

Richard Tilley

Helioslough Ltd.

Planning and Alternative Sites Summary

APP/B1930/A/09/2109433/NWF

Radlett

Strategic Rail Freight Interchange



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1.0 QUALIFICATIONS & EXPERIENCE

- 1.1 I am a member of the Royal Town Planning Institute (MRTPI), a member of the Royal Institution of Chartered Surveyors (MRICS), and I hold the Degree of Master of Arts in both Environmental Planning and Geography. I was a member of the Executive Committee of the London Branch of the RTPI from 1987 to 1992 and its Chairman in 1991.
- 1.2 I have over 25 years experience of the planning and implementation of development. I joined CgMs in 2000, following periods of work in local authorities, private consultancies and work in the development industry. As a Director of CgMs Consulting, I advise clients in both the Private and Public Sectors on the effects of Planning Policy on land use and development, and have acted for residents groups opposed to development schemes.
- 1.3 CgMs Ltd was instructed by Helioslough Ltd in 2002 to form part of the consultant team charged with the task of promoting the appeal site through the planning process with the aim of securing planning permission for the appeal scheme. Helioslough became involved in the site, following its earlier identification by Railtrack as a potential SRFI site.
- 1.4 At the first Public Inquiry I gave evidence on policy and general planning issues, including impact on the purposes of the Green Belt. I am familiar with the site and its surroundings and with the relevant policy framework.

2.0 SCOPE OF EVIDENCE

- 2.1 My Proof of Evidence relates to a single appeal submitted by the Appellant against the refusal on the 21st July 2009 by St Albans District Council (the Council") of outline planning permission for:

"CONSTRUCTION OF A STRATEGIC RAIL FREIGHT INTERCHANGE COMPRISING AN INTERMODAL TERMINAL AND RAIL AND ROAD SERVED DISTRIBUTION UNITS (331,665 M² IN USE CLASS B8 INCLUDING ANCILLARY B1/ B2 FLOORSPACE) WITHIN AREA 1, WITH ASSOCIATED ROAD, RAIL AND OTHER INFRASTRUCTURE FACILITIES AND WORKS WITHIN AREAS 1 AND 2, (INCLUDING EARTH MOUNDS AND A PARK STREET/FROGMORE RELIEF ROAD) IN A LANDSCAPED SETTING, AND FURTHER LANDSCAPING AND OTHER WORKS WITHIN AREAS 3 TO 8 INCLUSIVE TO PROVIDE PUBLICLY ACCESSIBLE OPEN LAND AND COMMUNITY FOREST." (*"The appeal scheme"*)

- 2.2 The Application Site comprises land in and around the former Aerodrome, North Orbital Road, Upper Colne Valley, Herts. The current application scheme is identical to the proposal that was subject to an application in 2006.
- 2.3 The 2006 planning application by Helioslough for an SRFI was refused by St Albans District Council. Helioslough appealed against the refusal. A Public Inquiry was held in autumn 2007 and the Secretary of State issued her decision in October 2008. The appeal was dismissed but on the narrow issue of the robustness of the alternative sites assessment. Save in relation to queries on two technical issues, all other matters were found to be acceptable by the Secretary of State.
- 2.4 In the Secretary of State's Decision Letter she stated:-

"The Secretary of State considers that the need for SRFI's to serve London and the South East is a material consideration of very considerable weight and had

the appellant demonstrated that there were no other alternative sites for the proposal, this would almost certainly have led her to conclude that this consideration, together with the other benefits..... were capable of outweighing the harm to the Green Belt and the other harm which she has identified in this case".

- 2.5 A new Study has been prepared to consider afresh the question of Alternative Sites. It addresses and overcomes the concerns of the Secretary of State. I will present evidence on whether there have been any material changes in reference to response national, regional and local planning policies, the need for the SRFI, and the methodology for the new alternative sites assessment and address all outstanding matters. In my evidence I will make particular reference to Document 9 HS/1.5, the assessment I prepared in response to the SDG report prepared on behalf the Council (9/CD 3.9).
- 2.6 I will demonstrate that the revised Alternative Sites Study (9/CD/2.8) has shown that there are no more suitable and available sites inside or outside of the Green Belt within the NW M25 Sector for providing an SRFI to serve London and the South East. Thus in the absence of any other material changes in circumstances since the last appeal decision there are Very Special Circumstances that outweigh the harm to the Green Belt and other harm identified by the Secretary of State.

Issues to be Raised by the Council

- 2.7 Fourteen reasons for refusal were put forward by the Council following its committee decision on the 21st July 2009 raising concerns with the new Alternative Sites Assessment and a wide range of other issues. Nearly all of these reasons for refusal were similar/identical to the reasons for refusal discussed in detail at the previous Public Inquiry with the exception of an additional reason on air quality (which has now been withdrawn by the Council). This Inquiry sat for 26 days, with extensive cross examination, and there was

no complaint that some issues had been omitted. Therefore the previous Inspector's/Secretary of State's conclusions should be viewed in this light.

2.8 Given that the Secretary of State had previously commented on all of the issues, including air quality, it was unclear what material changes of circumstances the Council was relying upon in support of the reasons for refusal. Due to this uncertainty, CgMs wrote to of St Albans District Council seeking clarification on what material change of circumstances the Council would be relying on.

2.9 A written response had not been received by the time the Pre-Inquiry Meeting took place on the 8th October 2009. At the meeting the Inspector pressed SADC to meet with the Appellant within a week and issue a letter dealing with the outstanding points.

2.10 Following this PIM, CgMs became aware that SADC were proposing to put this matter before their Planning Referrals Committee to review its case.

2.11 The decision to refer the matter back to Committee was made in response to advice given by the Inspector at the Pre-Inquiry Meeting who advised:

in view of the recent previous inquiry and decision by the Secretary of State for the similar proposal on the same site, the Inspector referred to Circular 03/2009, para B29 of which states that, irrespective of the outcome of an appeal, examples of circumstances which may lead to an award of costs against a planning authority include "... persisting in objections to a scheme or part of a scheme, which has already been granted planning permission or which the Secretary of State or an Inspector has previously indicted to be acceptable."

The Council has the responsibility for the presentation of its own case and whether or not, in the circumstances, its evidence remains within the bounds of reasonableness.

- 2.12 SADC reviewed its case at its Planning Referrals Committee on the 14th October 2009. The Committee resolved to partly alter some of the reasons for refusal as well as remove one of them.
- 2.13 At the time of writing my proof it is still far from clear as to what the Council's evidence is on its remaining 13 reasons for refusal. In my proof I have set out by issue "*topic*", and by reason for refusal what my understanding of the Council's case is and I then follow this by a summary of the appellant's evidence on these issues.
- 2.14 I will present evidence to demonstrate that the Council cannot substantiate any of its concerns insofar as I can ascertain what they are, because a) the new Alternative Sites Assessment shows that there is no site that would perform "*materially better*" than the appeal site in accommodating an SRFI; and b) there have been no changes in circumstances since the first Inquiry that would alter the Secretary of State's previous conclusions on the remaining matters in dispute. Thus I will show that in combining the wider environmental benefits of realising the potential of rail freight on a site, which has overwhelming advantages for this form of development, with substantial open space, landscaping and local transport benefits, the appeal scheme provides very special circumstances which clearly outweigh the reduction in openness and planning policy harm caused by inappropriate development in the Green Belt, and the other areas of harm identified by the Secretary of State.
- 2.15 Thus I will demonstrate that the proposed development accords with national, regional and local planning policy, and I therefore conclude that the appeal can be allowed and outline planning permission granted.