

**BY POST AND EMAIL**

Mr Chris Howsham  
Department for Communities and Local Government  
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16347/A3/SF/ne

10<sup>th</sup> November 2011

Dear Mr Howsham

**APP/B1930/A/09/2109433: LAND IN AND AROUND FORMER AERODROME, NORTH  
ORBITAL ROAD, UPPER COLNE VALLEY, HERTFORDSHIRE  
APPEAL BY HELIOSLOUGH LTD  
APPLICATION REF 5/09/07/08**

Further to your letter of 19<sup>th</sup> October 2011 in connection with the above planning appeal, we are pleased to provide additional comments on the recent representations that have been made by the Appellant, on behalf of our client, Goodman Logistics Development (UK) Ltd ('Goodman'). Goodman does not wish to comment on the representations received from any other party.

These comments for obvious reasons do not repeat any representations previously made by Goodman in relation to this appeal. There are three matters within the Appellant's representations of 12<sup>th</sup> October 2011 on which Goodman wishes to comment, by reference to the paragraph numbers used in those representations:

**1. Paragraphs 41-44: Correct understanding of SG policies**

Goodman has already responded to this matter in the representations of September 2009 (Inquiry Document 9/G/1.1) and in the letter dated 14<sup>th</sup> October 2011. In addition, Goodman now comments as follows:

- (1) Helioslough's representations overstate the role and reasoning of the High Court judgment. It does not in any way prescribe the weight to be applied to strategic gap policy in Slough, or to any breach of such policy. The task for the Secretary of State is to consider, taking into account the Inspector's conclusions, whether the need for an SRFI could be met in a less harmful way taking into account all material considerations (which includes the smaller scale of Colnbrook, see below).
- (2) As is apparent, Goodman and Helioslough disagree as to which site performs better as an SRFI. In relation to the strategic gap issue, Slough Core Strategy policy CP2 falls to be applied by the Secretary of State on Goodman's appeal. It is not that there is a difficulty in

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showing compliance with the policy, as the Appellant suggests (paragraph 43) but rather that this is not the proper forum for a determination in respect of Goodman's specific proposal. In short, Goodman contends that to meet the need for an SRFI in the least harmful way that a SRFI must be located at Colnbrook.

- (3) In any event, Goodman contends that even if CP2 is not met, then planning permission should be granted as a result of the need for an SRFI and the overriding benefits of the scheme which amount not only to very special circumstances to outweigh the Green Belt harm but also any other harm, including impact (if found) on the strategic gap applying section 38(6) of the Planning and Compulsory Purchase Act 2004 (which is consistent with paragraphs 2.29-2.31 of the Core Strategy). The weight to be given to CP2, and any breach of it, must be considered in context.

## 2. 'Like for Like' (Paragraphs 4 and 45-52)

The arguments raised by the Appellant are not new material considerations. They are the same arguments that the Appellant has previously raised and which the Secretary of State has previously rejected.

The Appellant suggests that the Secretary of State should "not fall into the same error again" (paragraph 46), that is, the error of considering a smaller site at Colnbrook (the site area applied for) than at Radlett.

However, the High Court has confirmed that the Secretary of State fell into no such error.

These arguments formed the basis of Helioslough's challenge to the decision under grounds (1) and (2). The Secretary of State is respectfully referred to paragraphs 65 to 74 of the High Court judgment. In short, the Secretary of State is entitled to have regard to the fact that Colnbrook will deliver an SRFI of a smaller scale than Radlett.

Further, the scale of the proposals at Colnbrook has now been confirmed by the submission of the planning application described in Goodman's representations of 14<sup>th</sup> October 2011.

## 3. Colnbrook (Paragraphs 65-70)

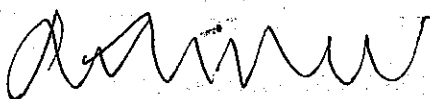
The Appellant expresses views on the relative merits of Colnbrook and Radlett by reference to documentation relating to Goodman's planning application. This is inappropriate.

The planning merits of Goodman's proposal and its Alternative Site Assessment will now fall to be determined on its planning appeal. Goodman disagrees with the comments made by the Appellant as to the relative merits of the two sites, and the documents submitted with the Colnbrook planning application support this view.

As previously confirmed, Goodman intends to appeal against the refusal of planning permission at Colnbrook.

We trust that that the above comments are of assistance in the determination of the appeal and please do let me know should you require any additional information at this stage.

Yours faithfully



**SIMON FLISHER**  
Director