

Introduction

1. This is an application for costs by CHPC EARA SRA collectively against The Appellant (Brett)

2. The application is for a full award of costs; alternatively, a partial award of costs.

3. Brett have never explained why the 2021 application was submitted in parallel with the appeal although we suspect is so that it is aimed at not being heard at Committee.

It appears to be a deliberate strategy not to allow due process for the public to comment on the application and seek to have the presumed refusal heard in the same Appeal thus saving Brett costs whilst disrupting our preparation for the Appeal

4 The Brett strategy was substitution although phrased as “we would like the Inspector to consider the four changes” – effectively the 2021 application.

5. The tactic was designed to cause deliberate confusion for us and residents as to what was being heard including which scheme such as which plans were to be commented on plus the lack of clarity on bunds’ height.

6. Brett were dismissive that Councillors had the audacity to listen to the public on bromate and make it a refusal ground.

7 Brett by proposing conditions made substantial changes to the scheme for it to effectively be the 2021 Application being heard out of the view of the public without our professional and co-ordinated approach

8. At the Case Management Hearing (CMH), we were the only parties to vigorously oppose the Appeal being heard on any basis other than the 2016 scheme yet at every stage after that they treated the Appeal as the 2021 application. With so many 2021 references used even the Council started to think it was the new scheme being substituted to be heard.

9 Brett persisted with the 2016 appeal and then at every occasion available brought the 2021 application in to contention by conceding that the 2016 appeal would have counted against them – the Concrete batching plant, no pumping of the LMH at all and the increased stand off.

10. Brett redesigned the plant southern bund ‘on the hoof’ with a height of 4 metres when in other places ‘all bunds are at 5 metres’

11 the 2021 Application should have followed ‘due process’. Instead we were put to diverting part of our teams’ resources to advising the residents that, if they wanted to comment, they had to do so by the middle of the Appeal. Clearly a deliberate tactic to spread our efforts as thinly as possible and not to be properly digest the new application.

12 Brett chose not to engage with us on pumping because we were the only group in opposition and therefore deliberately not engaging with local stakeholders as it is our evidence that has resulted in the 'no pumping proposal'

13 It was our evidence that prompted consideration of the 100m separation proposal to minimise, but not eradicate the bromate plume risk.

14 Brett introduced the processing plant southern bund at 4 or 5 metres height well in to the Inquiry highlighting that there was no evidence of a landscape architect involved nor any thought for the Park user experience

15. CHPC and EARA argued at the CMH the correct process is to hear the Appeal and 2021 Application entirely separately so that the Appeal didn't become the hearing of the 2021 application.

16 At every opportunity Brett made every effort to combine the applications by effective substitution. In reality the 2016 Appeal was ignored.

17 Brett highlighted their stakeholder engagement strategy however no attempt was made to engage with us as a group or as individual organisations on the SoCG – as has occurred at other Inquiries - nor as part of SoCGH

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 The consistent late submissions of other key documents by Brett pu , as lay people, at a significant disadvantage.

22 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