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Our Ref: APP/B1930/A/07/2045747

1<sup>st</sup> October 2008

Dear Madam

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78)  
APPEAL BY HELIOSLOUGH LTD  
APPLICATION REF: 5/06/1680  
LAND IN AND AROUND FORMER AERODROME, NORTH ORBITAL ROAD,  
UPPER COLNE VALLEY, HERTS**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Andrew M Phillipson, BSc CEng FICE MIHT, who held a public local inquiry between 6 November 2007 and 20 December 2007, into your client's appeals under Section 78 of the Town and Country Planning Act 1990 against the decision of St Albans City and District Council (the Council) to refuse outline planning permission for construction of a strategic rail freight interchange (SRFI) comprising an intermodal terminal and rail and road served distribution units (331,665m<sup>2</sup> 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, in accordance with application number 5/06/1680 dated 27 July 2006.
2. On 4 June 2007 the planning appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990. The appeal was recovered because it relates to proposals for significant development within the Green Belt.

**Inspector's recommendation and summary of the decision**

3. The Inspector, whose conclusions are reproduced in the Annex to this letter, recommended that the appeal be dismissed and planning permission refused. For the reasons given below, the Secretary of State agrees with the Inspector's

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conclusions, except where stated, and with his recommendation. All paragraph references, unless otherwise stated, refer to the Inspector's report (IR).

### **Procedural matters**

4. In reaching her decision the Secretary of State, in common with the Inspector has taken into account the Environmental Statement submitted with the application under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, and the further environmental information supplied in the proofs of evidence submitted by the appellant's witnesses and the evidence of other parties to the Inquiry (IR16.4). The Secretary of State considers that the Environmental Statement, taken with the other environmental information provided in the course of the inquiry adequately address the environmental impact of the development. She is content that the Environmental Statement complies with the above regulations and that sufficient information has been provided for her to determine the application.

### **Matters arising after the close of the inquiry**

5. Following the close of the inquiry the Secretary of State received the following further representations:

9 January 2008	St Albans City & District Council
16 January 2008	CGMS Consulting
17 January 2008	St Albans City & District Council
17 March 2008	St Albans Community Forest Association
4 April 2008	St Albans City & District Council
23 May 2008	STRiFE
4 June 2008	Anne Main MP
15 July 2008	St Albans City & District Council
25 July 2008	CGMS Consulting
11 September 2008	e-Petition via number10.gov.uk (986 signatories)
24 September 2008	St Albans City & District Council

6. The Secretary of State has taken all the representations into account in reaching her decision but, in view of her conclusions below, she does not consider that any raised issues about which it is necessary for her to refer back to the parties prior to reaching her decision. Copies of the correspondence are available on written request.

### **Policy considerations**

7. In deciding the appeals before her, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise.
8. In this case, the development plan comprises: the Regional Spatial Strategy (RSS), *The East of England Plan*, published May 2008; saved policies of the *Hertfordshire Structure Plan Review 1991-2011*, adopted in 1998; saved policies of the *City and District of St Albans Local Plan Review*, adopted in 1994; the

*Hertfordshire Minerals Local Plan Review 2002-2016*, adopted in 2001; and the *Hertfordshire Waste Local Plan 1995-2005*, adopted in 1999.

9. The final version of the East of England Plan was published after the close of the inquiry. The Inspector identifies the main draft plan policies relevant to this appeal at IR5.10 - IR5.15. The Secretary of State has had regard to the fact that, with the exception of policies T1, T2, T5, T6, T10 and ENG1, those policies were published with no substantial changes in May 2008, and she agrees with the Inspector that those remain particularly relevant to this appeal. The Secretary of State has carefully considered the changes to policies T1, T2, T5, T6, ENG1 and to policy T10 (which is specifically concerned with the movement of freight and which refers directly to strategic rail freight interchanges). However, in view of her decision in this letter to refuse planning permission for the reasons set out below, she is satisfied that it is not necessary for her to refer back to parties about these changes.
10. The Secretary of State agrees with the Inspector (IR5.6) that policies in the Hertfordshire Structure Plan Review listed in the Statement of Common Ground as relevant to the appeal proposal have now expired. The Secretary of State also agrees that the Council's refusal notice was in error in stating that the proposal would be contrary to policy 52 of the Structure Plan (IR5.6 and its footnote).
11. With the exception of Policy 82, the Secretary of State agrees (IR5.7) that, of those policies from the St Albans City and District Local Plan Review referred to in the reasons for refusal and listed in the Statement of Common Ground as relevant to the proposals, only those listed by the Inspector at IR5.7 have been saved. With the exception of Policy 82 (which has not been saved), she considers that the policies set out at IR5.7 are the most relevant to her determination of this appeal.
12. The Secretary of State has had regard to the fact that no policies in the Minerals Local Plan or the Waste Local Plan were referred to in the Council's reasons for refusal or in the Statement of Common Ground (IR5.8)
13. Material considerations which the Secretary of State has taken into account include: PPS1: *Delivering Sustainable Development*; PPG2: *Green Belts*; PPG4: *Industrial and Commercial Development and Small Firms*; PPS7: *Sustainable Development in Rural Areas*; PPS9: *Biodiversity and Geological Conservation*; PPG13: *Transport*; PPG15: *Planning and the Historic Environment*; PPS22: *Renewable Energy*; PPS23: *Planning and Pollution Control*; PPG24: *Planning and Noise*; and PPS25: *Development and Flood Risk*; Circular 11/95: *Use of Conditions in Planning Permission*; and Circular 05/2005: *Planning Obligations*.
14. A further material consideration which the Secretary of State has taken into account is "*Planning and Climate Change*" (Supplement to PPS1), which was published on 17 December 2007. She notes that this document was not considered during the course of the inquiry (IR1.10), but in this case, the Secretary of State does not consider that this document raises any new issues which would either affect her decision on this appeal, or require her to refer back to parties for further representations prior to reaching her decision.

15. The Secretary of State has also taken into account the Consultation Paper on Planning Policy Statement 4 (PPS4): *Planning for Sustainable Economic Development*. However, as this draft document may be subject to further change, she affords it little weight.
16. The Secretary of State has had regard to IR5.16 about the Council's Core Strategy Development Plan Document. She observes that, since the close of the Inquiry, the Council has announced its intention to revise its Local Development Scheme and that, as a result, the Core Strategy Preferred Options consultation will be rescheduled. The Secretary of State considers that the Core Strategy is at too early a stage to be afforded any weight in this case.
17. The Secretary of State has also taken into account as material considerations those other documents identified by the Inspector at IR5.17. She observes that, since the close of the Inquiry, the London Plan Consolidated with Alterations since 2004 has been published, as has the Secretary of State's proposed changes on the emerging South East Plan, consultation on which closes on 24 October 2008. The Secretary of State does not consider that these developments raise any new issues which would either affect her decision on this appeal, or require her to refer back to parties for further representations prior to reaching her decision.

### **Main Issues**

18. The Secretary of State agrees with the Inspector that the main issues are those set out in IR16.2 – IR16.4, including the extent the appeal proposal complies with policies in the development plan.

### **Harm to the Green Belt**

19. The Secretary of State agrees with the Inspector that the development would constitute inappropriate development in the Green Belt and would therefore be in conflict with national and local policy. In line with guidance set out in PPG2, the Secretary of State attaches substantial weight to that harm. PPG2 and Development Plan policies therefore require the appellant to demonstrate that harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by very special circumstances that justify granting planning permission (IR16.1).
20. The Secretary of State agrees with the Inspector's reasoning and conclusions on harm to the Green Belt, as set out in IR16.5 – IR16.12. She agrees that, whilst the impact on the landscape of the proposal would be mitigated to some degree by the mounding and planting proposed, the proposal would have a substantial impact on the openness of the Green Belt and harm on this account cannot be mitigated (IR16.7). She also agrees that the proposal would result in significant encroachment into the countryside (IR16.8), and would contribute to urban sprawl (IR16.9).
21. For the reasons set out by the Inspector (IR16.10), the Secretary of State agrees with his view that the proposal would not lead to St Albans merging with Radlett, or Park Street and Frogmore merging with either Napsbury or London Colney.

22. With regard to the impact which the proposal would have on the setting and special character of St Albans as a historic town, the Secretary of State agrees with the Inspector, for the reasons he gives at IR16.11, that there would be some harm to the setting of the city.
23. The Secretary of State has considered the Inspector's comments at IR16.12 about whether the proposals would also be harmful to the Green Belt purpose of assisting urban regeneration. However, in view of her decision in this case, it is not necessary for her to reach any overall conclusion on this.

### Other Harm

#### *Landscape and Visual Impact*

24. The Secretary of State has had regard to the fact that it is common ground that, in considering landscape and visual impact, it is appropriate to consider Areas 1 and 2 (the SRFI) separately from Areas 3 to 8 (the 'country park') (IR16.13) .
25. For the reasons given by the Inspector, the Secretary of State agrees with the parties that the current landscape value of Areas 1 and 2 should be categorised as "*high*" and that, at year 15, the proposed development would have a "*significant adverse*" landscape impact on Area 1 (IR16.14). For the reasons given by the Inspector at IR16.15, she agrees that the impact in landscape terms on Area 2, whilst marginally adverse overall, would not be significant.
26. In terms of visual impact, the Secretary of State agrees with the Inspector that mitigation proposed in the form of bunding and planting on Area 1 would be extensive and, particularly from some viewpoints, would appear artificial and intrusive (IR16.16). Whilst she notes that the scale of the proposed landscaping and associated planting was not criticised by the Council (IR16.16), she agrees with the Inspector that: the scale, bulk and nature of the development proposed on Area 1 would result in significant visual impact from some quarters; that passengers in passing trains on the Midland Main Line would have a clear view of the warehouses and their associated service yards (IR16.17); and that the upper parts of the warehouses would also remain open to view from some higher vantage points (IR16.18).
27. The Secretary of State observes that landscaping proposed on Areas 3 to 8 comprises mainly tree planting, with limited mounding, and that future management of the areas would be aimed at enhancing the areas' potential for wildlife and informal recreation (IR16.19). She agrees with the Inspector that, in landscaping terms, there is no doubt that the proposals would be beneficial (IR16.20). However, like the Inspector, the Secretary of State considers that the works proposed for Areas 3 to 8 would do practically nothing to ameliorate the impact of the built development on Areas 1 and 2; rather the areas are for the most part discrete 'stand alone' areas with little or no visual connection to Areas 1 and 2 (IR16.21). Overall, she agrees with the Inspector that the degree of improvement to the landscape in Areas 3 to 8 would not be such as to offset the harm to the landscape caused by the proposed development on Area 1, and she agrees with the Inspector's conclusion that the overall impact on the entire site

would be moderately adverse (IR16.22). The proposal is therefore in conflict with development plan policies for the protection of the landscape.

#### *Effect on Conservation Areas*

28. For the reasons given at IR16.23 – IR16.24, the Secretary of State agrees with the Inspector that the impact of the proposed development on the Park Street and Frogmore Conservation Area would be positively beneficial, and the character and appearance of the Napsbury Conservation Area would be preserved.

#### *Ecological matters*

29. The Secretary of State has had regard to the fact that Natural England raised no objection in respect of those legally protected species found on the site, subject to appropriate measures being undertaken to protect them from harm (IR16.26). For the reasons given by the Inspector in IR16.25 – IR16.40, she agrees with his conclusion at IR16.179 that harm resultant from the proposed development to the underlying ecological interest would not be significant.

#### *Noise*

30. The Secretary of State has had regard to the fact that Policy 82 of the Local Plan, which is cited in the Council's tenth reason for refusal, has expired. Nonetheless, she agrees with the Inspector's assessment on noise matters at IR16.41 – IR16.55. She has taken account of the fact that the expert witnesses who appeared at the inquiry are agreed that increases in traffic noise affecting those living next to the railway line or those living near main roads would not be significant (IR16.43 and 16.180). For the reasons given by the Inspector (IR16.55), she considers the appellant's proposed condition 22 to be reasonable, and she agrees with the Inspector's conclusion (IR16.54) that noise generated by activity on the site during the night would not be unacceptable, albeit that it would be readily perceptible to residents living in quieter areas about the site. Overall, she agrees with the Inspector that noise from the development would not bring the proposal into conflict with the development plan (IR16.54 and IR16.180).

#### *Lighting and Air Quality*

31. The Secretary of State agrees with the Inspector that, for the reasons given at IR16.56 – IR 16.58, lighting on the site would not result in unacceptable sky glow or materially detract from the character or amenity of nearby residents living in Napsbury Park. Like the Inspector (IR16.57 – IR58), she agrees that no conflict with the development plan would arise in these respects. For the reasons given at IR16.59 – IR16.62, the Secretary of State also agrees with the Inspector that air quality concerns should not constrain the development (IR16.181).

#### *Effect on Passenger Rail Services*

32. The Secretary of State has had regard to concerns summarised by the Inspector at IR16.63.

33. Like the Inspector (IR16.65), the Secretary of State attaches weight to assurances from Network Rail and to their commitment to adopt best operating practices to regulate freight train access onto busy main lines. For the reasons set out by the Inspector at IR16.64 – IR16.65, she is reasonably assured that freight trains running to and from the proposed SRFI would not materially

prejudice the ability of the Midland Main Line to reliably carry passengers, or to accommodate the predicted growth in passenger numbers (IR16.65). On the issue of disruption from engineering works, like the Inspector (IR16.66), the Secretary of State has again had regard to the view of Network Rail about effecting the main line connection and the gauge enhancement works, and to their general commitment to working with all stakeholders to minimise the impact of possessions. She agrees with the Inspector, for the reasons he gives, that whilst some disruption to passenger services due to engineering works is inevitable, it would not be unusually severe (IR16.66). For the reasons given by the Inspector at IR16.67 – IR16.70, the Secretary of State agrees with the Inspector (IR16.71) that there is no reason to suppose that sufficient paths could not be made available to serve the terminal during the inter-peak hours and overnight.

### *Highways*

34. With regard to highways matters, the Secretary of State has had regard to the fact that the Highways Agency withdrew their remaining objection to the proposal, subject to a condition about the Park Street Roundabout being imposed on any permission granted (IR16.73). She has also had regard to the fact that the Council agreed that improvements to the London Colney roundabout could be dealt with by condition (IR16.80).

35. The Secretary of State agrees with the Inspector's reasoning and conclusions at IR16.74 – IR16.87 and with his summary conclusions at IR16.186 - IR188 and IR16.198. She agrees that very limited weight should be attached to the Councils' concerns about the design of the Park Street roundabout (IR16.74 and IR16.186). Like him (IR16.186 and IR16.198), she considers that concerns regarding the proposed roundabout on the A414 could be overcome when detailed designs are submitted for approval and she therefore affords the matter very limited weight. She also agrees (IR16.198) that fears that the development would increase traffic congestion and rat-running are generally not supported by the evidence, and that there is minimal risk that HGVs travelling to and from the site would use unsuitable roads. The Secretary of State also agrees with the Inspector, for the reason he gives, that the increase to traffic on the A5183 in peak hours is an issue to which limited weight should be attached (IR16.86).

### *Footpaths and Bridleways*

36. On footpaths and bridleways, the Secretary of State agrees with the reasoning and analysis set out by the Inspector at IR16.88 – IR16.97 and IR16.189. She has had regard to: the fact that one bridleway and one footpath would need to be diverted to accommodate development on Areas 1 and 2 (IR16.88); to the appellant's proposals for new routes, footpaths and bridleways as set out at IR16.90 and IR16.92 – IR16.93; and the appellant's proposals for footpath improvements outside the appeal site (IR16.94). The Secretary of State agrees with the Inspector that the impact which development on Area 1 would have on efforts by the Ramblers' Association to re-open a footpath across the former airfield is a matter which should not be taken into account in assessing the impact the proposals would have on existing rights of way (IR16.91).

37. For the reasons given by the Inspector at IR16.96, the Secretary of State agrees that it would not be reasonable to expect the appellant to upgrade crossings on

main roads in the area. The Secretary of State agrees with the Inspector's assessment that concerns that the proposals would increase the hazard to walkers and horse riders using minor roads in the area (IR16.95) stem from a belief that traffic from the SRFI would increase congestion on the principal roads in the area and hence lead to increased rat-running on the secondary roads (IR16.97). For the reasons set out at paragraph 35 above, like the Inspector, she does not share these concerns. Overall, the Secretary of State considers that the harm to existing footpaths and bridleways is outweighed by the appellant's proposals for improvements.

#### *Employment and Sustainability*

38. The Secretary of State agrees that St Albans enjoys very low levels of unemployment and that the majority of employees at the site would need to travel to it from outside the district (IR16.99 and IR16.200). She has had regard to the fact that "proximity to workforce" is one of the key factors listed by the former Strategic Rail Authority to be taken into account in selecting sites for SRFIs and agrees with the Inspector that the appeal site performs poorly against this criterion (IR16.100). However, she notes that, at the inquiry, no one challenged the availability of the workers per se (IR16.101) and, like the Inspector, she considers that proximity to workforce is an important, rather than a critical factor, in as much as the site would be able to function as a SRFI, providing workers are available that could travel to the site (IR16.100).

39. Like the Inspector (IR16.101), the Secretary of State considers that the fact that only a small proportion of workers would live locally is a disadvantage in terms of the relative sustainability of the travel to work pattern of the workforce, and that the site is not well placed to encourage workers to travel to it by means other than the private car (IR16.102). However, the Secretary of State agrees with the Inspector's consideration at IR16.103 – IR16.107 of how workers would travel to the site and, having regard to the provisions of the draft Travel Plan, like the Inspector she does not consider it would be reasonable to refuse planning permission for the development on account of sustainability concerns relating to the workforce's likely pattern of travel to work (IR16.194).

#### *Prematurity*

40. The Secretary of State has considered the contention that the proposals are premature in the absence of a region-wide study to establish the most suitable locations for SRFIs to serve London and the South East. Having had regard to the Inspector's consideration of the matter at IR16.109 – IR16.114, she agrees with his conclusion that a refusal of planning permission for the appeal proposal on prematurity grounds would lead to a substantial delay in providing further SRFIs to serve London and the South East, contrary to the Government's declared aim of increasing the proportion of freight moved by rail. Like the Inspector (IR16.114 and IR16.195), the Secretary of State does not agree with the Councils' prematurity argument.

#### Other Considerations

##### *Alternative Sites*

41. On the matter of policy support for SRFIs, the Secretary of State agrees with the Inspector's assessment at IR16.115 – IR16.120 including that Government

policies have consistently supported shifting freight from road to rail. She agrees that the former Strategic Rail Authority's (SRA) SRFI Policy gives no indication as to where the three or four SRFIs required to serve London and the South East should be located (IR16.118), and that there is no evidence to support the appellant's assertion that the SRA specifically identified Radlett as one of the these locations (IR16.120).

42. The Secretary of State agrees with the Inspector that, given the site's Green Belt location, whether or not the need which the proposal seeks to meet could be met in a non-Green Belt location, or in a less harmful Green Belt location, is a material consideration in this case (IR16.121). The Secretary of State has had regard to the Inspector's comments at IR16.123 – IR16.127 and she sees no reason to disagree with his conclusion (IR16.126) that, in the circumstances of this case, it was sensible and pragmatic to restrict the search for alternative sites to a SRFI at Radlett to broadly the north west sector studied by the appellant.
43. The Secretary of State has carefully considered the Inspector's detailed comments on the 'Alternative Sites Assessment' prepared by the appellant (IR16.128 – IR16.141). For the reasons given by the Inspector (IR16.129 – IR16.138), the Secretary of State agrees with his conclusions that the Alternative Sites Assessment is materially flawed, its results are wholly unconvincing and little reliance should be placed upon the report as it stands (IR16.138).
44. The Secretary of State has had regard to the appellant's request that, in considering the issue of alternative sites, she look beyond their study and ask if anyone has identified a better site or methodology for deciding upon a site (IR16.140). The Secretary of State has had regard to the Inspector's comments on this matter at IR16.141 – IR16.142 and she agrees with him that the remit of the inquiry was to consider the appeal proposal, and that objectors to that proposal should not be criticised because they did not put forward any alternative methodology or identify preferable sites.

#### *Park Street and Frogmore Bypass*

45. On the proposed Park Street and Frogmore bypass, the Secretary of State agrees with the Inspector that traffic travelling through Park Street and Frogmore on the A5183 would be reduced. She also agrees with his conclusion that the proposal's effect on the conservation area would be positive, and that it would bring about some improvement in the living conditions of residents living in houses fronting or close to the A5183 (IR16.143 – IR16.144). She affords this benefit a little weight.

#### *Country Park*

46. The Secretary of State has had regard to criticisms of the appellant's proposals for Areas 3 to 8 (IR16.145) and she agrees with the Inspector that the proposals for these Areas would not deliver a 'country park' in the sense that the term is generally understood (IR16.146). However, for the reasons given by the Inspector at IR16.146, she agrees that the proposals would be beneficial to the countryside. Like the Inspector (IR16.147), she sees no reason why the appellant's proposal should not be beneficial overall and add to the existing biodiversity interests present on the site. Overall, she agrees with the Inspector

(IR16.201) that the proposals for Areas 3 to 8 would accord with the development plan and with the objectives of the Watling Chase Community Forest Plan.

#### Other matters

47. The Secretary of State agrees with the Inspector that the impact of the warehouses is a matter that should be taken into account in determining this appeal. However, for the reasons he gives, she agrees that there is no reason per se to criticise the proposal on account of its size (IR16.148).
48. For the reasons set out by the Inspector at IR16.150 – IR16.157, the Secretary of State sees no reason why the proposed SRFI would become an essentially road-based operation or otherwise fail to operate as an SRFI.
49. The Secretary of State agrees with the Inspector, for the reasons he gives at IR16.158 – IR16.159, that minimal weight should be afforded to the doubts expressed about the benefits in terms of CO<sub>2</sub> savings identified in the appellant's Environmental Statement. She considers that some weight should attach to the benefits set out in the Environmental Statement.

#### Conditions and obligation

50. The Secretary of State has had regard to the proposed conditions set out at annex E of the Inspector's Report, the Inspector's assessment of conditions, as set out in IR16.166 – IR16.174, the policy tests in DoE Circular 11/95 and PPS23. With the exception of proposed conditions 21 and 30, which are considered further below, the Secretary of State is satisfied that the proposed conditions are reasonable and necessary, and meet the tests of Circular 11/95. However, she does not consider that they overcome her reasons for refusing the application.
51. With regard to proposed condition 21, the Secretary of State is not convinced that the condition does satisfy the requirement of PPS23 that, after carrying out development and commencement of its use, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. However, given her decision to refuse planning permission for reasons that do not relate to the substance of this condition, she did not consider it necessary to refer back to the parties on this matter.
52. The Secretary of State has carefully considered the planning obligation as executed by the appellant and made by Unilateral Undertaking under s.106 of the Town and Country Planning Act 1990 (the Undertaking). She considers that the provisions in the Undertaking are relevant and necessary to the proposed development and do comply with the policy tests in Circular 05/2005. However, she notes that the covenants only bind those parts of the application site owned by the signatories to the undertaking, and a major part is in the ownership of Hertfordshire County Council. She agrees with the Inspector that the County's interest would also need to be bound if the obligation is to be enforceable IR16.161 – IR16.162. However, she disagrees with him that it is appropriate to impose suggested condition 30 which attempts to deal with this deficiency (IR16.163 – IR16.165). This is because she considers such a condition would be

contrary to the guidance in paragraph 13 of Circular 11/95. For these reasons, the Secretary of State places very limited weight on the Undertaking in reaching her decision, but in view of her conclusion on the planning merits of the proposal, she did not consider it necessary to pursue the matter further.

### **Green Belt Balancing Exercise**

53. The Secretary of State has concluded that the proposal would constitute inappropriate development in the Green Belt, and she attaches substantial weight to this harm. She has also identified that it would further harm the Green Belt because it would cause a substantial loss of openness, significant encroachment into the countryside and it would contribute to urban sprawl. She considers that the harm from loss of openness, encroachment and urban sprawl would be substantial. She also considers that limited weight should be attached to the harm she has identified to the setting of the historic city.
54. In terms of landscape impacts, the Secretary of State has concluded that, on the main SRFI site (Area 1) significant adverse impacts would result, but that the new rail line through Area 2 would have only a marginal adverse impact. The Secretary of State has also concluded that, whilst the proposal's impact on Areas 3 to 8 would be beneficial, the degree of improvement to the landscape in these areas would not offset the harm to the landscape overall, and she agrees with the Inspector that the overall impact on the entire site would be moderately adverse.
55. The Secretary of State has also attached limited weight to concerns about highways.
56. Having considered the harm which the development would cause, the Secretary of State has gone on to consider whether the appellant has demonstrated that there are other considerations which clearly outweigh these harms.
57. The Secretary of State considers that there are a number of benefits with the proposal, including the appellant's proposals for the country park areas, improvements to footpaths and bridleways, and the provision of a bypass to Park Street and Frogmore. She also attaches some weight to the predicted reduction in CO<sub>2</sub> emissions identified in the Environmental Statement. Notwithstanding the uncertainty as to the number of workers at the SRFI who would live close to the site, the Secretary of State does afford some weight to the benefits which would be generated by employment at the site, and she agrees with the Inspector that it would not be reasonable to refuse planning permission for the development on account of sustainability concerns relating to the workforce's likely pattern of travel to work (IR16.194).
58. The Secretary of State considers that the need for SRFIs 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 she has referred to above were capable of outweighing the harm to the Green Belt and the other harm which she has identified in this case (IR16.202). However, like the Inspector, she considers the appellant's Alternative Sites Assessment to be materially flawed and its

results to be wholly unconvincing (IR 16.203). She considers this failing to be critical. In view of this, she concludes that the appellant has not shown that the need for the proposal or the benefits referred to above constitute other considerations which clearly outweigh the harm to the Green Belt and other harm which this development would cause, and that very special circumstances to justify the development have not been demonstrated.

### **Overall Conclusions**

59. For the reasons given above, the Secretary of State has concluded that the proposal does not comply with the development plan as it is inappropriate development in the Green Belt, and that it would also cause substantial further harm to the Green Belt. She has also identified limited harm from conflicts with the development plan in relation to landscape and visual impact and highways, but considers these would be insufficient on their own to justify refusing planning permission. The Secretary of State is not satisfied that the appellant has demonstrated that no other sites would come forward to meet the need for further SRFIs to serve London and the South East, and she is unable to conclude that the harm to the Green Belt would be outweighed by the need to develop an SRFI at Radlett and that this is therefore a consideration amounting to very special circumstances. Having balanced the benefits of the proposal against the harm to the Green Belt, she also concludes the benefits of the proposal taken either individually or cumulatively would not clearly outweigh the harm to the Green Belt and do not constitute very special circumstances.
60. The Secretary of State therefore concludes that there are no material considerations of sufficient weight which require her to determine the application other than in accordance with the development plan.

### **Formal Decision**

61. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. She hereby dismisses the appeal and refuses outline planning permission for construction of a strategic rail freight interchange comprising an intermodal terminal and rail and road served distribution units (331,665m<sup>2</sup> 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.
62. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within 6 weeks of the date of this letter.

63. A copy of this letter has been sent to St Albans City and District Council and all parties who appeared at the inquiry.

Yours faithfully,

**Christine Symes**

Authorised by the Secretary of State to sign in that behalf