Ms Christine Symes  
Department for Communities and Local Government  
Zone 1/H1  
Eland House  
Bressenden Place  
LONDON SW1E 5DU

Dear Ms Symes

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL BY HELIOSLOUGH LIMITED  
LAND IN AND AROUND FORMER AERODROME, NORTH ORBITAL ROAD,  
UPPER COLNE VALLEY, HERTFORDSHIRE

Thank you for your letter dated 15 September 2011. This letter and its enclosures comprise St Albans City & District Council’s response to the three issues on which you have requested representations. The District Council responds as follows, addressing each of the points which you raise:

3(a) The Council takes the view that the Secretary of State should adopt the reasoning set out in paragraphs 31-33 of the decision letter of 7 July 2010 when assessing the weight to be placed on the Appellant’s suggested alternatives of draft condition 33. No challenge was made by the Appellant to that aspect of the Secretary of State’s decision in the recent proceedings and there has been no change in circumstances which would warrant any different approach being taken. Some form of condition or other mechanism would be required to overcome the deficiency in the proposed undertaking and, as the Secretary of State recognised in the letter of 7 July, each of the alternative conditions fails the tests set out in Circular 11/ 95. That conclusion should be reached again.

3(b) A letter dated 13 October 2011 has been sent by Hertfordshire County Council to the Secretary of State regarding this issue. The County Council’s letter does not alter the applicability of the Circular guidance referred to above or the appropriateness of the Secretary of State’s conclusions on the adequacy of the undertaking or the proposed condition.

3(c) There are a number of changes of circumstances which the Council would ask the Secretary of State to take into account. These matters are dealt with in detail in the enclosed reports of Steer Davies Gleave and Woods Hardwick. In general terms, however, they comprise the following:
i) In respect of rail issues, a number of new documents have placed considerable emphasis on the importance of the West Coast Main Line and Great Western Main Line routes for freight with little if any recognition of the Midland Main Line. This indicates clearly that Colnbrrook will achieve a modal shift of freight distribution from road to rail, the principal aim of an SRFI; this also suggests that Radlett will not. Second, the London and South East Route Utilisation Strategy has further formalised the likely configuration of the Thameslink Service in the off peak during the day. The Council’s submissions made at paragraphs 39-40 of the second part of its Closing Submissions, that Radlett will not be able to achieve access onto the Midland Main Line during the day, are given additional weight. Together these matters indicate that Colnbrook should be preferred over Radlett.

ii) In respect of policy issues, the enclosed report of Woods Hardwick has indicated a number of changes of policy which together point to Colnbrook being favourable in policy terms over Radlett. This report and the Steer Davies Gleave report also note that the recent decision by Slough Borough Council to refuse permission is a change of little significance given the existence of the right of appeal and the errors of judgment apparent in the reasoning behind the decision.

The Council does not consider it necessary to reopen the inquiry and does not ask the Secretary of State to do so.

Yours sincerely

M. Lovelady LL.B. (Solicitor)
Head of Legal, Democratic and Regulatory Services

Enclosures:

Steer Davies Gleave Report (including appendices A - F)
Woods Hardwick Report (plus appendices 1 – 6)
APPEAL BY HELIOSLOUGH LIMITED
LAND IN AND AROUND FORMER RADLETT AERODROME, NORTH ORBITAL ROAD, UPPER COLNE VALLEY, HERTFORDSHIRE

New Matters and Changes in Circumstances: Rail Freight

Final Report

October 2011

Prepared for:
St Albans City & District Council
St Peter's Street
St Albans
Hertfordshire
AL1 3JE

Prepared by:
Steer Davies Gleave
28-32 Upper Ground
London SE1 9PD

+44 (0)20 7910 5000
www.steerdaviesgleave.com

SADC Ref: 5/09/0708
SDG Ref: 22431301
Appeal Ref: APP/B1930/A/09/2109433
1 Introduction

1.1 This report sets out on behalf of the Local Planning Authority changes in circumstances on rail freight issues since the Inquiry closed on 18 December 2009.

2 New Documents

2.1 Steer Davies Gleave has reviewed the following new documents that have been published since the conclusion of the 2009 Inquiry (in order of publication):

- East Midlands Route Utilisation Strategy (Network Rail), February 2010;
- Great Western Route Utilisation Strategy (Network Rail), March 2010;
- London and South East Route Utilisation Strategy, (Network Rail), July 2011;
- The London Plan, Spatial Development Strategy for Greater London (Mayor of London), July 2011;
- Planning Committee Report on Slough International Freight Exchange (SIFE) application (Slough Borough Council, September 2011) and the Refusal Notice (8 September 2011); and
- Initial Industry Plan England and Wales, Proposals for Control Period 5 and Beyond (Rail Freight Operators Association, Railway Industry Association, Association of Train Operating Companies & Network Rail), September 2011.

3 Initial Industry Plan

3.1 The Initial Industry Plan (IIP) England and Wales, prepared by Network Rail, the Association of Train Operating Companies (ATOC), the Railway Industry Association and the Rail Freight Operators Association (September 2011) sets out how the industry can deliver a more efficient and better value railway and how the railway can play a key role in driving sustainable economic growth. It provides a starting point for discussion with Government and the Office of Rail Regulation (ORR) on the priorities for Control Period 5 (CP5 (2014 - 2019)) and takes account of the Rail Value for Money Study (DfT/ORR May 2011), and the cross-industry work on Route Utilisation Strategies (RUS).

3.2 The key points of relevance to the proposed rail freight interchange at Colnbrook (SIFE) are:

- Specific mention of how gauge clearance on the Great Western Main Line (GWML) including the connection to the West Coast Main Line (WCML) at Acton “also enables freight terminals to be developed at Colnbrook” (Page 99); also, in relation to gauge clearance of the GWML “a business case will be developed over the forthcoming months” (page 140) and the opportunity “to minimise disruption to rail users and deliver this scheme [gauge clearance for 9’6” containers] efficiently in conjunction with the electrification of the Great Western Main Line” (page 140).
- Emphasis on Southampton to WCML capacity enhancements which “provides the network capability required to accommodate the forecast growth in freight...”
New Matters and Changes in Circumstances: Rail Freight

traffic between the terminals at Southampton and the West Midlands/West Coast Main Line” (Page 98).

3.3 In relation to the Midland Main Line (MML) in the IIP there are:

I No proposals to provide gauge clearance on the MML or on its connections, both of which would be required to enable 9’6” containers to access a Strategic Rail Freight Interchange (SRFI) at Radlett.
I The proposed fund does not provide for any enhancement to the routes which would be necessary for 9’6” container trains to travel to a SRFI at Radlett.
I No mention of Radlett as a possible rail freight interchange/terminal or SRFI.

3.4 The IIP report, page 93, refers to “measures to enable the running of longer aggregate trains from Peak Forest to destinations in London via the Midland Main Line” plus the possible electrification of the line north of Bedford (page 105). Capacity for these aggregate trains is provided by the two trains per hour existing freight paths in each off-peak standard hour past the Radlett site which are compatible with the future Thameslink service proposals (see paragraph 4.6).

3.5 There are references in the IIP report to the significance of the Thameslink programme in terms of the scheme benefits and the capital investment of the scheme. For example, Table 1 of the IIP (page 27, included as Appendix A) shows Network Rail’s expenditure in England & Wales for 2009-10 (based on 2011/12 prices). Enhancement expenditure accounted for 14% of all Network Rail expenditure (£942m), and the Thameslink programme was by far the largest item, accounting for £422m of the total.

3.6 It is clear from proposals made in the IIP, that the rail industry is planning for development of a freight network which would support a terminal at Colnbrook, and that a SRFI at Radlett does not feature in its plans.

4 London and South East Route Utilisation Strategy

4.1 The 2011 London and South East RUS concludes that significant additional freight paths will be required in future from the key ports of Southampton, Felixstowe / Bathside Bay and the London Gateway area in particular based on current forecasts.

4.2 From Southampton, the preferred route identified to Nuneaton is via Winchester, Oxford and Coventry, and to Daventry via Winchester, South West Main Line and Kew. Alternative routes would go via Winchester, Reading and Acton (page 166).

4.3 From Felixstowe, the majority of traffic will either route cross country via Bury St Edmunds, or via London, using the Great Eastern Main Line, North London Line, joining the WCML at Camden Junction (page 175).

4.4 From London Gateway, the preferred route is via the Gospel Oak-Barking Line, joining the WCML at Willesden. The reason for this preference is stated in paragraph 9.5.7 “only the WCML option avoids major issues in terms of interaction with passenger services in the London area, so this route is recommended as the preferred routing choice for most London Gateway traffic to the north”
4.5 The 2011 RUS acknowledges major operational constraints for routing freight along the MML in Table 9.8 (included as Appendix B to this report):

- “Interaction with intensive Thameslink service north of Carlton Road junction on the MML”;
- “Restrictions on loading gauge with 3 gauge-constrained tunnels, and numerous bridges, between Carlton Road junction and Bedford”; and
- “significant infrastructure enhancement costs involved to enable efficient carrying of 9’6” international shipping containers on conventional wagons.”

4.6 The RUS 2011 states that “some opportunities for using the MML south section (Carlton Road Junction - Bedford) will continue to be available following the completion of the Thameslink programme, with two trains per hour freight paths anticipated by the RUS in each off peak standard hour. However many of these paths are likely to be taken up by existing domestic traffic (for example aggregates), so options for London Gateway growth would be extremely limited, even if this were the preferred routing to the North.” (Paragraph 9.5.12). The available existing freight paths are 60% utilised at present and future growth in aggregate traffic (see section 6 below) could increase utilisation of the existing off peak freight paths to 75%.

4.7 In addition, the RUS concludes that given the gauge constraints on the MML, and the extremely high cost and disruption caused by their resolution (above all in the Kentish Town/Carlton Road area), an alternative routing for freight trains would be appropriate:

‘Whilst there are potentially smaller scale opportunities to provide additional or higher speed crossovers [on the MML] to reduce to a limited degree the interaction between MML freight and Thameslink services this is not sufficient to change the conclusion that an alternative routing strategy, generally involving the WCML, is preferred.” (Paragraph 9.5.12).

4.8 The statement contained in the quotation above clearly establishes that the prime freight route to the Midlands, the north of England and Scotland is the WCML. This is because its gauge is appropriate to the type of traffic (9’6” containers); it has good connections to a variety of routes to and from the ports; it is electrified; and freight terminals have been developed close to the WCML.

4.9 The RUS is fully consistent with the emerging picture of freight paths following the opening of the proposed HS2 to the West Midlands, in that the WCML has the necessary gauge and capacity to accommodate the expected traffic in line with the commercial aspirations of freight operators and freight services continue to be will be concentrated on the WCML. The MML will continue its current role of handling existing domestic freight traffic using the existing 2 trains per hour freight paths past the Radlett site in each off peak hour which is compatible with the future Thameslink service.

4.10 The RUS includes formal publication, for the first time (Table 5.2 and included as Appendix C to this report) of the indicative services for Thameslink in 2018 with 24 trains per hour through the core Central London section in the peak periods, and 16 trains per hour on the MML past the Radlett site. At the time of the Inquiry, only an “indicative picture of their [Thameslink] aspirations” was available in
New Matters and Changes in Circumstances: Rail Freight

Page 69 of the Consultation Draft of the East Midlands RUS, August 2009 (indeed these “aspirations” were not included in the final published East Midlands RUS, February 2010).

4.11 Paragraph 5.5.3 of the RUS sets out the latest position, stating that “during the RUS consultation, stakeholders sought additional information regarding the assumptions made in connection with the timetable structure which might be implemented upon completion of the Thameslink programme in 2018. It is emphasised that no decisions have been taken in this regard and timetable development work is ongoing. Based on analysis undertaken to date, the 24 trains per hour Thameslink core service as described in Table 5.2 has been assumed by the RUS in this assessment.” Table 5.2 provides more clarity on the likely routes of the Thameslink trains using the slow lines of the MML in the future. It indicates that as many as 10 Thameslink trains per hour off peak will be using the slow lines at the location where the proposed Radlett SRFI would need to be accessed.

4.12 Two existing freight paths past the Radlett site will be retained meaning a total of up to 12 trains per hour off peak on the slow lines would have to be taken into account when detailed modelling of the operation and signalling of the proposed junction serving the proposed SRFI at Radlett is undertaken by Network Rail and/or the applicant.

5 Great Western Route Utilisation Strategy

5.1 Page 7 of the Executive Summary to this RUS confirms that the GWML, to which the Colnbrook branch line serving SIFE is directly connected, is the second busiest freight corridor into London. The same page also confirms that Crossrail will not reduce the freight capacity on the GWML, saying “The provision of freight paths in the latest Crossrail timetable proves sufficient to accommodate predicted freight growth to at least 2030”.

5.2 There is further comment on rail freight in paragraph 6.6.3.15, which states “Freight capability issues across the national rail network will continue to be addressed through the Strategic Freight Network (SFN), with priorities being drawn together for Control Period 5 (CP5) and beyond. With the announcement of the electrification of the Great Western Main Line (GWML), it is proposed to complete where practicable, the gauge clearing works to enable W12 gauge at the same time as the electrification works. This then provides a wider scope for W12 gauge across the RUS area from London Paddington to Swansea and Reading to Newbury to complement the Southampton to WCML works already underway” (page 140).

5.3 Gauge clearance to W12 on the GWML would mean that 9’6” containers could access an SRFI at Colnbrook from Reading to the west and from Acton to the east. At Reading the GWML joins the gauge cleared route from Southampton to Nuneaton/WCML. Gauge clearance on the GWML would therefore enable 9’6” container trains to access a SRFI at Colnbrook from Southampton via Reading and from the WCML via Reading or via Acton.
6 East Midlands Route Utilisation Strategy

6.1 The Executive Summary of the East Midlands RUS quotes the following on Page 7:

“Analysis has demonstrated that the current provision of generally two off-peak daytime freight paths per hour on the MML, at current utilisation levels of 60 percent, is sufficient to accommodate the forecast growth in the short term. A third path per hour has been demonstrated as not being achievable within the constraints of the current infrastructure”.

“The RUS recommends that two off-peak daytime paths in each direction (the southbound path being 60mph and 2000 tonnes trailing load) are preserved south of Bedford within the Thameslink Programme development timetable”.

6.2 Also in para 4.5.2 the RUS explains:

“The aggregates market is a major contributor to rail freight in the RUS area, with four major quarries in the area at Croft, Bardon Hill, Stud Farm and Mountsorrel that serve London and the south east markets using a number of terminals on the MML, in the London area and elsewhere. There is also aggregates traffic from the Peak Forest area. The Freight RUS expected construction traffic to grow by 20 percent in tonnes lifted over the period, and approximately 25 percent in train numbers”.

6.3 A 25% increase in freight train numbers would increase the current utilisation of the existing two freight paths per hour off-peak on the MML from 60% to 75%.

6.4 Section 5.4.3 sets out the freight capability of the routes within the East Midlands RUS area and states:

“The constraints associated with the availability of freight paths on the MML are highlighted in Chapter 3. Analysis has demonstrated that the current provision of generally two off-peak daytime freight paths per hour in each direction on the MML, with most northbound services having light weight trailing loads, and with current utilisation levels of 60 percent, is sufficient to accommodate the forecast growth in freight traffic that needs to operate on this section of the route. There is limited ability to serve multiple destinations from these paths. The RUS assessment of freight capacity south of Bedford also concluded that there is a potential conflict between the operation of additional Thameslink off-peak services north of Cricklewood and the need to accommodate freight trains. This conclusion will need to be tested as part of the timetable development work led by the Thameslink Programme.”

6.5 It is clear from the above that the existing two freight paths per hour past the Radlett site are well used and are likely to be more fully utilised in the future due to the growth of aggregates traffic. Appendix D to this report shows the current freight trains per day on the MML. The existing two freight paths per hour off-peak past the Radlett site will be retained and are compatible with the future Thameslink services, but a third freight path per hour has been demonstrated as not being achievable. Also, there is a potential conflict between the future Thameslink off-peak services and freight trains which is acknowledged by Network Rail as needing to be tested as part of the timetable development work being led by Thameslink.
New Matters and Changes in Circumstances: Rail Freight

7  London Plan

7.1  The London Plan (July 2011) includes a policy on Strategic Rail Freight Interchanges (Policy 6.15). This policy is set out as follows:

“The provision of strategic rail freight interchanges should be supported, including enabling the potential of the Channel Tunnel Rail Link to be exploited for freight serving London and the wider region.”

“These facilities must:

i) Deliver modal shift from road to rail;

ii) Minimise any adverse impact on the wider transport network;

iii) Be well-related to road and rail corridors;

iv) Capable of accommodating the anticipated level of freight movements; and

v) Be well related to their proposed markets.”

7.2  The Plan also states in paragraph 6.15 that

“The Mayor will need to see robust evidence that the emissions savings and overall reduction in traffic movements are sufficient to justify any loss of Green Belt…and localised increases in traffic movements”.

8  SIFE Application at Colnbrook

8.1  At the time of the 2009 Radlett Inquiry, and the subsequent Inspector’s Report (19 March 2010) the Secretary of State’s Decision Letter (7 July 2010), Goodman had yet to submit their application for the development of Slough International Freight Exchange (SIFE). The planning application was registered on 27 September 2010 and subsequently refused by Slough Borough Council on 8 September 2011.

8.2  The refusal of planning permission is not, in itself a material change in circumstances but the submission of the application is.

8.3  In our view Slough Borough Council’s refusal of planning permission for SIFE does not substantially change the situation with regard to the suitability of that site to accommodate a SRFI. The reasons for refusal are generally matters of judgment and therefore are capable of being overturned and permission granted on appeal and do not relate to the suitability of the proposal to function as a SRFI.

8.4  At around 190,000sqm, the SIFE proposal at Colnbrook would provide almost half of the overall South East initial requirement for SRFIs of 400,000sqm quoted in the SRA’s Strategic Rail Freight Interchange Policy, March 2004,(first line of the table in Appendix E to this report), and indeed is only fractionally smaller than the consented SRFI at Howbury Park (approximately 198,000sqm).

8.5  Paragraph 27.2 of the officer’s report on the application states that “SIFE will not be able to serve the Great Western Mainline in a westerly direction. As a result, since all trains using SIFE will have to pass through London, there is no case for having an SRFI at this location”. This statement is not correct. Currently, freight
trains from the west access the branch at Colnbrook by undertaking a reversing manoeuvre and this method could be used to access the new terminal, meaning that there is no requirement for “all trains” having to pass through London. Paragraph 27.9 expresses the view that Radlett is a better site than Colnbrook in terms of road and rail access. In terms of road, this is contrary to the view expressed by Slough Borough Council in para 10.33, which states “The only possible justification for SIFE is that it is in a good location for road transport distribution, given its proximity to the motorway network west of London”.

8.6 In terms of rail, there is no evidence set out or included in the committee report that suggests that Radlett has rail links which are as good as or better than those to SIFE. In fact, the applicants have proposed to enter into a Section 106 Legal Agreement setting out their rail freight commitments which provide significant confidence that Colnbrook would operate successfully as a SRFI.

8.7 Slough Borough Council stated in paragraph 17.22 that all of the proposals contained in the Section 106 “are to be welcomed” but they were not considered sufficient to guarantee the high level rail use required in paragraph 2.30 of the Core Strategy (Appendix F) and secure planning permission from the Council.

8.8 What is clear is that the applicants for SIFE have agreed to a capital commitment to developing rail infrastructure before occupation of the warehouses. By contrast, the recommended conditions appended to the Inspectors Report for the Helioslough application fail to give anything like the same level of confidence that rail freight services will operate to and from Radlett. In particular, a SRFI at Colnbrook would be rail connected to a gauge cleared route (GWML) from opening.

8.9 None of the reasons for refusal of SIFE given by Slough Borough Council state that the proposal is incapable of operating as a Strategic Rail Freight Interchange.

8.10 We do not accept Slough Borough Council’s analysis of the merits of Colnbrook (SIFE) as a SRFI. Colnbrook will have excellent access to/from the key strategic gauge cleared routes; via the GWML to Reading/Nuneaton or via Acton to the WCML and via Reading to Southampton. It will also have excellent access to both the M25 and M4 and provide almost half of the overall rail connected warehousing requirement for SRFIs serving London and the South East. For these reasons, Colnbrook is more capable than Radlett of achieving a modal shift of freight distribution from road to rail, which is a key aim for a SRFI.

9 Conclusion

9.1 Our conclusions, based on a review of the new documents are:

i) The Colnbrook refusal of permission is not a new matter of any significant weight given the judgments which have been reached;

ii) None of the reasons for refusal of SIFE given by Slough Borough Council state that the proposal is incapable of operating as a Strategic Rail Freight Interchange.

iii) We do not accept Slough Borough Council’s analysis of the merits of Colnbrook (SIFE) as a SRFI. Colnbrook will have excellent direct access to/from the key strategic gauge cleared routes; via the GWML to
New Matters and Changes in Circumstances: Rail Freight

Reading/Nuneaton or via Acton to the WCML and via Reading to Southampton. It will also have excellent access to both the M25 and M4 and provide almost half of the overall rail connected warehousing requirement for SRFIs serving London and the South East.

iv) Colnbrook is more capable than Radlett of achieving a modal shift of freight distribution from road to rail, a key aim for a SRFI;

v) A rail freight interchange at Colnbrook is specifically referred to in the IIP and is supported by the rail industry;

vi) There is considerable commitment to upgrading both the GWML and WCML as key parts of the Strategic Freight Network for 9’6” containers;

vii) The London and South East RUS 2011 formalises the likelihood of up to 10 Thameslink passenger trains per hour off-peak, on the slow lines past Radlett;

viii) The existing two freight paths per hour past Radlett are well used now and could be more heavily used in the future due to the growth in aggregate traffic; the two freight paths are compatible with the future 10 trains per hour off-peak Thameslink service and will be retained;

ix) A total of up to 12 trains per hour off-peak (up to 10 Thameslink trains plus the two freight paths) would have to be taken into account, resulting in a potential conflict between the future Thameslink off-peak services and freight trains, which is acknowledged by Network Rail as needing to be tested as part of the timetable development work being led by Thameslink; and

x) The new documents we have reviewed do not refer to increased freight routes or capacity on the MML or support a SRFI at Radlett.
New Matters and Changes in Circumstances: Rail Freight

APPENDIX
A

EXTRACT FROM INITIAL INDUSTRY PLAN (SEPTEMBER 2011)
Infrastructure costs

Table 1 summarises Network Rail’s expenditure in England and Wales for the financial year ended 31 March 2010 (rebased to 2011/12 prices). The figures exclude income, corporation tax and all internal industry transfer payments, such as track access income and incentive regime payments.

Table 1: Network Rail expenditure in England & Wales 2009-10 (2011/12 prices)

<table>
<thead>
<tr>
<th>Category</th>
<th>£m</th>
<th>%</th>
<th>Commentary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating expenditure</td>
<td>1,164</td>
<td>18%</td>
<td>The single largest element is staff costs. Other significant costs include office accommodation and insurance. Some costs are considered “non-controllable” including, business rates, British Transport Police costs and ORR fees. These represented one third of total operating expenditure.</td>
</tr>
<tr>
<td>Maintenance expenditure</td>
<td>1,051</td>
<td>16%</td>
<td>The maintenance function employs nearly half of the total Network Rail headcount in forty maintenance delivery units and a central unit. The single largest elements of headcount and expenditure are in track (40%) and signalling (16%).</td>
</tr>
<tr>
<td>Renewal expenditure</td>
<td>2,231</td>
<td>34%</td>
<td>£683m (31%) was spent on track, £419m (18%) on signalling and £302m (14%) on structures including bridges and tunnels.</td>
</tr>
<tr>
<td>Enhancement expenditure</td>
<td>942</td>
<td>14%</td>
<td>Expenditure included Thameslink Programme (£422m), Kings Cross Station (£92m), Reading Station (£32m), Access for All (£57m) and North London Line Capacity (£44m).</td>
</tr>
<tr>
<td>Interest costs</td>
<td>1,166</td>
<td>18%</td>
<td>Finance costs on existing loans, the government guarantee and the increase in value of index linked debt.</td>
</tr>
<tr>
<td>Total</td>
<td>6,556</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

Half way through the five year Control Period 4 (2009 – 2014) Network Rail continues to reduce running costs and remains on target to achieve the challenging efficiency savings that it set out as part of the CP4 Delivery Plan in 2009. Network Rail reduced the running costs of the railway by £450 million in 2010/11, and by around £630 million since the start of this regulatory period in 2009/10.

Comparing Network Rail’s efficiency

For Period Review 2008 (PR08), a key element of ORR’s assessment of Network Rail’s efficiency potential was based upon an econometric analysis commissioned from the Institute for Transport Studies (ITS) at the University of Leeds. The ORR econometric analysis uses the UIC’s “Lasting Infrastructure Cost Benchmarking” (LICB) for European rail infrastructure managers since 1996. The countries covered are the UK, Netherlands, Norway, Portugal, Finland, Sweden, Ireland, Belgium, Germany, Austria, Italy, Denmark and Switzerland.

Network Rail has been developing a better understanding of the benchmarking and econometric analysis. This has identified significant issues in establishing the actual efficiency gap between Network Rail and its comparators.

Comparing data is not straightforward. Network Rail has concerns about the completeness and consistency of the historical data in LICB. Major data inconsistencies remain around renewal and enhancement costs with the key leading countries, as well as in relation to maintenance versus renewal costs. Further work is required to address these definitional differences. Network Rail is actively engaged in the LICB project to promote further quality assurance of input data, clarification of cost definition and cost allocations, break down of expenditure by assets and activities and then analysis by volume and unit costs, and detailed review of the major drivers for activity volumes and unit costs. This work has confirmed Network
New Matters and Changes in Circumstances: Rail Freight

APPENDIX

B

LONDON GATEWAY ROUTING OPTIONS AND CONSTRAINTS (EXTRACT FROM LONDON AND
SOUTH EAST RUS, JULY 2011)
<table>
<thead>
<tr>
<th>Route to North</th>
<th>Route Across London</th>
<th>Major operational constraints</th>
</tr>
</thead>
<tbody>
<tr>
<td>ECML via Stratford and North London Line (NLL)</td>
<td>Dagenham – Barking – Forest Gate – Stratford – Dalston – Drayton Park – Hertford North – Peterborough.</td>
<td>Need for flat crossing moves across Great Eastern Main Line (GEML)/Crossrail tracks at Forest Gate/Stratford. Interaction with increasing passenger services over part of the NNL (Stratford – Highbury &amp; Islington). Interaction with increasing passenger services over the Finsbury Park – Hertford route. Requires operation over 2/3 track section of ECML between Huntingdon and Peterborough. For most traffic an ECML routeing would involve extra distance to the principal inland distribution centres.</td>
</tr>
<tr>
<td>ECML via Gospel Oak – Barking (GOB) and West Anglia</td>
<td>Dagenham – Barking – Leytonstone High Road – Seven Sisters – Cheshunt – Ely – Peterborough.</td>
<td>Interaction between fast and slow trains over the Cheshunt – Cambridge route. Restrictions on loading gauge. GOB and Ely to Peterborough not electrified, although both schemes are listed as candidates in the Network RUS: Electrification Strategy. Capacity on the Ely to Peterborough line, until addressed by potential future enhancements. For most traffic an ECML routeing would involve extra distance to the principal inland distribution centres.</td>
</tr>
<tr>
<td>WCML via Stratford, NLL and Primrose Hill</td>
<td>Dagenham – Barking – Forest Gate – Stratford – Dalston – Primrose Hill.</td>
<td>Need for flat crossing move across GEML/Crossrail at Stratford. Interaction with increasing passenger services over part of the NLL (Stratford – Camden Road).</td>
</tr>
<tr>
<td>MML via GOB</td>
<td>Dagenham – Barking – Leytonstone High Road – Upper Holloway – Carlton Road Junction.</td>
<td>Interaction with intensive Thameslink service in the Carlton Road junction area on MML. Restrictions on loading gauge. GOB and north of Bedford not electrified although both schemes are listed as candidates in the Network RUS: Electrification Strategy.</td>
</tr>
</tbody>
</table>
APPENDIX C

INDICATIVE CORE THAMESLINK SERVICES (EXTRACT FROM LONDON AND SOUTH EAST RUS, JULY 2011)
5. Morning peak to London – committed schemes and other previous strategy

5.5.4 In addition to the Thameslink service structure a number of major changes are assumed to other services on the Sussex, Kent, Midland Main Line (MML) and ECML routes at the same time as the Thameslink Programme completion. This includes the following indicative assumptions, which are included in the detailed route-by-route analysis later in this chapter.

- additional trains from the Tulse Hill route to London Bridge
- an eight trains per hour peak service into the Blackfriars bays (a four trains per hour all-day service via Tulse Hill, a two trains per hour peak stopping service via Kent House and a two trains per hour peak service between the Medway Towns and Blackfriars)
- a Kent route timetable which is generally based on a peak 15/30 minute repeating pattern, rather than 20 minutes on many routes as at present
- a significant increase in service levels on the Hertford Loop, for which extra capacity will become available at Moorgate as a result of many Welwyn Garden City stopping services being rerouted to the Thameslink network.

5.5.5 Further feasibility work on a potential post-Thameslink timetable structure is ongoing. The DfT expects to consult on the proposed timetable structure in due course, as part of the Thameslink franchise replacement, before firm decisions are made.

5.6 Train Lengthening/High Level Output Specification

5.6.1 Network Rail’s CP4 funding settlement included provision for a significant platform lengthening programme on many routes in and around the capital. The scope and timings of this work are described in detail in regular updates to the CP4 Delivery Plan (available on Network Rail’s website), and are treated as committed schemes by the RUS.

### Table 5.2 – indicative services assumed to operate through the Thameslink core in 2018

<table>
<thead>
<tr>
<th>No</th>
<th>South of London</th>
<th>North of London</th>
<th>Length</th>
<th>Times</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Brighton</td>
<td>Bedford</td>
<td>12-car</td>
<td>All day</td>
</tr>
<tr>
<td>2</td>
<td>semi-fast</td>
<td>semi-fast</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Brighton</td>
<td>Bedford</td>
<td>12-car</td>
<td>All day</td>
</tr>
<tr>
<td>4</td>
<td>stopping</td>
<td>semi-fast</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Three Bridges</td>
<td>Peterborough</td>
<td>12-car</td>
<td>All day</td>
</tr>
<tr>
<td>6</td>
<td>via Redhill</td>
<td>semi-fast</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Horsham</td>
<td>Cambridge</td>
<td>12-car</td>
<td>All day</td>
</tr>
<tr>
<td>8</td>
<td></td>
<td>semi-fast</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>East Grinstead</td>
<td>Bedford</td>
<td>12-car</td>
<td>Peak only</td>
</tr>
<tr>
<td>10</td>
<td></td>
<td>semi-fast</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Caterham</td>
<td>St Albans</td>
<td>8-car</td>
<td>All day</td>
</tr>
<tr>
<td>12</td>
<td>fast north of Norwood Junction</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Tottenham Corner</td>
<td>Welwyn Garden City</td>
<td>8-car</td>
<td>All day</td>
</tr>
<tr>
<td>14</td>
<td></td>
<td>stopping</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Tunbridge Wells</td>
<td>Bedford</td>
<td>12-car</td>
<td>Peak only</td>
</tr>
<tr>
<td>16</td>
<td>via Tonbridge</td>
<td>semi-fast</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Ashford International</td>
<td>Luton</td>
<td>semi-fast</td>
<td>Peak only</td>
</tr>
<tr>
<td>18</td>
<td></td>
<td>12-car</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Maidstone East</td>
<td>Welwyn Garden City</td>
<td>8-car</td>
<td>All day</td>
</tr>
<tr>
<td>20</td>
<td>semi-fast via Catford</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Sevenoaks</td>
<td>Luton</td>
<td>8-car</td>
<td>All day</td>
</tr>
<tr>
<td>22</td>
<td>skip-stop via Catford</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Bellingham</td>
<td>St Albans</td>
<td>8-car</td>
<td>All day</td>
</tr>
<tr>
<td>24</td>
<td>stopping via Catford</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
New Matters and Changes in Circumstances: Rail Freight

APPENDIX

D

CURRENT FREIGHT TRAINS PER DAY ON SECTIONS OF THE NETWORK (EXTRACT FROM EAST MIDLANDS RUS, FEBRUARY 2010)
Figure 3.20 – Current freight trains per day on sections of the network

Key
- 1-10 train per day
- 11-20 train per day
- 21-30 trains per day
- 31-40 trains per day
- 41+ trains per day
- No regular freight use
- Closest connecting routes outside RUS scope

* Barbican and Moorgate stations are closed to Thameslink services
New Matters and Changes in Circumstances: Rail Freight

APPENDIX E

EXTRACT FROM APPENDIX D OF STRATEGIC RAIL FREIGHT INTERCHANGE POLICY, MARCH 2004
### Impact of rail linked buildings - 2015

<table>
<thead>
<tr>
<th>Inland Terminal Region (NUTS 1)</th>
<th>2002</th>
<th>2015 - No further buildings</th>
<th>50% delivered</th>
<th>100% delivered</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Additional warehousing ('000m²)</td>
<td>Non bulk rail tonnes (m)</td>
</tr>
<tr>
<td>South East</td>
<td>2.5</td>
<td>11.7</td>
<td>200</td>
<td>16.5</td>
</tr>
<tr>
<td>North West</td>
<td>2.7</td>
<td>7.1</td>
<td>275</td>
<td>10</td>
</tr>
<tr>
<td>East Midlands</td>
<td>0.5</td>
<td>2.2</td>
<td>200</td>
<td>3.7</td>
</tr>
<tr>
<td>West Midlands</td>
<td>1.2</td>
<td>4</td>
<td>183</td>
<td>5.5</td>
</tr>
<tr>
<td>East of England</td>
<td>0.1</td>
<td>0.6</td>
<td>150</td>
<td>1.3</td>
</tr>
<tr>
<td>Yorkshire &amp; Humberside</td>
<td>1.6</td>
<td>4.1</td>
<td>150</td>
<td>5.6</td>
</tr>
<tr>
<td>Scotland</td>
<td>1.6</td>
<td>3.3</td>
<td>150</td>
<td>7.6</td>
</tr>
<tr>
<td>South West</td>
<td>0.6</td>
<td>1.9</td>
<td>110</td>
<td>3.5</td>
</tr>
<tr>
<td>Wales</td>
<td>0.9</td>
<td>2.2</td>
<td>50</td>
<td>2.8</td>
</tr>
<tr>
<td>North East</td>
<td>0.9</td>
<td>1.8</td>
<td>25</td>
<td>2.5</td>
</tr>
</tbody>
</table>

**Totals**

- **Additional m² Buildings**: 1493
- **Non Bulk Tonnes (m)**: 2985

---

**2002 - Existing volume in the regions**

**2015 - No further buildings:**

The table demonstrates the demand for rail capacity in the regions, assuming there is no additional direct rail connected warehousing and all additional traffic requires an onward journey to its final destination by road.

**2015 - With rail connected buildings:**

The figures for additional buildings are based upon explicit investments in rail linked buildings indicating the amount of rail connected warehousing being proposed by interchange development projects at the time of writing.

There are two scenarios:

- 50% of the capacity delivered by 2015; and
- 100% of the capacity delivered by 2015.
New Matters and Changes in Circumstances: Rail Freight

APPENDIX

F

EXTRACT FROM SLOUGH BOROUGH COUNCIL CORE STRATEGY
2.26 The two most significant external developments that could bring about change in Slough are the expansion of Heathrow Airport and the development of the Crossrail scheme.

2.27 The opening of the 5th terminal at Heathrow Airport in 2008 will have a major impact upon Slough. Not only will it significantly increase the size and capacity of the airport, it will bring it much closer to the Borough boundary. This will have particular implications for the Poyle Trading Estate which is likely to see even more airport related development. The opening of T5 will affect traffic patterns in the area but will also provide the opportunity for improved transport links such as more direct bus links in the short term and a new direct rail link in the longer term.

2.28 BAA also has proposals to build a third runway at Heathrow which would also be very close to the Borough boundary. This would result in a worsening in noise and air quality in the eastern part of Slough as well a general increase in congestion. The council has taken account of this as a possible constraint in preparing the Core Strategy.

2.29 The council has also recently become aware of proposals for the Slough Intermodal Freight Exchange (SIFE) on land north of the Colnbrook bypass. A previous proposal for the London International Freight Exchange (LIFE) was refused by the council and this refusal was upheld by the Secretary of State following a public inquiry.

2.30 Planning permission has been granted for a number of rail linked developments on the West Drayton to Staines line, east of Lakeside Road. Any further rail freight facilities at Colnbrook would have to demonstrate that there was a national or regional need for such a development and very special circumstances sufficient to overcome Green Belt and other strategic planning objections. It would also have to demonstrate that there would not be any unacceptable environmental impacts and that the facility could be accommodated upon both the existing road and railway network. This would include safeguarding capacity for both Crossrail and the proposed Western Connection passenger rail link to Heathrow.

2.31 If permitted, a high level of rail use of the warehousing would have to be guaranteed in order to ensure that the proposed benefits of the Freight Exchange are actually delivered.

2.32 The other significant piece of infrastructure that could be built in Slough is the proposed new Crossrail link from Maidenhead under central London to Essex and Kent in the east. This would involve the electrification of the Great Western railway line to enable it to provide a frequent, high capacity service into London and beyond without the need to change. Crossrail would greatly improve the accessibility of Langley and Burnham stations as well as reinforcing the role of the town centre as a transport hub. The Government has announced that the funding for the scheme is in place which means that construction could begin in 2010 with services commencing in 2017.
CONTROL SHEET

Project/Proposal Name: APPEAL BY HELIOSLOUGH LIMITED LAND IN AND AROUND FORMER RADLETT AERODROME, NORTH ORBITAL ROAD, UPPER COLNE VALLEY, HERTFORDSHIRE

Document Title: New Matters and Changes in Circumstances: Rail Freight

Client Contract/Project No.: L/11682/ML/bam

SDG Project/Proposal No.: 22431301

ISSUE HISTORY

<table>
<thead>
<tr>
<th>Issue No.</th>
<th>Date</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>14/10/2011</td>
<td>Final Report</td>
</tr>
</tbody>
</table>

REVIEW

Originator: Peter Twelftree

Other Contributors: Adam Leary

Review by: Print Peter Twelftree

Sign

PETER TWELFTREE

DISTRIBUTION

Client: St Albans City & District Council

Steer Davies Gleave:

\DOUGLAS\Work\Projects\22431301\Outputs\Reports\New Matters and Changes in Circumstances Rail Freight Final Report.doc
Appeal by Helioslough Ltd

Land in and around former Aerodrome
North Orbital Road, Upper Colne Valley, Herts

Changes in Circumstances
1. **Introduction**

1.1 This report sets out on behalf of the Local Planning Authority changes in planning policy since the Inquiry closed on 18 December 2009.

2. **Development Plan**

2.1 **Regional Spatial Strategies** – The Government’s intention to abolish Regional Strategies can be a material consideration in some circumstances (see the decision in Cala No.2). If the East of England Plan is abolished there will be no requirement for one of 3/4 SRFI to serve London and the South East to be in the East of England and the need for an SRFI to serve the north west quadrant around London could be met by the proposed SRFI at Colnbrook.

2.2 **St Albans Core Strategy** – Consultation on the strategy took place in Jan/Feb 2011. The Consultation document dated December 2010 shows the Radlett site proposed for a Major Green Space Project/Eco Park as part of Green Corridors and Spaces proposals (WH1). The consultation responses received by the Council have been considered by the Council’s Planning Policy Advisory Panel. These consultation responses and further representations have lead to the conclusion that the Eco Park is not deliverable and therefore the proposal for Radlett should not be included in the Pre Submission Core Strategy which is likely to be published early in the New Year.

3. **Other Policies**


3.2 **Slough Site Allocations DPD** (Adopted Nov 2010)

An Examination was held in June 2010. The Inspector’s Report was published in August and September 2010. Representations were made by Goodmans for inclusion of land at Colnbrook as an SRFI but the site is not included as an allocation for the reasons given in the Inspector’s Report at paragraphs 3.81-3.85..

3.3 In para 3.81 the Inspector refers to Changes to the Core Strategy. These were included in the adopted Core Strategy (Dec 2008) as paragraphs 2.29 and 2.30. Para 2.30 says that ‘any further rail freight facilities at Colnbrook would have to demonstrate that there was a national or regional need for such a development and very special circumstances to overcome Green Belt and other strategic planning objections’. One such matter is Core Policy 2 which says that development will only be permitted in the Strategic Gap if it is essential to be in that location.

3.4 The combination of these policies create a criteria based approach where the ‘essential’ requirement in CP2 duplicates the ‘very special circumstances’ test in relation to Green Belt. Even if the Strategic Gap policy were to be accorded significant weight, which is not appropriate in the context of emerging policy on the point (see below), the size of the Colnbrook proposal is such that it is capable of being a better site and one which is less harmful than Radlett. (Copy Extracts WH3).

4. **Government Policy**

**Draft National Planning Policy Framework**

4.1 The Draft National Planning Policy Framework was published 25 July 2011. It is capable of being
a material consideration but the weight to be attached to it is a matter for the decision maker in each particular case. In a recent decision in St Albans the Inspector accorded the Draft NPPF little weight (WH4).

4.2 Paragraphs 13-15 refer to the presumption in favour of sustainable development as follows:

13. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. A positive planning system is essential because, without growth, a sustainable future cannot be achieved. Planning must operate to encourage growth and not act as an impediment. Therefore, significant weight should be placed on the need to support economic growth through the planning system.

14. At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible. Local planning authorities should:

- prepare Local Plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes.
- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.

All of these policies should apply unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

15. All plans should be based upon and contain the presumption in favour of sustainable development as their starting point, with clear policies that will guide how the presumption will be applied locally.

4.3 Sustainable development means “development that meets the needs of the present without compromising the ability of future generations to meet their own needs” (para 9) and one component of that in relation to the planning system is ‘planning for prosperity (an economic role)’ which is defined as:

- planning for prosperity (an economic role) – use the planning system to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type, and in the right places, is available to allow growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

4.4 It is clear that the Government expect the Framework to be taken as a whole (para 12) and the Government’s commitment to conserving for example the natural and historic environments is restated from extant guidance. The appeal scheme would not be subject to the presumption in any event if it were to only operate as a road served freight depot because of the difficulty in gaining access to the site by rail, and in the absence of any requirement for the first phase of the development to be rail linked.

4.5 In terms of Green Belt the Draft NPPF still includes the five purposes of Green Belt unchanged from PPG2. The Draft NPPF still underlines that the openness and permanence are the essential characteristics of the Green Belt. It is noteworthy that nowhere in PPG2 or Draft NPPF is there reference to the need for an ‘additional’ layer of protection (eg. a Strategic Gap) where the Green Belt may be narrow or fragmented or particularly sensitive. Also there is no mention about the
relative weighting of impacts on coalescence between larger (e.g., Slough and London) or smaller settlements (Park Street and London Colney).

4.6 The Draft NPPF also includes the reference to Community Forest (p. 147) as follows:

147. Community Forests offer valuable opportunities for improving the environment around towns, by upgrading the landscape and providing for recreation and wildlife. An approved Community Forest plan may be a material consideration in preparing development plans and in deciding planning applications. Any development proposals within Community Forests in the Green Belt should be subject to the normal policies controlling development in Green Belts. (Emphasis added).

4.7 Radlett is within the Watling Chase Community Forest, but Colnbrook is not within a Community Forest. There is no comparable mention in the Draft NPPF of the value of Regional Parks such as Colne Valley Regional Park or Strategic Gaps.

4.8 Valued landscapes including nationally designated landscapes are covered in para 167 of the Draft NPPF which says that local planning authorities should (amongst other things):

- give great weight to protecting landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads. Planning permission should be refused for major developments in designated areas except in exceptional circumstances where it can be demonstrated they are in the public interest.

4.9 There is no reference to local landscape designations in the Draft NPPF. This is still in PPS7 at paras 24-26 as follows:

24. The Government recognises and accepts that there are areas of landscape outside nationally designated areas that are particularly highly valued locally. The Government believes that carefully drafted, criteria-based policies in LDD's, utilising tools, such as landscape character assessment, should provide sufficient protection for these areas, without the need for rigid local designations that my unduly restrict acceptable, sustainable development and economic activity that underpins the vitality of rural areas.

25. Local landscape designations should only be maintained or, exceptionally, extended where it can be clearly shown that criteria-based planning policies cannot provide the necessary protection. LDDs should state what it is that requires extra protection, and why. When reviewing their local area-wide development plans and LDDs, planning authorities should rigorously consider the justification for retaining existing local landscape designations. They should ensure that such designations are based on a formal and robust assessment of the qualities of the landscape concerned.

The countryside around urban areas

26. While the policies in PPG2 continue to apply in Green Belts, local planning authorities should ensure that planning policies in LDDs address the particular land use issues and opportunities to be found in the countryside around all urban areas, recognising its importance to those who live or work there, and also in providing the nearest and most accessible countryside to urban residents. Planning authorities should aim to secure environmental improvements and maximise a range of beneficial uses of this land, whilst reducing potential conflicts between neighbouring land uses. This should include improvement of public access (e.g., through support for country parks and community forests) and facilitating the provision of appropriate sport and recreation facilities.

4.10 Because Draft NPPF does not mention local landscape designations, this would seem to indicate
a move away from this level of local protection in national policy terms. This change would serve to diminish the case for Strategic Gaps and further undermine the appellant’s approach to double counting the impacts on Green Belt and Strategic Gap policies.

4.11 Since the publication of the Draft NPPF the Government has made a number of statements about the way in which the Draft NPPF is to be interpreted (WH5). These indicate that there is no presumption in favour of development per se, the presumption is in favour of sustainable development taking into account other Draft NPPF policies. The proposal at Radlett would not be classed as sustainable development given its failings in rail terms.

4.12 On 4 September 2011 the Secretary of State confirmed that “the idea that the presumption in favour means that growth will be able to take place wherever, whenever and however is false” and on 14 September he wrote “if it isn’t sustainable, it must not, and will not happen”. Similarly the Prime Minister in a letter to the National Trust of 20 September said he recognised the need to balance environmental, economic and social dimensions (copy appended emphasis added).

Planning Policy Statement 4 – Economic Growth

4.13 This PPS was published on 29 December 2009 and as Government policy attracts substantial weight.

Policy EC6.1 says:

_Local planning authorities should ensure that the countryside is protected for the sake for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all._

Policy EC6.2 says:

_In rural areas, local planning authorities should:

a. strictly control economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans._

So in relation to the countryside the Government has recently restated its determination to protect the countryside from development

5. **Other Matters.**

5.1 On 8 September 2011 Slough Borough Council refused an application by Goodmans Logistics Ltd for a rail freight interchange at Colnbrook near Slough. (Copy decision appended WH6). The refusal is in itself not a significant material change in circumstances but the application is.

5.2 None of the reasons for refusal state that the proposal is incapable of operating as a SRFI. The reasons for refusal refer to matters which are matters of judgment for the decision maker and hence are capable of being overturned and permission granted on appeal as a result of how the application has been determined. Furthermore, the conditions offered by the applicants would make the SRFI rail connected to a better gauge cleared route from its opening, and the size of the scheme, and hence its impact, would be less than Radlett.

6. **Conclusion**

6.1 There has been no diminution of the importance accorded to Green Belt policy but there has been a weakening of emphasis to be placed on Strategic Gap policies.
6.2 There has been no change in the policies relating to SRFIs but changes identified by Steer Davies Gleave make it less likely that the scheme at Radlett will be able to operate as an SRFI, whilst there is support in policy documents which did not exist previously for an SRFI at Colnbrook.

6.3 There is nothing in the reasons for refusal of the Colnbrook scheme to indicate that it would not operate as an SRFI indeed it would be rail connected from the outset.

6.4 It is therefore possible to conclude that not only is there another site in the north west sector of search referred to in the Radlett appeal, but there is one where the impact on the Green Belt would be less and the advantages brought about by rail connectivity would be greater. As a result, the harm to the Green Belt and other harm identified in relation to the Radlett proposal would be greater than at Colnbrook.
Shaping Our Community

The Core Strategy:
Consultation on the Strategy for Locating Future Development in the District

Help us to take the right direction. The Core Strategy will contain the Council's key planning policies and development proposals for the period 2011-2028.

Published December 2010

St Albans
City & District Council

Historic St Albans District:
a premier community
www.stalbans.gov.uk
Draft Proposals For The District (Spatial Diagram)

Central Bedfordshire

North Hertfordshire

Kinsbourne Green

Lea Valley Estate

Folly Fields

Sandridge

Hitchin

Welwyn

Hatfield

Redbourn

Harrow

London Colney

Hertsmere

Watford

Dacorum

Three Rivers

Bricket Wood

How Wood

Three Rivers Green

Park Street & Frogmore

St Albans

Chiswell Green

Crown

© Crown copyright.
CG Licence No: 100010953 St Albans District Council 2010
4) Infrastructure and Non-Residential Proposals

The District currently has a significant infrastructure deficit, particularly in school places, transport and green spaces. Development of any kind needs to be accompanied by the delivery of appropriate infrastructure, both to address existing deficits and to accommodate the new development itself. This will be an essential prerequisite for all new developments in the District, in particular with regard to localised and cumulative impacts on the road network and the provision of healthcare facilities.

The strategy includes much more than housing development. Key non-residential issues and proposals include:

| Economic development issues | • There are high levels of both inward and outward commuting with overall significant net out-commuting from the District  
| • There is almost no land for new office or industrial development  
| • Some high quality employers in the District require redevelopment or expansion to retain or expand high value employment opportunities in key business and research sectors |
| Economic development proposals | • Extension at Rothamsted Research, Harpenden  
| • New buildings for the Building Research Establishment, Bricket Wood  
| • Retain and enhance existing employment areas |
| Transport issues                                  | • The District experiences serious traffic congestion and high carbon dioxide emissions  
|                                                | • There is a need to support more sustainable modes of travel, particularly walking, cycling and by public transport |
| Transport proposals                             | • More sustainable modes of travel, particularly walking, cycling and by public transport, will be encouraged. Possible improvements under investigation include:  
|                                                | o Conversion of Abbey Rail Line to a tramway, with more frequent services  
|                                                | o To improve conditions for pedestrians, cyclists and buses, traffic restrictions in St Peter’s Street, St Albans,  
|                                                | o Mini Park and Ride schemes in Hatfield Road and London Road, St Albans  
|                                                | • Support the emerging Harpenden Urban Transport Plan, including improvements at Harpenden train station  
|                                                | • Major development proposals will be required to have a Green Travel Plan to encourage sustainable modes of travel |
| Green corridors and spaces issues               | • There is a need to retain and enhance the existing green network and create new areas on town and village edges |
| Green corridors and spaces proposals            | • Renewed focus to deliver the Watling Chase Community Forest, including an eco park (with public access, community food production, woodland planting and possible biomass or wind facilities) at the former Radlett Aerodrome  
|                                                | • Support the establishment of Heartwood Forest between Sandridge and Wheathampstead  
|                                                | • St Albans Green Ring: enhanced route for pedestrians and cyclists as a circular route around the city  
|                                                | • Enhance major green corridors and waterways |
| Educational issues                              | • Additional primary and secondary school places needed - priority is for primary school places in St Albans City centre  
|                                                | • Need to update and expand Oaklands College’s Smallford Campus |
| Educational proposals                           | • Primary and secondary schools: expand some existing schools and possibly build new schools in St Albans, Harpenden and London Colney  
|                                                | • Expansion of existing schools may involve both schools in urban areas and also those in the Green Belt  
|                                                | • Possible new schools may involve both urban areas and the Green Belt  
|                                                | • Improve and expand Oaklands College’s Smallford Campus |
use their transport assessments and access statements to demonstrate how the needs of disabled people have been addressed.

6.45 The Outer London Commission has found that developers view the lack of on-site car parking for offices in outer London, when compared to the more generous standards outside of London, as a disincentive to develop offices in London. The Mayor supports further office development in outer London, but would not want to see unacceptable levels of congestion and pollution – which could also be a disincentive to investment there. Policy 6.13 enables flexibility in setting office parking standards; if boroughs wish to adopt a more generous standard this should be done via a DPD to allow TfL and the GLA to assess the impact of such a change on the wider transport network (see Policy 6.3) and on air quality. Likewise, the Policy takes a similar approach to town centres.

6.46 The Mayor, through TfL, and working with the London boroughs, car club operators, and other stakeholders, will support expansion of car clubs and encourage their use of ultra low carbon vehicles. More than 1,600 car club vehicles are used by 70,000 people in London, with vehicles including plug-in hybrids and the latest low emission diesels. Each car club vehicle typically results in eight privately owned vehicles being sold, and members reducing their annual car mileage by more than 25 per cent. A further 380 vehicles will be added to London’s car club fleet in 2010/11 which will include the trial of all-electric vehicles.

6.47 Park and ride schemes can help boost the attractiveness of outer London centres and as such are supported. They must be carefully sited to ensure they lead to overall reductions in congestion and do not worsen air quality.

Further advice on park and ride is set out in the Land for Transport SPG.

6.48 Operational parking for maintenance, servicing and deliveries is required to enable a development to function. Some operational parking is likely to be required on site and should be included in the calculation of total parking supply.

POLICY 6.14 FREIGHT

Strategic
A The Mayor will work with all relevant partners to improve freight distribution (including servicing and deliveries) and to promote movement of freight by rail and waterway. The Mayor supports the development of corridors to bypass London, especially for rail freight, to relieve congestion within London.

Planning decisions
B Development proposals that:

a locate developments that generate high numbers of freight movements close to major transport routes
b promote the uptake of the Freight Operators Recognition Scheme, construction logistics plans and delivery and servicing plans. These should be secured in line with the London Freight Plan and should be co-ordinated with travel plans and the development of approaches to consolidate freight
c increase the use of the Blue Ribbon Network for freight transport

will be encouraged.

LDF preparation
C DPDs should promote sustainable freight transport by:
a safeguarding existing sites and identifying new sites to enable the transfer of freight to rail and water
b identifying sites for consolidation centres and 'break bulk' facilities
c safeguarding railheads for aggregate distribution.

6.49 London needs an efficient distribution network to service its people and businesses. The Mayor wants to encourage distribution and servicing in ways that minimise congestion and any adverse environmental impacts. The majority of movements will continue to be by road. This should be recognised and planned for, but the use of construction logistics plans and delivery and servicing plans may help ease congestion and/or encourage modal shift. Safeguarding existing, and identifying new, facilities to promote movement by rail or water will be encouraged as this will ease congestion on the highway network and help combat climate change (see Policy 7.26). Boroughs may wish to explore the possibilities of night time deliveries where this would not have unacceptable impacts on residents.

16.50 'Break bulk' facilities are locations where larger vehicles unload materials and goods (often for retail), which are then transported to their final destination by smaller vehicles. Consolidation centres are currently only used by the construction industry, but are essentially the same concept. These can be intermodal facilities.

POLICY 6.15
STRATEGIC RAIL FREIGHT INTERCHANGES

Planning decisions
A The provision of strategic rail freight interchanges should be supported, including enabling the potential of the Channel Tunnel Rail Link to be exploited for freight serving London and the wider region.

B These facilities must:
a deliver modal shift from road to rail
b minimise any adverse impact on the wider transport network
c be well-related to rail and road corridors
d capable of accommodating the anticipated level of freight movements
e be well-related to their proposed markets.

6.50 The advice of the former Strategic Rail Authority that there needs to be a network of strategic rail freight interchanges in and around London still applies. If these facilities result in a modal shift from road to rail, they can offer substantial savings in CO₂ emissions. However, they are by their nature large facilities that can often only be located in the Green Belt. In addition, while reducing the overall impact on the network, they can lead to substantial increases in traffic near the interchange itself. The Mayor will need to see robust evidence that the emissions savings and overall reduction in traffic movements are sufficient to justify any loss of Green Belt, in accordance with Policy 7.16, and localised increases in traffic movements. However, planning permission has already been granted for a SRFI at Howbury Park on the edge of Bexley in South East London and an opportunity exists for an intermodal facility in the Renwick Road/Ripple road area of Barking and Dagenham to make provision for north east London without the need to utilise Green Belt land.
APPENDIX WH3
PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

REPORT ON THE EXAMINATION INTO THE SLOUGH BOROUGH COUNCIL
SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT

Updated with and incorporating Addendum issued 22

Document submitted for examination on 19 February 2010
Examination hearings held between 15 and 18 June 2010

File Ref(s): PINS/J0350/429/7
overall shortfall in the supply of housing. It is said, rather, that it is justified because of the early contribution the land could make to the supply of family housing.

3.78 The need to increase the supply of such dwellings is not in dispute and is explicitly recognised in Core Policy 4 which states, in effect, that in suburban areas any infilling should consist of family housing. This point is reiterated in the DPD insofar as ¶4.27 mentions there is a shortage of family housing. It is hardly surprising therefore that many of the DPD allocations promoting residential development emphasise the provision of this type of housing; examples include SSA2, SSA3, SSA7 and SSA18. Many of the other mixed use allocations are also likely to include family housing as part of a range of housing types. That may also apply to SKL2 albeit that the Council's preference for family housing at that location seems to me to be premature at this time. Overall, however, it is clear to me that the need to improve the supply of family housing is not a matter that the OPO has overlooked or somehow failed to address.

3.79 While I accept that the St Bernard's site is available and could make a significant and early contribution to the supply of family housing, in the final analysis I am not convinced that the DPD is unsound because it fails to allocate this land for residential development/care facilities. As the Sustainability Appraisal process identified a surfeit of sites potentially suitable for residential development, the Council properly identified sites that it felt were best able to deliver the spatial strategy set out in the Core Strategy. I am not persuaded that its decision to exclude the St Bernard's site from the list of allocations was or is defective. In saying that I am conscious that the DPD acknowledges that non-allocated sites can come forward for development via the separate development management process in any event, as noted in ¶1.13. If and when a planning application is submitted, the Council will have the opportunity to consider the merits of exceptionally developing this greenfield site as well as matters such as the access arrangements, potential flood risk issues and the acceptability of any replacement playing fields.

3.80 In sum, therefore, I see no need to change the DPD to include site 72 as a new allocation for mixed residential/care home use.

Land north of Colnbrook Bypass (site 83)

3.81 It is argued that the DPD is unsound as it fails to reflect the Core Strategy's provisions in respect of this area and lacks consistency with established strategic rail freight policy. So far as the Core Strategy is concerned, I note that changes to the document recommended for soundness reasons refer to a proposal for an intermodal freight exchange on a large tract of mainly open land situated to the north of the Colnbrook Bypass. Amongst other things the changes identify a number of key matters that would need to be addressed if and when a planning application for such a facility is submitted. In effect the paragraphs in question provide helpful guidance to any prospective developer(s) and set the policy context for any future decision. I see no need for the DPD to reiterate this guidance and I am not convinced that the failure to refer back to the Core Strategy provisions makes the DPD unsound.

3.82 So far as established strategic rail freight policy is concerned, I accept that the brief summary of the policy context in Chapter 2 of the DPD could have
included passing references to policies T11, T12 and T13 of the South East Plan. But I do not see this as a critical defect and the importance of the point is significantly diminished following the Secretary of State’s recent decision to revoke RSSs. I am conscious, in any event, that the South East Plan did not identify specific locations for a rail-freight interchange and simply noted at ¶8.83 that “suitable sites are likely to be located where the key rail and road radials intersect the M25 motorway”.

3.83 The revocation of RSSs does not mean that the national/regional need for new rail-freight interchanges has disappeared. Moreover, my reading of the Secretary of State’s decision in respect of the former Radlett Aerodrome site in St Albans suggests that the land north of the Colnbrook Bypass could be identified at some future date as the preferred location for a new interchange in the so-called North West Sector. I say that notwithstanding the Green Belt/Strategic Gap status of the land and the fact that the Secretary of State dismissed a similar albeit smaller\(^1\) interchange proposal at essentially the same location in 2002.

3.84 However, in advance of any planning application for an interchange facility at site 83 and further assessments of other alternative locations, I am not convinced that the DPD should identify this land as a preferred or even a potential location. I am aware that a significant amount of pre-application work has been undertaken by the prospective developer but the evidence base to support changes to the DPD along these lines is not before me. The fact that a new interchange facility at Colnbrook has not itself been subject to a detailed sustainability appraisal supports that conclusion.

3.85 It follows that I see no need to change the DPD to introduce a reference to a new intermodal freight exchange facility north of the Colnbrook Bypass. And in the light of that conclusion I likewise see no need for consequential changes to SSA25 as suggested in ID7.

Poyle Estate (site 88)

3.86 ¶7.97 of the Core Strategy mentions that the future role of the Poyle Industrial Estate will be dealt with by the Site Allocations DPD in the short term but in the longer term may require an Action Area Plan. In the event the Poyle Estate is not identified as an allocation in the DPD as the Council is satisfied that saved Local Plan Policy EMP9 provides an appropriate policy framework that can guide future development.

3.87 To my mind the DPD’s failure to include a site specific allocation for the Poyle Estate takes it into conflict with the parent Core Strategy and, arguably, undermines the soundness of the DPD. In practice, however, SEGRO’s suggested new policy framework for the Estate is broadly the same as that set out in EMP9. The most significant practical difference, perhaps, is that SEGRO wish to see Class C1 hotels identified as a potential use on Horton Road which runs along the southern edge of the industrial estate. I am not convinced that this represents a suitable location for such a use given the generally industrial form and commercial character of both that road and the wider estate and the poor level of public transport accessibility. I say that notwithstanding that the

\(^1\) See Addendum to Report – factual error, correction made 22\(^{nd}\) September 2010
2.26 The two most significant external developments that could bring about change in Slough are the expansion of Heathrow Airport and the development of the Crossrail scheme.

2.27 The opening of the 5th terminal at Heathrow Airport in 2008 will have a major impact upon Slough. Not only will it significantly increase the size and capacity of the airport, it will bring it much closer to the Borough boundary. This will have particular implications for the Poyle Trading Estate which is likely to see even more airport related development. The opening of T5 will affect traffic patterns in the area but will also provide the opportunity for improved transport links such as more direct bus links in the short term and a new direct rail link in the longer term.

2.28 BAA also has proposals to build a third runway at Heathrow which would also be very close to the Borough boundary. This would result in a worsening in noise and air quality in the eastern part of Slough as well a general increase in congestion. The council has taken account of this as a possible constraint in preparing the Core Strategy.

2.29 The council has also recently become aware of proposals for the Slough Intermodal Freight Exchange (SIFE) on land north of the Colnbrook bypass. A previous proposal for the London International Freight Exchange (LIFE) was refused by the council and this refusal was upheld by the Secretary of State following a public inquiry.

2.30 Planning permission has been granted for a number of rail linked developments on the West Drayton to Staines line, east of Lakeside Road. Any further rail freight facilities at Colnbrook would have to demonstrate that there was a national or regional need for such a development and very special circumstances sufficient to overcome Green Belt and other strategic planning objections. It would also have to demonstrate that there would not be any unacceptable environmental impacts and that the facility could be accommodated upon both the existing road and railway network. This would include safeguarding capacity for both Crossrail and the proposed Western Connection passenger rail link to Heathrow.

2.31 If permitted, a high level of rail use of the warehousing would have to be guaranteed in order to ensure that the proposed benefits of the Freight Exchange are actually delivered.

2.32 The other significant piece of infrastructure that could be built in Slough is the proposed new Crossrail link from Maidenhead under central London to Essex and Kent in the east. This would involve the electrification of the Great Western railway line to enable it to provide a frequent, high capacity service into London and beyond without the need to change. Crossrail would greatly improve the accessibility of Langley and Burnham stations as well as reinforcing the role of the town centre as a transport hub. The Government has announced that the funding for the scheme is in place which means that construction could begin in 2010 with services commencing in 2017.
The South East Plan (Waste and Minerals) however, states that waste facilities may also be permitted in the Green Belt, under very special circumstances where there are no suitable alternative sites and where local conditions permit it.

7.26 The remaining open land in Colnbrook & Poyle, east of Langley/Brands Hill, is particularly important because it forms part of the Colne Valley Park and acts as the strategic gap between the eastern edge of Slough and Greater London. Additional restraint will therefore be applied to this fragmented and vulnerable part of the Green Belt which will mean that only essential development that cannot take place elsewhere will be permitted in this location.

7.27 Wexham Park Hospital and Slough Sewage Works will continue to be treated as Major Developed Sites within the Green Belt, where some infilling can take place there provided it has no greater impact upon the Green Belt.

7.28 In the past, land has been taken out of the Green Belt to allow for residential development at Wexham, Upton and Cippenham. Once the exact extent of the development in each area has been established, the opportunity will be taken to put back into the Green Belt any open land which has no further development potential.

7.29 Slough is surrounded by Green Belt in adjoining councils, which acts as a green lung and provides informal recreation opportunities for local residents. As a result it is important that accessibility to the surrounding countryside is improved.

7.30 Parks and open spaces have an important role in shaping the form of the individual urban areas within the town and these make a huge contribution to the quality of life. They also help to promote healthy living by providing opportunities for sport and other activities. The Open Space Study (Doc.25) showed that existing open spaces were well used and valued by local residents, but there was a need to improve the quality of many of them. There is an acknowledged shortage of parks, playing fields and green spaces in Slough, which will be very difficult to make up, particularly since sporting facilities outside of the Borough are also under threat. As a result, all existing open spaces should be retained.

CORE POLICY 2 (GREEN BELT AND OPEN SPACES)

The existing areas of Metropolitan Green Belt will be maintained and Wexham Park Hospital and Slough Sewage Works will continue to be designated as Major Existing Developed Sites within the Green Belt.

Opportunities will be taken to enhance the quality and the size of the Green Belt by designating additional areas, which have no development potential, as Green Belt.

Development will only be permitted in the Strategic Gap between Slough and Greater London and the open areas of the Colne Valley Park if it is essential to be in that location.

Existing private and public open spaces will be preserved and enhanced. Where, exceptionally, it is agreed that an open space may be lost a new one, or suitable compensatory provision, will be required to be provided elsewhere.

Target:
- No loss of open space;

Indicators:
- Number of inappropriate developments or uses granted permission in the Green Belt;
- Net change in the size of the Green Belt; and
- Net change in hectares of public open space lost to built development.
APPENDIX WH4
**Appeal Decisions**

Inquiry held on 2 March & 21 - 23 June 2011
Site visit made on 21 June 2011

by Ian Radcliffe  BSc (Hons) MCIEH DMS
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 September 2011

**Appeal A Ref: APP/B1930/A/10/2138110**
Smallford Nurseries, Hatfield Road, St Albans, Hertfordshire AL4 0HD
- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Glinwel PLC against the decision of St Albans City & District Council.
- The application Ref 05/10/0210, dated 27 January 2010, was refused by notice dated 5 May 2010.
- The development proposed is the retention of the cold store building solely for the storage of crops grown at Smallford Nursery, demolition of the bedsit element of the building, a water tower, chimney and boiler house and the surrender of planning permissions for a storage building (5/2008/1051) and an office building (APP/B1930/A/99/1019917/P7).

**Appeal B Ref: APP/B1930/A/11/2148253**
Smallford Nurseries, Hatfield Road, St Albans, Hertfordshire AL4 0HD
- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Glinwel PLC against the decision of St Albans City & District Council.
- The application Ref 05/10/2537, dated 14 October 2010, was refused by notice dated 14 February 2011.
- The development proposed is the retention of the cold store at Glinwel Nurseries.

**Background Information**

1. Smallford Nurseries, which cover an area of 17.9 hectares, was established before the Metropolitan Green Belt was declared. The cold store which is the subject of the appeals was constructed prior to applying for planning permission. Following the refusal of permission for the cold store and attached bedsit accommodation an appeal (ref APP/B1930/A/09/2109441) was dismissed. In that decision the Inspector concluded that both the storage and distribution of produce grown elsewhere in the UK and overseas, and the bedsits, constituted inappropriate development. In a subsequent enforcement appeal (ref APP/B1930/C/09/2114765 & 2114773) a different Inspector found that he could not consider the use of the cold store in isolation from the bedsits and dismissed the appeal.

**Preliminary and procedural matters**

2. Appeal A seeks the retention of the cold store for produce grown only at Smallford Nurseries. Appeal B seeks the retention of the building for storage.

http://www.planning-inspectorate.gov.uk
and distribution of produce grown from other nurseries in the UK and imported from overseas.

3. Extant planning permissions for a storage building (5/2008/1051) and office building (APP/B1930/A/99/1019917/P7) exist at Smallford Nurseries. Planning obligations in relation to both appeals have been submitted which would prevent these permissions from being carried out and would result in the demolition of the water tower, chimney and boiler house at the Nurseries.

4. As the cold store was built in 2007, I shall treat the applications as having been made under section 73A of the Act. It was clarified that both applications included the demolition of the bedsits attached to the side of the cold store, which has already occurred, and I have assessed the appeals on this basis.

5. I have had regard to the Draft National Planning Policy Framework document which was issued for consultation on 25 July. However, as this document is in draft form and subject to change I have accorded its policies little weight. As a consequence, it has not altered my reasoning or conclusions in relation to the appeals.

Application for costs

6. At the Inquiry applications for costs were made by St Albans City & District Council against Glinwell Nurseries. These applications are the subject of separate Decisions.

Decision – Appeal A

7. I allow the appeal, and grant planning permission for the retention of the cold store building solely for the storage of crops grown at Smallford Nursery, demolition of the bedsit element of the building, a water tower, chimney and boiler house and the surrender of planning permission for a storage building (5/2008/1051) and office building (APP/B1930/A/99/1019917/P7) at Smallford Nurseries, Hatfield Road, St Albans, Hertfordshire AL4 0HD in accordance with the terms of the application, Ref 05/10/0210, dated 27 January 2010 subject to the conditions in the schedule in Annex 1 at the end of this decision.

Decision – Appeal B

8. I dismiss the appeal.

Main Issues

9. The main issues in relation to both appeals are;

- whether the cold store is inappropriate development in the Green Belt for the purposes of Planning Policy Guidance Note 2: ‘Green Belts’ (PPG2) and development plan policy;
- the effect of the proposal upon the openness of the Green Belt;
- the effect of the proposal upon the character and appearance of the area; and, if the proposal does represent inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
Reasons – Appeal A

Inappropriate development

10. PPG2 advises that development within the Green Belt is inappropriate except for certain specified purposes. Such purposes include agriculture. This approach to controlling development in the Green Belt is reiterated by Policy 1 of the St Albans District Local Plan. It is common ground that the use of the cold store for produce grown only at Smallford Nurseries would be ancillary to the agriculture use of the site. I agree with that position. As a consequence, a building put to such use would not constitute inappropriate development for the purposes of PPG2 and policy 1 of the Local Plan.

11. When lettuces were grown at the nurseries blast chillers were used to aid preservation of freshly picked produce. However, this form of cooling could not be used for tomatoes, peppers and cucumbers which are now grown at the Nurseries as it would damage the produce. As a consequence, a cold store facility which would remove ‘field heat’ without impairing the quality of the produce was necessary.

12. Since the cold store was constructed it has been used for the storage of produce from elsewhere. The attachment of a condition preventing such storage would not be a straight forward condition to enforce as it would require visits to check the cold store and also possibly involve the observation of vehicles entering the site. Nevertheless, this would not be so difficult as to render the condition unenforceable, or place an excessive burden on the local planning authority. I therefore find that such a condition would ensure that the use of the building was ancillary to the agriculture use of the site.

Openness

13. PPG2 advises that the most important attribute of the Green Belt is its openness. Circular 11/05 has been referred to in support of the appeal. However, as this Circular is cancelled it has not had a bearing on my assessment of the cold store. The cold store has been built on land formerly occupied by an assortment of structures which were cleared to make way for the new building. The cold store has a footprint of approximately 1250 sqm and measures 7m in height to its eaves and 10m in height to the roof ridge. There is also a canopy which extends the roof some 6m over open bays along the length of the western elevation. As a consequence, the quantum of development the cold store represents is large and it has a correspondingly significant effect on reducing openness.

14. The extensive screening of the centrally located cold store is provided by planting around the perimeter and the presence of intervening glass houses. As a consequence, only glimpsed views of building are possible outside of the appeal site. Nevertheless, the fundamental aim of Green Belt policy is to keep land permanently open by not building upon it, or strictly controlling the extent of new buildings. For this reason, the screening of the building has little effect on reducing the adverse impact of the proposal on the openness of the Green Belt.

15. It is proposed as part of the development in both appeals that the water tower, chimney and boiler house is demolished. It is also proposed that the planning permissions for a storage building (5/2008/1051) and office building (APP/B1930/A/99/1019917/P7) are surrendered. Although, with the possible
exception of the water tower and chimney, the other buildings would not be as tall as the cold store, these actions would result in a reduction in the footprint of development of approximately 690 sqm at Smallford Nurseries.

16. The harm to openness weighs against the use of the cold store for produce only grown on site at Smallford Nurseries. The improvement in openness which would be achieved by the surrendered planning permissions and demolition of other structures on the site would assist in ameliorating this harm, but would be insufficient to overcome it.

Character and appearance

17. Owing to the extent of screening and its position close to the centre of the site only glimpsed views of the building are possible outside of Smallford Nurseries. As a consequence, the building has little adverse impact on the character and appearance of the surrounding area. On site, although a particularly large structure, its position attached to the large grading and pepper packing shed helps to mitigate its size. Furthermore, the shape of the building and the use of grey profiled steel sheets for cladding has resulted in a development that is similar in appearance to the grading and packing sheds and complements its immediate surroundings. However, the removal of the bedsits on the eastern side of the building has resulted in the exposure of steelwork which needs to be made good so that this elevation complements the appearance of the rest of the building. This could be secured by the attachment of a suitably worded condition. As a result, the harm caused by the cold store to the character and appearance of the area is minimal.

Other matters – Appeal A

Agricultural need for a cold store of the size constructed for Smallford grown produce

18. In the 2 peak growing months of the summer the cold store is largely full of Smallford grown produce. Its capacity when laden with pallets of single stacked produce is 400. When the potential for double stacking is taken into account this rises to between 490 and 540 pallets. Based upon the figures of the appellant’s horticultural consultant, if Smallford Nurseries produced only cucumbers the cold store could hold 3 days worth of production during the peak growing months of the year with approximately 20% spare storage space in the cold store. If the Nurseries produced solely tomatoes the spare storage space would be up to 35%. It appears to me, on the basis of the submitted figures, that peppers would occupy a similar amount of space as tomatoes. Given that the crops grown vary according to customer demand if the space available is efficiently utilised there is likely to be spare space somewhere between these two figures (20 – 35%).

19. On occasions, during peak growing months of the year, more than 3 days stock is held to address market fluctuations, or to service supermarket promotions. In my assessment, a spare capacity of 20 – 35% caters for such situations. I recognise that the store was designed to cater for the storage associated with the distribution of all the produce of Glinwell’s Nurseries. However, Mr Cannatella, in response to one of my questions, stated that by itself the cold store was not large enough to hold all of the produce during the peak months of production and that other parts of the cool chain were also used to store produce grown off site. For these reasons, I find that the declared capacity of
the cold store is not excessive for the reasonable purpose of storing several days of Smallford Nurseries produce.

20. During the winter, between November and January, the cold store would be empty. However, such a situation is analogous with a barn or grain store prior to a harvest. As a consequence, by itself the fact that the store will be empty for part of the year does not indicate that the building is too large for its purpose.

21. There is a large amount of free space surrounding produce in the cold store even when it is full to capacity. In order to maintain the quality of the product an indirect airflow of cool air is necessary. This requires free space around the product. The greater the space the greater the mass of cool air and the better the cooling effect. No technical evidence on the dimensions of the building necessary for efficient refrigeration was presented to the Inquiry. Given that in design terms the optimum solution is one which fulfils the performance criteria sought at minimum cost, I have no reason to believe that the building is significantly taller or larger than it needs to be in order to efficiently cool stock.

22. I recognise that the Inspectors in relation to the previous cold store appeals found that the building was far larger than was necessary for Smallford grown produce alone. However, both Inspectors visited the cold store during the colder months of the year when little produce is grown at Smallford. They also did not have the benefit of the additional evidence presented to the Inquiry and tested under examination on horticulture and operation of the cold store.

23. Taking all these matters into account, I therefore conclude that if the cold store had been built for Smallford Nursery only produce it could justifiably occupy much the same space as the existing building. As a consequence, whilst there is an adverse effect on openness this is commensurate with a storage facility of sufficient size to meet the needs of the Smallford Nurseries for a legitimate purpose contained within PPG2. This is a consideration of significant weight in favour of the appeal.

Planning obligation

24. A planning obligation to surrender planning 2 permissions, one for a storage building (5/2008/1051) and the other for an office building (APP/B1930/A/99/1019917/P7), and the demolition of the water tower, chimney and boiler house was submitted to the Inquiry. The agreement has been assessed having regard to the tests in Circular 5/2005. I find that the agreement satisfies the tests in the Circular.

Conditions

25. For the reasons already given it is necessary to limit the use of the cold store to produce grown only at Smallford Nursery and to make good the cladding to the building. I have required both matters by condition, revising the Council's suggested conditions where necessary to better reflect the requirements of Circular 11/95 'The Use of Conditions in Planning Permissions'. An additional condition requiring the demolition of the water tower, chimney and boiler house would ensure in a readily enforceable manner that this work is carried out. I have therefore also attached this condition.
Conclusions on Appeal A

26. The retention of the cold store for produce grown only at Smallford Nurseries is not inappropriate development, but would have a marked adverse effect on openness. However, the material considerations in favour of the development are sufficient to outweigh the harm that the building causes in this regard. As such the proposal would comply with policy 1 of the Local Plan and PPG2.

Reasons – Appeal B

Inappropriate development

27. There is no dispute between the parties that the use of the cold store for produce grown at other nurseries and imported from overseas, which is transported to the site by lorry, is not ancillary to agriculture on the appeal site. As such the use of the cold store for such purposes is inappropriate development for the purposes of PPG2 and policy 1 of the Local Plan. I concur with that assessment. This finding is consistent with the conclusions of the 2 previous Inspectors on this matter.

Openness

28. The harm to openness caused by the cold store identified in paragraphs 13, 14 and 15 represents additional harm. The improvement in openness which would be achieved by the surrendered planning permissions and demolition of other structures on the site would be insufficient to overcome this harm. This finding adds further weight against the use of the cold store for the purposes described in Appeal B.

Character and appearance

29. In addition to the effect of the cold store upon the character and appearance of the area which I have concluded upon in paragraph 17 the effect of the traffic generated by the cold store being used for storage and distribution of produce grown elsewhere must also be considered.

30. The appellant states 5 to 6 articulated lorries deliver produce to Smallford Nurseries daily. Based on the assumption that a similar number of articulated lorries leave the site each day as arrive this gives a total of approximately 10-12 daily lorry movements. This level of goods vehicle movements is significantly above that which would be generated by use of the cold store for Smallford only grown produce, especially outside the peak growing months of the year. As a consequence, it would be out of keeping with the agricultural use of the site. I therefore conclude that the intensity of lorry movements generated by the year round storage and distribution of produce grown elsewhere, over and above that generated by the use in Appeal A, would harm the character and appearance of the area. This finding adds further weight against the proposal.

Other matters – Appeal B

Planning obligation

31. A planning obligation to surrender planning 2 permissions, one for a storage building (5/2008/1051) and the other for an office building (APP/B1930/A/99/1019917/P7), and the demolition of the water tower, chimney and boiler house was submitted to the Inquiry. The agreement has
been assessed having regard to the tests in Circular 5/2005. I find that the agreement satisfies the tests in the Circular.

Highway safety and environmental impact

32. The absence of demonstrable harm in relation to any other issues of acknowledged planning importance such as highway safety, the free flow of traffic and environmental impact have been cited in support of the appeal. However, this is a requirement for development rather than a benefit to be weighed in favour of the proposed use.

Other considerations - Appeal B

33. I have found that the use proposed for the building in Appeal B would be inappropriate development in the Green Belt. It would also harm openness. It is therefore necessary to consider the grounds put forward by the appellant to determine whether there are material considerations, which would amount to very special circumstances, which would outweigh this harm.

Use of the site

34. Smallford Nurseries has been the headquarters for Glinwell PLC for many years. The evidence of the appellant is that since at least the late 1980s the Nurseries have been used for the storage and distribution of salad produce not grown on the site. As a consequence, the appellant’s view is that the use is lawful. However, this is not a matter for me to determine in the context of an appeal made under S73A / S78 of the Act. A separate application needs to be made under sections 191/192 of the Act to decide this issue. Whether the cold store has been built in accordance with an established lawful use, or has not, it still constitutes inappropriate development and needs to be assessed against planning policy. This is a matter therefore to which I attach little weight.

Planning Policy Statement 4: ‘Planning for Sustainable Economic Growth’ (PPS4)

35. PPS4 is supportive of business located in the countryside such as Smallford Nurseries, but makes clear that the countryside should also be protected. Whilst policy EC10 requires local planning authorities to adopt a positive and constructive approach to planning applications for economic development this does not negate the need to consider its affect on the countryside or Green Belt. The policy approach to economic development in rural areas contained within PPS4 by itself does not alter the approach to assessing the effect of the appeal proposal on the Green Belt. However, it is a consideration to be weighed in the favour of the development. I therefore attach some weight to it in favour of the proposal.

Operational capacity and employment

36. In order to service the Tesco contract the construction of a large cold store is a necessary part of the cool chain involved with the storage, processing and distribution of salad produce. It appears to me that a far smaller on site cold store facility, similar to those used at the other nurseries within the Glinwell group, could have been used to extract the field heat before onward movement to a central facility elsewhere for the storage, processing and distribution of all Glinwell’s produce and imports. However, this did not occur. Smallford Nurseries already had grading and packing buildings and from a financial and operational perspective it made sense to expand existing facilities. The cold
store was a significant investment and the margins of the business are small. Taken together these considerations indicate that it may well not be an economically viable solution to relocate the cold store and the associated packing and distribution operations elsewhere. If this was the case the business would no longer be able to fulfil its existing Tesco contract and would need to shrink with the loss of 60 to 70 jobs out of the current total of approximately 240.

37. The construction of a building without first taking planning advice and gaining any necessary permission carries the risk that if permission is refused it may have to be taken down. Clearly, if this was to occur it would involve the loss of a significant amount of investment and cause distress to those whose jobs would be lost. However, I agree with the Council that this is a compelling argument for appropriately planning for the expansion of a business. As a consequence, this is a consideration which does not significantly add to the moderate weight I attach to the benefits to the operations of the business and employment associated with the development.

**Conclusions on Appeal B**

38. The harm by reason of inappropriateness is substantial. This harm is added to by the reduction in openness. *R. (oao Siraj) v Kirklees MBC* [2010] EWCA Civ 1286 has been cited. It shows that the commercial needs of a business are capable of amounting to very special circumstances. However, in that case, amongst other matters, the operational requirements of customers and the lack of suitable alternative sites were important factors. In this case there are 2 other nurseries within the Glinwell Group located in the south east of England and there has been no analysis showing that they, or other sites, would not be a suitable location for a centralised storage and distribution operation. I therefore find the judgement is readily distinguishable from the appeal before me.

39. The degree of harm caused by the development is significant and in comparison the material considerations in favour of the appeal are small. I therefore conclude that very special circumstances do not exist that justify permitting the retention of the cold store for the storage and distribution of salad produce grown elsewhere. As such the development is contrary to policy 1 of the Local Plan and PPG2.

*Ian Radcliffe*

Inspector
Annex 1

Schedule of Conditions in relation to Appeal A

1) The use permitted relates only to the storage and distribution of produce grown at Smallford Nurseries and within the control of Glinwell PLC.

2) Within 3 months of the date of this decision, details of the materials and works necessary to make good the cold store following the removal of the bedsits shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months of the approval of these details, these works shall be carried out in accordance with the approved details.

3) Within 6 months of the date of this decision, the buildings identified in the planning application for demolition shall be demolished and all materials resulting from the demolition removed.
APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Gwion Lewis Of Counsel

He called

Mr Nigel Ozier Brian Barber Associates
BA (Hons) MRTPI

FOR THE APPELLANT:

Mr Timothy Comyn Of Counsel

He called

Mr Andrew Peter Fry Former salad buyer and produce director, Tesco Plc

Mr Marcello Cannatella Senior Operations manager, Smallford Nurseries, Glinwell Plc

Mr Derek Hargreaves Horticultural Consultant
FI Hort

Mr Matthew Simon General Manager, Glinwell Plc

Jolanda Pignatelli Account Manager, Glinwell Plc

Valeria Cipolla Procurement Manager, Glinwell Plc

Mr Peter Faulkner Bidwells
FRICS FAAV

DOCUMENTS SUBMITTED AT THE INQUIRY

1 Page 2 of the planning application form (Appeal B).
2 Letters of notification regarding the date, time and location for the resumption of the Inquiry into Appeal A and the opening of the Inquiry into Appeal B.
3 Enforcement Notice in relation to the Cold Store issued on 11 September 2010 requiring its removal.
4 Planning Obligation (signed and dated) in relation to Appeal A.
5 Planning Obligation (signed and dated) in relation to Appeal B.

PLANS SUBMITTED AT THE INQUIRY

A Site Location Plan ref 25456/001 (Appeal B).
B Location Plan ref 25456/003 (Appeal B).
C Glinwell Cool Chain
D Pallet layout in the cold store

http://www.planning-inspectorate.gov.uk
Planning reforms boost local power and growth

Planning reforms boost local power and growth

Joint article by the Secretary of State and the Chancellor

Planning reform is key to our economic recovery. Opponents claim, falsely, the government is putting the countryside in peril. We say that sticking with the old, failed planning system puts at risk young people's future prosperity and quality of life. No one should underestimate our determination to win this battle. We will fight for jobs, prosperity and the right protection for our countryside.

Since the planning system was established in 1947, it has grown inexorably more complicated. Between 2005 and 2010, Whitehall issued some 3,250 pages of guidance. As central prescription has burgeoned, the process has become more and more wasteful.

Today, planning delays cost the economy £3bn a year. It is twice as expensive to get planning permission in London's West End as in Paris, and 10 times more than in Brussels. In a global economy, where skills and capital are more mobile than ever, our planning system is a deterrent to international investment, and a barrier to the expansion of home-grown enterprise.

When planning acts as a brake on growth, and on the much needed new jobs and new businesses, reform is imperative. Current policy runs to thousands of pages, much written in technical detail. There is nothing democratic about a system that makes it virtually impossible for communities to understand how important decisions are made.

House building rates before we took office had fallen to their lowest for generations. The average first-time buyer is already well into their thirties. A lack of new homes is sombre news for every young family waiting to get a foot on the ladder.

The house building slump was due to a range of factors, but a complex and adversarial planning system,
which left many communities resentful, was part of the problem. The aim of a National Planning Policy Framework is simple. The draft brings together the policy and principles that guide decisions about how our country should grow. It reduces policy from more than 1,000 pages to under 100, and will pave the way for swifter, clearer decisions. In recent years, planning has come to be seen as a tool to say 'no' to growth; as a means to delay and block. This government will change that. Instead of stopping development, we want to support the right development. At the heart of the framework is a 'presumption in favour of sustainable development'.

This means the answers to proposals for responsible, careful growth should be 'yes', unless there are strong reasons to the contrary. A recent survey showed that a majority of the public support the idea of a simpler planning system and a presumption of favour of sustainable development.

Among the most vociferous in their calls for government to bring forward a growth plan have - surprise, surprise - been among the most vociferous opponents to one of its central planks. The government is ready to debate the framework - based on facts, not myths. The idea that presumption in favour means that growth will be able to take place wherever, whenever and however is false. Protections for the green belt, for National Parks and Areas of Outstanding National Beauty continue. The framework insists on high environmental standards and good design. Poorly-designed and poorly-located development is in no-one's interest.

Nor will our reforms give communities less say. On the contrary. We are abolishing the old regional strategies and housing targets. Councils will continue to exercise a vital role, drawing up plans for their area.

Through neighbourhood planning, a key new right in the Localism Bill, communities will soon have the chance to say where they want new shops, homes and businesses to go, and what they should look like.

Reforming a slow and inefficient planning system will be good news for the small business looking to expand; for the young family hoping for more affordable house prices; and for the community wanting to decide on their own future. This is our opportunity to unlock the new investment and new jobs the country needs. We cannot afford to miss it.

A democratic design for the future of Britain's communities

The current planning system is inefficient and complex – our reforms will put it back in the hands of local residents

Eric Pickles

A larger | smaller

Preserving the greenbelt will be part of planning policy. Photograph: David Levene for the Guardian

Good planning helps build places that people are proud to call home, protects natural beauty and gives communities a voice. England needs a system that is fair, transparent and timely. At the moment, we don’t have one. After years of central prescription – with some 3,250 pages of guidance issued in the five years to 2010 alone – the system has become painfully bureaucratic.

Simon Jenkins, on these pages, questioned the economic case for reform. In a survey of
small firms earlier this year, the Federation of Small Businesses found that more than a third struggle with planning’s cost and complexity; the British Chambers of Commerce say that seven out of 10 members feel locked out of local debate about planning proposals; the CBI said in April this year that "the pace of the planning process needs to be improved dramatically if the UK is to compete internationally". These organisations — all membership bodies — are unanimous that the planning system holds back the growth and new jobs the country needs.

But the system is not only inefficient, it is undemocratic. With over a thousand pages of national policy, it’s nigh-on impossible for a non-expert to read the rules of the game, let alone master them. Residents often feel locked out of debates where the side with the most lawyers wins. Even those who disagree with the government’s specific proposals, including the National Trust — an organisation I have been a member of for many years — concede that planning is "not perfect".

Our proposal to condense policy to a little over 50 pages would make planning more accessible and help deliver swifter decisions. We welcome views from every quarter. But in the debate so far, some people have misunderstood the government’s intentions.

No one, least of all this government, wants to see unsustainable development. Ugly housing and badly sited factories have no place in modern Britain. As anyone who has read our proposals will know, we retain (among many other safeguards) protections for greenbelt land, insist on high standards of design, and want to see stringent carbon standards for new buildings. We aim to limit light pollution and ensure access to the country’s coastline. It is simply not true to suggest — as George Monbiot did — that under our proposals it will be "almost impossible to resist development". If it isn’t sustainable, it must not, and will not, happen.

Second, despite what Monbiot and Jenkins say, planning reform, while not the whole solution to tough conditions in the housing market, will help to build the new homes that Britain needs. You don’t have to take our word for it. The National Housing Federation, representing the country’s social landlords, have welcomed the government’s proposals as a "hugely important milestone". The charity Shelter has said our reforms are "part of the solution"; Homeless Link has said this is "about stopping the damage that homelessness causes to individual lives and communities".

We want to take the power out of the hands of lawyers and bureaucrats and put it back
in the hands of local people. We are getting rid of John Prescott's regional strategies and housing targets. The local plans that councils draw up together with residents will hold greater sway than ever. And we are looking to introduce neighbourhood planning, a new means for residents to have a say over the look and feel of the places where we live.

The planning system shapes our future. We need to see sustainable, responsible, careful growth; not just new houses, but new homes, in communities that work, where people are pleased to come home at night and happy to raise their children. The country must build not to turn a quick profit, but to create a legacy that lasts for generations to come. This is what our reforms are designed to deliver, and what we are determined to achieve.

© 2011 Guardian News and Media Limited or its affiliated companies. All rights reserved.
Thank you for your letters of 15 August and 6 September about the Government’s planning reforms and the role of planning in addressing concerns about social disruption.

Let me say at the outset that I absolutely share and admire your commitment to the countryside, and wholeheartedly agree that policymakers have an enormous responsibility to our environment. Both as Prime Minister, as a rural constituency MP, and as an individual. I have always believed that our beautiful British landscape is a national treasure. We should cherish and protect it for everyone’s benefit.

Our reform proposals are intended to simplify the system, strengthen local participation and secure sustainable development. I believe that sustainable development has environmental and social dimensions as well as an economic dimension, and we fully recognise the need for a balance between the three. Indeed, the purpose of the planning system as a whole, and of our proposals for it, is to achieve such a balance.

I am sure you will agree that the current system is far from perfect. It is highly complex, with over 3,000 pages of new guidance being issued between 2005 and 2010, and it is clunky to operate. Our reforms will streamline this system making it easier for communities to influence the decisions that make a difference in their lives. They will increase local discretion by giving residents greater choice than ever before, through local and neighbourhood plans, to decide the look and feel of the places that they love.

We must ensure that the planning system supports our objectives for growth and employment, as well as building environmental and social capital. That is why we believe the presumption is an important part of the new planning guidance. Where businesses are seeking to relocate or expand they should be able to do so. And many of our young people find it increasingly difficult to take their first steps to home ownership. This situation is unacceptable.

Of course, we must ensure the appropriate protections for our magnificent countryside. This is why our reforms will maintain protections for the green belt, for National Parks and Areas of Outstanding National Beauty. It will introduce a new local green space designation which local communities can use to protect open places they value. And as you know, the framework insists on high environmental standards and good design. Poorly-designed and poorly-located development is in no-one’s interest. Our aim is to secure a planning system that supports growth and prosperity and protects the interests both of today’s communities and of generations to come.

Finally, let me address the concerns you have raised about our response to representations from shopkeepers and businesses seeking to install shutters to help them protect their livelihood. We must ensure that people can feel safe in being able to protect their property. It is absolutely right that we have taken swift action to ensure these applications are given priority in the planning system, while recognising the importance of good design to protect the look and character of our high streets.
I am a big supporter of the National Trust and very happy to have a meeting. My diary is extremely packed in the immediate period ahead, but I will try and sort something out. In the meantime, I understand that you have met with the Planning Minister, Greg Clark, recently, and that since you wrote to me, he has offered further discussions to discuss specific concerns. I would encourage you to continue that dialogue.
Barton Willmore  
The Observatory  
Southfleet Road  
Ebbsfleet  
Kent  
DA10 0DF

Town and Country Planning Act 1990  
The Town and Country Planning General Development Order 1988

IN pursuance of their powers under the above-mentioned Acts and Orders, the Council of the Borough of Slough as the Local Planning Authority, HEREBY REFUSES PERMISSION, in accordance with your application dated 27th September 2010 and the accompanying plans and particulars, for:

Proposal:  (OUTLINE APPLICATION) CONSTRUCTION OF A RAIL/ROAD FREIGHT INTERCHANGE COMPRISING AN INTERMODAL TERMINAL AND CLASS B8 DISTRIBUTION UNITS, TO INCLUDE:

INFRASTRUCTURE TO ENABLE THE EXCHANGE OF FREIGHT BETWEEN ROAD AND RAIL, INCLUDING RAILWAY SIDINGS WITH A CONNECTION TO THE COLNBOOK BRANCH LINE AND AN INTERMODAL TERMINAL INCORPORATING TWO OVERHEAD GANTRY CRANES AND EXTERNAL CONTAINER STORAGE;

CLASS B8 DISTRIBUTION UNITS (UP TO 194,836 S.Q.M. FLOORSPACE), TO INCLUDE ASSOCIATED LANDSCAPING, ACCESS, PARKING AND SERVICING AREAS;

LORRY PARKING AREA INCLUDING FACILITIES FOR DRIVERS;

TWO VEHICULAR ACCESSES ON THE A4 COLNBOOK BY PASS AND OFF SITE JUNCTION IMPROVEMENTS (AT M4 JUNCTION 5, A4 JUNCTION WITH SUTTON LANE, A4 JUNCTION WITH STANWELL MOOR ROAD, A3044 JUNCTION WITH AIRPORT WAY AND M25 JUNCTION 14);

CREATION OF NEW PUBLIC RIGHTS OF WAY, IMPROVEMENT WORKS TO EXISTING PUBLIC RIGHTS OF WAY AND DIVERSIONS TO EXISTING PUBLIC RIGHTS OF WAY.
WAY;

ENGINEERING OPERATIONS TO REMODEL GROUND LEVELS;

NEW LANDSCAPING INCLUDING WOODLAND AND SHRUB PLANTING, GRASSLAND AREAS AND WETLAND CREATION AND NEW BOARDWALK ADJACENT TO OLD SLADE LAKE.

Location: SIFE, Land North of A4 Colnbrook By Pass, And West Of Lakeside Road, Colnbrook By Pass, Slough, Berkshire, SL3 0FE

Dated this 8th September 2011

THE REASON(S) FOR REFUSAL:

1. It has not been demonstrated that there is an over riding need for, or sufficient deliverable benefits from, the rail freight facility and warehousing in this location which would constitute the very special circumstances which are necessary to overcome the presumption against inappropriate development in the Green Belt as set out in PPG2 (Green Belts) and Core Policy 2 (Green Belt and Open Spaces) of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008. It would cause significant harm to this fragmented and vulnerable part of the Green Belt.

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.

5. The absence of any guarantee that there will be a high level of rail use of the warehousing, as required in the adopted Core Strategy, means that it cannot be demonstrated that there will be any environmental benefits associated with the proposed...
development that would overcome the strategic policy objections or outweigh the demonstrable harm to the environment of the area in terms of increased traffic, worsening air quality, loss of landscape features and a reduction in the ecological and recreational value of the land.

6. A holding objection is raised to the proposed development on the grounds that the legal agreements and conditions that are necessary for the development to proceed have not been secured.

7. The Council is not satisfied from the evidence submitted that the proposed development would not have a major adverse impact upon air quality in the Brands Hill Air Quality Management Area.
Your attention is drawn to the attached notes.

Wesley McCarthy
On behalf of
Head of Planning and Strategic Policy

DEC3envr