

INTRODUCTION

1. This is an application for costs by CHPC EARA SRA collectively against Hertfordshire County Council ('HCC').
 2. The application is for a full award of costs; alternatively a partial award of costs.
 3. The application is made on the basis that HCC's conduct of the appeal was unreasonable, both prior to and during, including the late establishment of a Programme office and poor administration on notification of the Inquiry which added additional time commitments to all of us.
 4. The application has been made in writing, before the Inquiry closed, in accordance with the NPPG and the PINS Guidance.
 5. In summary, HCC has been unreasonable by not giving notice that it would not pursue RfR 2 and 3. We only discovered this via the planning proof of evidence.
 6. HCC actions has resulted in expense, through time commitments of individuals away from their normal day to day activities, which need not have been incurred, for which an award of costs is sought.
 7. The PINS Guidance addresses the type of behaviour which may give rise to a substantive award against a local planning authority, Examples of this include: failure to produce evidence to substantiate each reason for refusal on appeal
 8. HCC conceded RfR 2 and 3.
CHPC EARA and SRA were only aware when we read HCC's PoE in late October.
No engagement was ever suggested with us.
 9. Miss Lightfoot effectively conceded that RfR 4 may be addressed by planning condition. CHPC EARA and SRA as Rule 6 parties were excluded from any discussion on this. Dr Rivett had much less chance to contribute and then only on relatively very short notice.
- The process HCC appeared to adopt was effectively negotiating the 2021 application through the Appeal and thus removing public involvement.
10. Through Mr Tunnell's PoE HCC conceded RfR 1
 11. HCC appeared to be negotiating solutions to 'effectively consent to the 2021 application' via Conditions and obligations which deprived the public of engagement and the chance to lobby Committee members.
 12. HCC appointed Miss Lightfoot who met the EA, Affinity Water and Brett's adviser without Dr Rivett thus excluding CHPC and EARA/SRA as Rule 6 parties depriving us of equality of representation
 13. In the run up to the Inquiry, HCC were conceding without public scrutiny
 - a. Brett removing the concrete batching plant,
 - b. Brett agreeing either a scaled back pumping scheme in Phase G or none at all.This was without Dr Rivett present or engaged

c. More information on hydrogeology resolved HCC's concerns - again without Dr Rivett present or engaged.

14. Nineteen meetings took place between HCC and Brett with no contemporaneous evidence produced by either party to confirm the outcome of discussions.

15. The RfRs were withdrawn or diluted via evidence at the Inquiry and not before.

In consequence, the Rule 6 parties had to address the issues in the Inquiry emphasising what was already in our PoEs and as the cross examination demonstrated these were valid grounds for refusal.

16. HCC effectively agreed planning conditions via the SoCG.
These included groundwater discussions without Dr Rivett present or involved.

17. HCC have had 21 years to deliver the Trust yet it appears enforcement has only commenced as part of this Inquiry. It increased our costs as we have been seeking progress for a number of years.

18. EARA SRA CHPC seeks an award of costs for the additional costs arising from the failure to notify by letter those who had made representations on the application or appeal. Without our actions the public would have been disenfranchised.

19. The late completion of the SOCGH had a major impact on us to properly represent ourselves by the actions of HCC plus Brett, the EA and Affinity Water. It is clear EARA SRA CHPC incurred unnecessary time and costs in that regard, which left us at a disadvantage.

20 EARA SRA CHPC further reserves its position to claim on the three-week late submission of the SOCGH against any or all of the four other parties.

21 This Costs Application is not dependent on the outcome of the appeal.

Peter Cook
Colney Heath
Parish Council
Chair 2021-22

Craig Tallents
Smallford
Residents Association

Sue Meehan
Ellenbrook Area
Residents Association

29 November 2021