unit 1 or Unit 2 shall thereafter be implemented and operated in accordance with the approved noise assessment including undertaking the required mitigation measures (if required) contained therein (unless those mitigation measures would require separate planning permission from the LPA).

C37 Hours of Use/Operation

The hours of use of the development hereby permitted shall be restricted to the hours of 07.00 to 20.00 Mondays to Fridays (inclusive) and 10.00 to 16.00 (inclusive) Saturdays, Sundays and Bank Holidays. No deliveries shall be taken to or dispatched from other than within these hours.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).