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Date: 13 October 2011

Dear Mr Lovelady

STRATEGIC RAIL FREIGHT INTERCHANGE, FORMER AIRFIELD, RADLETT

I write in reply to your letter dated 20 September 2011, with enclosures, and particularly to respond to the Secretary of State's request to know "Whether or not Hertfordshire County Council is prepared to join in as a party to the Undertaking in the light of the Secretary of State's comments made in paragraphs 32 and 33 of the decision letter;".

The County Council's previous view on that issue was provided in letters from Legal Services to you dated 7 November 2007 and 29 October 2009.

Subsequent to that second letter the County Council has become aware of the following:

1. The Inspector's findings and recommendations, as set out in his report dated 19 March 2010, in which he reached the following conclusions:

"Overall Conclusion

13.118 Accordingly, I conclude that the proposal would constitute inappropriate development in the Green Belt which, in itself, would cause significant harm to which substantial weight should be attached. Harm would also be caused to the Green Belt because of a loss of openness, significant encroachment into the countryside and the contribution to urban sprawl. There would be an adverse effect on the setting of St Albans, although the Secretary of State concluded previously that only limited weight should be attached to this. Harm would also arise from the adverse effects on landscape and ecology. Therefore, the proposal would conflict with Policies 1, 104 and 106 of the adopted Local Plan Review.

13.119 However, other considerations including, particularly the need for SRFIs to serve London and the South East and the lack of more appropriate alternative locations for an SRFI in the north west sector which would cause less harm to the Green Belt, together with the local benefits of the proposals for a country park, improvements to footpath and bridleways in the immediate area and the provision of the Park Street and Frogmore bypass, lead me to conclude that very special circumstances exist in this case which outweigh the conflict with the development plan and therefore the appeal should be allowed subject to conditions discussed in Section 12 and attached as Annex A.

13.120 Should the Secretary of State disagree with my conclusions and recommendation, he may wish to consider the circumstances of the provision of SRFIs to the north and west of London where schemes at Harlington and Colnbrook are currently being developed. At the date of completion of the report, the proposals have not been progressed to the application stage.”

2. The Secretary of State’s decision on the appeal, as set out in his decision letter dated 7 July 2010, in which he responded to the Inspector’s advice at para. 13.120 above and reached the following conclusion:

“25. For the reasons given above and having regard to the evidence before him, the Secretary of State is not satisfied that the appraisal of alternative sites has clearly demonstrated that there would be no other suitable location in the North West Sector that would meet the need for an SRFI in the foreseeable future in a significantly less harmful way than the appeal site. He therefore disagrees with the Inspector’s opinion that it cannot be rationally concluded that the Colnbrook site would meet the needs for an SRFI in a less harmful way than the appeal site (IR.103).”

3. The report to and the decision of Slough Borough Council’s Planning Committee, at its meeting on 8 September 2011, at which planning permission was refused for the reasons cited and which particularly included the following reason for refusal:

“2. The proposed development would result in the further coalescence of Slough and Greater London and the further loss of the separate identity of Slough. It has not been demonstrated that it is essential for the rail freight facility and warehousing to be in this location within the Strategic Gap between Slough and Greater London and so it is contrary to Core Policy 2 (Green Belt and Open Spaces) and Core Policy 1 (Spatial Strategy) of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.

3. The proposed development would result in the further urbanisation, loss of countryside recreation opportunities and severance of the Colne Valley Regional Park. It has not been demonstrated that it is essential for the rail freight facility and warehousing to be in this location within the Colne Valley Regional Park and so it is contrary to Core Policy 2 (Green Belt and Open Spaces) of The Slough Local Development Framework, Core Strategy 2006-2026 and Policy CG1 (Colne Valley Park) of The Adopted Local Plan for Slough 2004.

4. It is not considered that there is a specific need for a Strategic Rail Freight Interchange in this location. If there is a regional need for such a facility it is considered that this can be met at Radlett without causing so much harm to the Green Belt and other strategic policy and environmental concerns such as the Strategic Gap, Colne Valley Regional Park and air quality.”

4. That very recent decision of Slough Borough Council's Planning Committee, informed by a full and thorough report with recommendations from its Head of Planning Policy and Projects, has confirmed at first instance the conclusions of the Inspector in relation to the Colnbrook site which he set out at paras. 13.114 and 13.115 of his report.
5. In relation to the possible alternative site at Harlington, which the Inspector also dismissed at paras. 13.114 and 13.115 of his report, the position is that no application has come forward for that site and it may be that those with any interest in that site have taken very careful note of the Inspector's conclusions.

The County Council's position remains that until such time as there is either a decision to grant planning permission or a “minded to grant planning permission” decision in relation to any proposal for the Former Radlett Aerodrome site, the County Council does not consider it is appropriate for the County Council to provide any view on what its future decision/s on a request to join in an Undertaking might be.

However, if there is either a decision to grant planning permission or a “minded to grant planning permission” decision in relation to any proposal for the site, the County Council would then give very careful consideration to its position, as landowner, in relation to the matters raised by the prospect of planning permission being granted. The County Council understands that should those circumstances exist there would then be a matter of regional importance for the County Council to consider.

I also confirm that the County Council would negotiate in good faith to enable the County Council to consider joining into a s106 Undertaking if the Secretary of State was in fact minded to grant planning permission.

Yours sincerely



RP

Kathryn Pettitt
Chief Legal Officer