

[Local Planning Authority – Statement of Case]

Outline planning application (approval of means of access, siting and landscaping only) for the development of a Strategic Rail Freight Interchange comprising intermodal area, distribution buildings (Class B8 use) and other related floorspace (Class B1/B2 use) up to 331,665 sq.m. with a maximum height of 20 metres together with associated road, rail and other infrastructure works including parking for up to 1602 cars and 617 lorries with earth mounding, tree planting and a new Park Street/Frogmore relief road. Includes additional landscape and other works on further sites to provide public access to open land and community forest. The overall proposals involve some 419 hectares.

Appeal by Helioslough Ltd

In relation to land at

North Orbital Road, St Albans

STATEMENT OF CASE

1. The Appeal Site and its Surroundings

- 1.1 The Authority will describe the appeal site and its surroundings insofar as these matters are not agreed in the Statement of Common Ground.

2.0 The Planning History

- 2.1 The Authority will agree with the Appellant the relevant planning history which will be set out in the Statement of Common Ground.

3.0 Government Advice and Policies

- 3.1 The Authority will seek to agree with the Appellant relevant Government advice and policies in the Statement of Common Ground

4.0 Regional Policy and Guidance

- 4.1 The Authority will seek to agree with the Appellant relevant Regional Policy and guidance, in the Statement of Common Ground including in particular policies T10, ENV1, ENV2 and ENV3 of the East of England Plan published in May 2008.

5.0 Development Plan Policies

- 5.1 The statutory development plan for St Albans includes the Hertfordshire Structure Plan Review 1991-2011 adopted 1998, the St Albans District Local Plan Review 1994 adopted in 1994 and Hertfordshire Minerals Local Plan Review 2007.
- 5.2 The Authority will seek to agree with the Appellant that none of the policies within the Hertfordshire County Structure Plan Review 1991-2011 are relevant to the appeal proposals and only policy 14 of the Minerals Local Plan Review is relevant.
- 5.3 The Authority will seek to agree with the Appellant which policies contained in the Local Plan are relevant to the appeal proposals but otherwise may refer to Policies 1, 2, 34, 35, 39, 44, 69, 73, 74, 80, 84A, 85, 91, 96, 97, 102, 106, 111, 143, 143A.

6.0 Other Relevant Planning Considerations

- 6.1 The Authority may make reference to the following:

Sustainable Distribution – A Strategy
Strategic Rail Authority – Strategic Rail Freight Interchange Policy (2004)
Eastern Region Planning Assessment for the Railway (2006)
Freight Utilization Strategy (2007)
London Rail Freight Strategy (2007)
Land for Transport Functions – London Plan SPG (2006)
London Plan Consolidated with Alternations since 2004 (2008)
Regional Freight Strategy for East of England (2008)
South East Plan (2008)
Planning White Paper (2007)
East of England Regional Landscape Framework (2009)
Planning Act (2008)
East of England Plan (2008)
St Albans City & District Core Strategy Development Plan Document

Planning Issues

The Local Planning Authority has identified and will provide evidence on the following issues.

7.0 Impact on the Green Belt and Visual Impact

- 7.1 The Local Planning Authority will argue that proposed development is an inappropriate and harmful use in the Green Belt.
- 7.2 The appeal proposals are sited in a strategically important part of the Green Belt open countryside to the north of London that separates Radlett and outer London from the historic cathedral city of St Albans and the local settlements of Park Street/Frogmore from London Colney/Napsbury. The site helps contain the urban sprawl of the post-war years while also providing part of the setting to the historic city.
- 7.3 The site has recently been reinstated in accordance with development plan policy to agricultural use after being used for sand and gravel extraction following the closure of the aerodrome that had been active since the 1930s. The restoration of the site has significantly improved the condition and value of the site and increased its contribution to the open countryside character in an area subject to the pressures of urban fringe development.
- 7.4 There is a policy presumption against inappropriate development on the appeal site. The Authority will argue that the extent of development in terms of its size, bulk, massing, height and scale and its impact on the quality and appearance of the landscape will harm the character and openness of the Metropolitan Green Belt and would be highly significant and damaging, amongst other things, to the setting of the City.
- 7.5 It will be shown that the proposed development would have a 'significant adverse' impact on the landscape at year 15 and that the landscape value of the area is high.
- 7.6 The proposed development is therefore contrary to policy unless 'very special circumstances' can be demonstrated by the Appellant to clearly outweigh the harm caused by reason of inappropriateness and any other harm.
- 7.7 The Local Planning Authority will show 'very special circumstances' have not been established.

8.0 The Needs Case for an SRFI

- 8.1 Current policy support for SRFI's is underpinned by forecasts that the provision of SRFI's will stimulate rail freight use in the domestic non-bulk market, however the appellants proposals do not address this market. The Authority will show that there is limited policy support for the appellant's proposals.
- 8.2 The appellants' case that there is demand for an SRFI in the North West sector is flawed. There is no evidence that this quadrant would perform better than other locations to meet the strategic requirement, and no evidence of there being adequate freight demand for a rail based facility in this location. The appellant has failed to undertake an acceptable assessment of alternative sites even within the unjustly narrow confines of the North West sector. The results of the study do not demonstrate that no better sites exist for an SRFI, whether in the East of England Region or London and the South East generally.

8.3 On the basis that there may still be a policy requirement for further SRFI capacity serving London and the South East beyond that already approved, a number of sites identified publicly as potentially suitable for an SRFI are more suitable locations than that proposed by the appellant.

9.0 Other Rail Issues

9.1 It will be argued for the Authority that the site will not function as an SRFI as envisaged under the SRA Freight Interchange Policy.

9.2 The location of the proposal in relation to the Midland Mainline route is inappropriate in terms of its relationship and accessibility to primary rail freight flows and in the absence of significant improvements an efficient rail access.

9.3 The Authority will argue that the Appellant has not demonstrated that there is demand for a SRFI on the appeal site in particular because the proposal appears to be dependent on port related traffic contrary to the objectives of policy, the economics of such traffic in relation to the distance of the site from ports, and the forecast growth in freight being from non-bulk domestic freight.

9.4 It has not been demonstrated that there are adequate paths for freight movements on the Midland Main Line or on other approach routes to enable the proposed SRFI to function effectively or that the rail connection is viable, or operable; nor has necessary gauge clearance work been scoped adequately, and the costs of such work have not been assessed.

9.5 The failure to secure adequate rail access will prohibit the ability of the SRFI to function as a rail served facility, and again result in the likely outcome that the proposal becomes predominantly road based with the attendant failure to deliver the sustainability benefits promoted for such schemes and bringing the proposal therefore into conflict with policy, by failing to provide evidence of the 'very special circumstances' needed to justify development within the Green Belt.

10.0 Sustainability

10.1 The Authority will contend that there are a number of components to the issue of the sustainability of the proposed SRFI.

10.2 The relative lack of a nearby workforce contrary to SRA guidance and the absence of good public transport to the appeal site make the proposal potentially less sustainable than other possible locations, including locations within Growth Areas where policy objectives in relation to employment creation would also be better met.

10.3 The Authority will also argue that in the event that their concerns are realised about the facility becoming predominantly road based because of the absence of demand for a rail served facility either because it is in the wrong place or because it is ineffective in attracting rail borne business as a result of deficiencies in rail access, the appeal scheme would fail to realise the sustainability benefits such proposals are supposed to deliver.

10.4 Similarly the delivery of sustainability benefits to the region as a whole would be threatened if the appeal scheme were consented and then competed for available business with an approved SRFI effectively preventing either from being delivered.

11.0 Prematurity

- 11.1 The Authority will contend that there is a finite requirement for SRFIs to serve London and the South East. As similar proposals are brought forward the need to identify further sites diminishes. The Authority will argue that there are other, better, sites and that it would be premature to advance these appeal proposals in the absence of either the National Policy Statement, anticipated next year, a trans-regional assessment of potential locations or until further demand is established through the implementation and occupation of committed SRFI.
- 11.2 The Council will argue that there is no point in having a National Policy or indeed Regional Policies to identify suitable locations if such an approach is circumvented or made redundant by ad hoc decisions.

12.0 Road Traffic and Access

- 12.1 The reason for refusal recommended by the Local Highway Authority relates to the inadequacy of the information provided as part of the application to enable it to determine whether there have been any material changes to the local highway network and by extension whether or not any further reasons for refusal are justified.
- 12.2 Further work is being undertaken by the relevant parties to clarify the position.
- 12.3 The authority will argue that until the analysis by WSP and the Highways Agency is completed the impact of additional traffic generated by the development, as set out under Other Rail Issues cannot be fully assessed.

13.0 Noise

- 13.1 The Authority will contend that the information provided about development noise sources is inadequate as is information on construction site noise. The assessment methodology is flawed, guidance is incorrectly applied and other guidance is ignored.
- 13.2 On the basis of the available information the data indicates unacceptable harm, on the basis of BS 4142: 1997 and WHO guideline values which were revised in 2008.
- 13.3 The Authority will also contend that the proposed noise limit would not provide adequate protection to residents. The character and level of noise is likely to result in sleep disturbance and loss of amenity.
- 13.4 Furthermore, the results of noise calculations which are presented in the ES show that noise levels from the development are expected to exceed the limitation considered appropriate by the Inspector in the previous appeal which is therefore unlikely to be achievable.
- 13.5 The Authority will also argue that assessment of noise arising from the use of the proposed new rail access line does not take into account the potential character of that noise.

14.0 Air Quality

- 14.1 The Authority will provide evidence of the current and predicted concentrations of pollutants in the vicinity of the appeal site.
- 14.2 It will be shown that there will be an adverse impact in terms of air pollution at Frogmore (but not Park Street as referred to in the reason for refusal) and at Radlett and Elstree.

14.3 It will be contended that the failure of the SRFI to deliver the anticipated rail based traffic, will result in additional vehicle traffic which would exacerbate the impact on the surrounding area in terms of air quality.

15.0 Mitigation Issues

15.1 The Authority will argue that the proposed mitigation measures are unacceptable because the S106 Unilateral Undertaking proposed is ineffective in that it fails to bind all the landowners.

15.2 The proposed long term arrangements for the management of the Country Park and other mitigation proposals are defective because they fail to adequately demonstrate that funding and governance will be in place and available for the works and the necessary ongoing maintenance over the long term. In the absence of this information there are concerns over the ability to ensure that the proposed mitigation measures will be effectively implemented and managed to achieve the stated objectives.

15.3 Notwithstanding their concerns regarding the deliverability and management of the mitigation proposals, the Authority will contend that the proposals do not in practice represent mitigation for the harm done by development because public access to the areas already exists and also because they are in part already subject to restoration proposals.

15.4 The Authority will contend that there remain residual impacts which are not mitigated, such as the bird interest, and the Authority will provide evidence on the current status and value of the site in nature conservation terms.

16.0 Other Matters

16.1 Archaeological issues are dealt with in a Statement of Agreed Facts appended to the Statement of Common Ground.

16.2 Lighting issues are dealt with in the same way.

16.3 Documents A list of Core Documents is appended to the Statement of Common Ground.