



ST ALBANS CITY AND DISTRICT LOCAL PLAN (2020-2036) EXAMINATION

**MATTER 7 – THE BROAD LOCATIONS FOR DEVELOPMENT – SPECIFIC MATTERS
POLICY S6 (XI) PARK STREET GARDEN VILLAGE**

December 2019

CONTENTS

1.0 INTRODUCTION 1

2.0 MATTER 7 – The Broad Locations for Development – Specific Matters (Policy S6 (i) to (xi) 3

3.0 CONCLUSIONS 8

4.0 APPENDIX 1 – SECRETARY OF STATE DECISION FOR THE STRATEGIC RAIL FREIGHT INTERCHANGE 9

1.0 INTRODUCTION

- 1.1 This Hearing Statement has been prepared by DLA Town Planning Ltd in response to the Inspector's Matters, Issues and Questions for the St Albans City and District Local Plan 2020-2036.

Overview of DLA representations

- 1.1 DLA Town Planning is instructed by a group of around 10 landowner/developer clients with interest in a total of 16 sites across St Albans district. These sites range in size from 10 to 200 dwellings and are in a range of locations. These sites are not included within the draft Local Plan, despite being suitable and deliverable, and this reflects the fact that these sites have not been adequately assessed by the Council. The representations made by each client are similar in many respects and primarily focus on the weaknesses in the Council's chosen strategy, inadequacies in the evidence base and a lack of consistency with government guidance. This statement draws together clients' views into a combined position. The key points cut across many of the Inspectors' Matters and Issues and are summarised below for ease of reference:

- **Procedural issues** – we do not consider the draft Local Plan to be sound in terms of the way the strategy has been devised, the alternatives considered and relied upon, and the evidence that underpins both;
- **Housing provision east of Hemel Hempstead** – there is a strong argument advanced by Dacorum Borough Council, among others, that some or all of the housing proposed to the east of Hemel Hempstead should contribute to meeting Dacorum's housing need, rather St Albans' need; this raises a fundamental question as to whether this Local Plan can sustainably rely upon that housing to meet its own needs;
- **Park Street Garden Village** – this site has planning permission for a Strategic Rail Freight Interchange. This is common knowledge. This permission was granted by the Secretary of State on the basis of "very special circumstances", mainly around the specific need for this use. This planning permission has now been implemented and its delivery is outside of the control of the council. On this basis, it plainly follows that it is not deliverable as a housing site and should be deleted;
- **The 'stepped' approach is flawed** – The draft Local Plan is unable to demonstrate a five-year supply of housing land due to the lack of any proposed small and medium-size site allocations. The exclusive focus on strategic sites means that a

“stepped” housing trajectory is required which defers housing delivery, contrary to government policy;

- **There is conflict with Paragraph 68 of the NPPF** – A specific conflict with government policy arises in respect of the Framework’s requirement at paragraph 68 that 10% of the housing requirement be met on sites of less than one hectare.

1.2 In view of these soundness issues, modifications are needed to the Local Plan to enable it to be found sound. It is clear that additional housing provision is needed and such provision needs to be found particularly from small and medium-sized sites. These additional allocations should be made from the following sources as a priority:

- The small scale sub-areas already identified in the Council’s Green Belt Review but not taken forward;
- Medium-sized allocations around the main towns where these relate well to the urban area and where robust new Green Belt boundaries can be identified or where brownfield opportunities exist;
- Extensions to allocations already proposed in the draft Local Plan;
- A specific allowance for Neighbourhood Plans to allocate small and medium-scale housing sites in the Green Belt.

1.3 A short postponement to the hearing sessions may be necessary while the Council compiles the list of additional sites and produces additional policy wording. However, these changes can be made in the context of the current Local Plan examination and should **not** require the withdrawal of the Plan, particularly since much of the evidence base needed already exists.

2.0 **MATTER 7 – The Broad Locations for Development – Specific Matters (Policy S6 (i) to (xi))**

2.1.0 **Main Issue**

2.1.1 Whether the detailed policy for each broad location for development is justified, effective and consistent with national policy.

2.2.0 **Questions – Park Street Garden Village S6 (xi)**

2.2.1 ***Question 1 – Is the site suitable for housing and are there any specific constraints or requirements associated with it, or the need for mitigation measures?***

2.2.2 The broad location is enveloped by the Midland Main Line, the M25 and the A414 on its north, east and south boundary. As such, the Council will need to ensure that residential development is not adversely impacted by airborne noise and vibrations produced by passing car and rail transport, especially now rail services can run 24-hours a day.

2.2.3 Paragraph 180 of the NPPF (2019) states that *“planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

2.2.4 In order to reduce issues associated with locating residential development in close proximity to transport corridors, a package of mitigations measures would be needed that not only protects residential development from noise and vibrations, but also prevents trespass to and from the railway line. Standard mitigation measures (such as a setback) can be integrated, albeit would result in less developable land for housing as well as influencing the location of more sensitive uses.

- 2.2.5 ***Question 2 – What are the implications of providing a new garden village on the site of an approved Strategic Rail Freight Interchange and how have these been dealt with?***
- 2.2.6 Planning permission for the SRFI was granted on the basis of Very Special Circumstances. Despite finding that the SRFI would result in substantial harm to the Green Belt through loss of openness and encroachment into the countryside, the need for rail freight interchange facilities to serve London and the South East and the lack of alternative locations were considered to clearly outweigh the harm identified (Appendix 1).
- 2.2.7 Very Special Circumstances is a “high hurdle” to clear and cannot be established lightly. For the Secretary of State to conclude that VSCs exist for this particular use in this particular location, and for this conclusion to be upheld by the courts, a compelling case must have existed. However, this approval now appears to have been set aside by the Council in favour of an alternative use.
- 2.2.8 These issues were considered by the Council in a report to the Planning Policy Committee on 12 and 18 June 2018. The Council recognised that the NPPF requires that the Local Plan should seek to deliver both the SRFI and objectively assessed housing need. The Council concludes that there were no other options available that could accommodate the district’s housing need without having a greater impact on the Green Belt, when compared with the SRFI site.
- 2.2.9 We have set out elsewhere our concerns with the strategy as a whole and the lack of evidence to underpin key decisions. It is clear that there are other options available to satisfy housing demand without affecting the SRFI site and we do not find the Council’s assessment in this respect compelling or backed up by evidence. Not only would these options retain the SRFI site – a use for which finding alternative locations was described by the Secretary of State as “extremely problematical” – but these options would enable housing to be delivered on a far quicker timetable than the Council’s preferred option. This is significant given the historic under-delivery of housing and growing affordability issues.
- 2.2.10 ***Question 3 – What evidence is there to demonstrate that the garden village is capable of delivering 2,300 homes (including 600 beyond the plan period)?***
- 2.2.11 The representations made on behalf of Hertfordshire County Council (HCC) in October 2018 acknowledged that the site benefits from planning consent for the Strategic Rail Freight (SRFI), which is why HCC were proceeding with caution in respect of any feasibility study to assess the developability and deliverability of the

site for housing. It should also be noted that conditions for the SRFI are still being discharged (most recent on 25/10/2019, LPA ref: 5/2019/2064) and it has come to our attention that the extant permission has been implemented. Helioslough submitted a Certificate of Lawfulness on 29/11/2019 to confirm that works had started on the SRFI (LPA ref: 5/2019/3002).

2.2.12 At this stage, no concrete evidence has been submitted demonstrating that the broad location is capable of delivering its target of delivering 2,300 homes. The indicative masterplan does not include any further detailed technical and environmental studies. In addition, the masterplan has indicated a capacity of 1530-2040 units, which is below the minimum housing target of 2300 homes for the broad location and seems to have resulted from the policy requirement of providing an 8FE secondary school. As such, it is questionable whether the target of 2,300 homes is achievable when very little technical work has been submitted to 'iron out' the key issues.

2.2.13 ***Question 4 – What further infrastructure work (including technical and environmental studies) needs to be undertaken, and is this appropriate to be left to the masterplanning stage?***

2.2.14 To our knowledge there has been no further technical or environmental studies undertaken by HCC in respect of the site's allocation for housing, nor has a screening opinion been submitted to the Council. This is concerning given the broad location is the second largest housing allocation in the Local Plan. The developers for the East of Hemel Hempstead broad location have already undertaken extensive technical and environmental studies/work since 2016 and have submitted an Environmental Scoping Report in January 2019, which was considered to be generally appropriate and acceptable by the Council. For present purposes, paragraph 31 of the NPPF provides the following:

"The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals."

2.2.15 The Council have produced a draft Strategic Sites Masterplanning Toolkit (July 2019), which sets out the Council's aspirations for the planning process in respect of the broad locations. The document includes a sample programme that provides guidance on the timescales of masterplanning and outline planning pre-application stages and meetings that the Council may want the applicant(s) to cover throughout the process. The programme sets aside a period of 9-10 months for masterplanning

before the outline application is submitted to the Council. This is a very short timeframe for detailed technical and environmental work to be completed, which would also need to be prepared alongside other activities such as community engagement and workshops. As such, it would be inappropriate for this amount work to be left to the masterplanning stages.

2.2.16 Question 6 – Does the Abbey Railway Line have capacity to support the proposal?

Question 7 – What evidence is there to demonstrate that services would be increased? Can rail operators provide the increased peak period service sought?

Question 8 – Is the passing loop on the Abbey Railway line justified and deliverable?

(The above three questions are considered collectively.)

2.2.17 The Abbey line is a single-track branch line providing services between Watford Junction and St Albans Abbey. Due to its single-track operation, service frequencies are limited to every 45 minutes and do not connect with main line services. The lack of through services forces passengers to change at Watford Junction and St Albans and there is also significant underutilisation in which six branch stations are in the eight least used stations in the County. The current service is considered to be sub-optimal for a railway line located in a largely urban environment and, therefore (in its current form) does not have capacity to support population growth resulting from the proposal unless connectivity and physical constraints are addressed.

2.2.18 Hertfordshire County Council's Rail Strategy (June 2016) identified that train services cannot run through to London due to the lack of available paths. This means the short-term focus needs to be on other possible enhancements can be through later running services (beyond 10pm) and 'skip top' services to enable enhanced frequencies from key stations (closing three stations would allow the introduction of a 30-minute interval service). The most recent timetables indicate that services now operate past 10pm, although there is no evidence of 'skip top' services.

2.2.19 The Rail Strategy identified a long-term rail-based solution of incorporating a passing loop at Bricket Wood, which would reduce passenger waiting times to a 30-minute interval service on clockface timings. However, it was considered to be an unlikely option by funders, as it would require the provision of two train sets and train crew in place of its current one, making it difficult to achieve a favourable business case.

2.2.20 The Railway Consultancy Ltd conducted an Abbey Line Passing Loop Feasibility report (April 2019) found there to be an 80% probability of delivering these works for just

under £10 million (albeit Network Rail suggested figures in the region of £15-35 million). However, they concluded that:

“the economic value of the increased passenger revenue and passenger time savings is likely to cover the capital costs of works. However, it is certainly not able to cover the extra operating costs, since (for instance) an extra trainset and three more traincrews would be needed. The Abbey line is currently in receipt of subsidy because it does not cover its operating costs, so a further increase in costs would have to lead to a very significant passenger response in order to improve matters. As waiting times are only part of passengers’ journeys, and because the scheme (in order to minimise capital expenditure) requires trains to wait whilst passing, there is a small increase in journey times for passengers travelling through Bricket Wood, the benefits are simply not large enough to provide the response required.

(Paragraph 8.1, Page 39)

- 2.2.21 The above conclusion indicates that whilst the project has some obvious merit (with associated economic benefits), at present the benefits are not large enough to immediately justify a business case for the railway loop to proceed. As such, it is not considered that the Abbey Railway Line has the capacity to support the proposal for the Park Street Garden Village.

3.0 CONCLUSIONS

3.1 Overall, we do not consider that the detailed policy for the Park Street Garden Village in the draft Local Plan is justified, effective and consistent with national policy for the following reasons:

- The Council seems to have set aside and/or not given sufficient consideration to the Very Special Circumstances that existed for the SRFI in this location and how this is likely to affect the Plan's underlying assumptions.
- There are other options available to satisfy housing demand without affecting the SRFI site and the council has so far failed to turn its attention to this. It is considered that the Council's assessment in this respect is not compelling nor backed up by evidence. There is an opportunity for this to be corrected.
- No concrete evidence has been submitted demonstrating that the broad location is capable of delivering its target of delivering 2,300 homes. The indicative masterplan does not include any further and/or sufficiently detailed technical and environmental studies and has only indicated a capacity of 1530-2040 units, which is below the requirement of 2,300 homes. This fails to meet the test under paragraph 31 of the Framework.
- It would be inappropriate to leave detailed technical and environmental work to the masterplanning stages given the amount of work that would need to be prepared within the Council's short timeframe.
- The Abbey Railway Line, in its current form, does not have the capacity to support growth expected from the Park Street Garden Village. There are physical and economic constraints that are likely to prevent any major improvements to the line (such as the Bricket Wood loop) unless a sound business case can be established.

3.2 We suggest that plan deletes the Policy S6 for the Park Street Garden Village due to uncertainty over its deliverability. Alternative strategies can provide for the additional housing that would be needed, such as the inclusion of a larger selection of small to medium sized sites.

4.0 **APPENDIX 1 – SECRETARY OF STATE DECISION FOR THE STRATEGIC RAIL FREIGHT INTERCHANGE**



Department for
Communities and
Local Government

Our Ref: APP/B1930/A/09/2109433

Your Ref: 5/09/0708

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14 July 2014

Dear Madam

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY HELIOSLOUGH LTD
LAND IN AND AROUND FORMER AERODROME, NORTH ORBITAL ROAD, UPPER
COLNE VALLEY, HERTFORDSHIRE
APPLICATION: REF 5/09/0708**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, A Mead BSc (Hons) MRTPI MIQ, who held a public local inquiry between 24 November and 18 December 2009 into your client's appeal against a decision by St Albans City & District Council (the Council) to refuse outline planning permission for the construction of a Strategic Rail Freight Interchange (SRFI) comprising an intermodal terminal and rail and road served distribution units (331,665m² in Use Class B8 including ancillary B1/B2 floorspace) within Area 1, with associated road, rail and other infrastructure facilities and works within Areas 1 and 2, (including earth mounds and a Park Street/Frogmore relief road) in a landscaped setting, and further landscaping and other works within Areas 3 to 8 inclusive to provide publicly accessible open land and community forest, at land in and around Former Aerodrome, North Orbital Road, Upper Colne Valley, Hertfordshire in accordance with application Ref 5/09/0708 dated 9 April 2009.

2. On 29 July 2009, the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 to Schedule 6 to, the Town and Country Planning Act 1990. This was because the appeal concerns a proposal for development of major importance having more than local significance and because it is for significant development within the Green Belt.

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3. The Secretary of State issued his decision in respect of the above appeal in his letter dated 7 July 2010. That decision letter was the subject of an application to the High Court and was subsequently quashed by order of the Court dated 4 July 2011. The appeal therefore falls to be redetermined by the Secretary of State.

Inspector's recommendation and summary of the decision

4. The Inspector recommended that the appeal be allowed and planning permission granted. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated. He has decided to allow the appeal and grant planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to the IR.

Matters arising since 7 July 2010

5. Following the quashing of his decision letter of 7 July 2010, the Secretary of State issued a letter, dated 15 September 2011, under Rule 19 of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000, to all interested parties, setting out a written statement of the matters with respect to which further representations were invited for the purposes of his re-determination of the appeal. These matters were:

- a. The views expressed by the Secretary of State in paragraph 33 of the quashed decision letter with regard to the Inspector's proposed Condition 33 - alternatives 1- 3, and the weight to be given to the planning obligation in the form submitted by the appellant and made by unilateral undertaking dated 16 January 2008.
- b. Whether or not Hertfordshire County Council is prepared to join as a party to the undertaking in the light of the Secretary of State's comments made in paragraphs 32 and 33 of the quashed decision letter; or if the parties to the undertaking wish him to consider any other amendments to the undertaking which might overcome his concerns about its enforceability.
- c. Any new matters or change in circumstances which the parties consider to be material to the Secretary of State's further consideration of this appeal.

6. On 19 October 2011, the Secretary of State circulated the responses he had received to his letter of 15 September 2011. On 29 November 2011 he circulated the responses he had received to his letter of 19 October 2011, and invited comments on the Department for Transport's updated policy guidance note on Strategic Rail Freight Interchanges, the Department for Transport's review document on logistics growth, and a joint Written Ministerial Statement on Strategic Rail Freight Interchanges issued by the Secretary of State for Transport and the Secretary of State for Communities and Local Government.

7. On 1 February 2012, the Secretary of State circulated the responses he had received to his letter of 29 November 2011 and stated that he was of the view that he was in a position to re-determine the appeal on the basis of all the evidence and representations before him.

8. Following the publication of the National Planning Policy Framework ("the Framework"), which replaced the national planning policy documents set out in its Annex 3, the Secretary of State wrote to parties on 29 March 2012 inviting comments on the relevance of the Framework to this appeal. On 18 April he circulated the responses he had received to his letter of 29 March. The Secretary of State has given careful

consideration to all of the representations received and he considers that, for the most part, the issues raised in relation to the Framework cover those already rehearsed at the inquiry. In considering these further representations the Secretary of State wishes to make clear that he has not revisited issues which are carried forward in the Framework, and which have therefore already been addressed in the IR, unless the approach in the Framework leads him to give different weight. Notwithstanding the replacement of the majority of former national planning policy documents by the Framework, the Secretary of State considers that the main issues identified by the Inspector remain essentially the same.

9. On 19 September 2012, the Secretary of State wrote to parties inviting comments on re-opening the inquiry into the Radlett appeal and conjoining it with the planned inquiry into the proposed SRFI at Colnbrook, Slough (Appeal Reference: APP/J0350/A/12/2171967). On 12 October 2012 the Secretary of State wrote to parties and circulated copies of the responses he had received to his letter of 19 September 2012. On 14 December 2012 the Secretary of State wrote to parties stating that he had concluded that it was unnecessary for him to re-open the inquiry into the Radlett appeal and conjoin it with the planned inquiry into the Colnbrook appeal and that he was satisfied that he could determine the Radlett proposal on the basis of the evidence before him.

10. The Secretary of State wrote to you on 20 December 2012 indicating that he was minded to allow the appeal subject to the provision of a suitable planning obligation which binds all of those with an interest in the appeal site. You submitted a new planning obligation (dated 19 December 2013) on 20 December 2013 and, on 19 February 2014, the Secretary of State wrote to parties inviting comments on that obligation. On 14 March 2014, the Secretary of State circulated the responses he had received and invited comments on (i) those responses, (ii) the Planning Practice Guidance (the Guidance) published on 6 March 2014 and the cancellation of previous planning practice guidance documents, and (iii) any material changes of circumstances that have occurred since 20 December 2012. On 1 April 2014, the Secretary of State circulated the responses he had received and invited final comments on those representations.

11. Responses received following the letters referred to above and the other representations received following the close of the inquiry are listed at Annex A below. The Secretary of State has given all these representations very careful consideration in his determination of this appeal. He is satisfied that those representations which have not been circulated to interested parties do not raise any matters that would affect his decision or require him to refer back to parties on their contents for further representations prior to reaching his decision. Copies of the representations referred to are not attached to this letter. However, copies will be made available to interested parties on written request to either of the addresses at the foot of the first page of this letter.

Procedural Matters

12. In reaching his decision, the Secretary of State has taken into account the Environmental Statement (ES) which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and the Inspector's comments at IR13.7. The Secretary of State is content that the Environmental Statement complies with the above regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

13. At the Inquiry, an application for award of costs was made by your client against St Albans City & District Council. This application was decided by the Secretary of State in his costs decision letter of 7 July 2010.

Policy considerations

14. In determining the appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

15. In this case, the relevant parts of the development plan comprise the saved policies of the City and District of St Albans Local Plan Review (LP), adopted 1994. The Secretary of State considers that the development plan policies most relevant to this case are those referred to by the Inspector at IR13.27. He is satisfied that these policies are generally consistent with the Framework.

16. Other material considerations which the Secretary of State has taken into account include: the Framework; the Guidance; the Community Infrastructure Levy (CIL) Regulations; The London Plan 2011 (as amended October 2013) including Policies 6.14 and 6.15 and the draft further alterations to the London Plan (January 2014).

17. The Secretary of State has also had regard to the Strategic Rail Authority's (SRA) *Strategic Rail Freight Interchange Policy* (published in 2004) as a material consideration. He has taken account of the Inspector's comments on the document (IR13.30 – 32) and he agrees with the Inspector that, although the SRA has ceased and some of its former responsibilities have transferred to Network Rail, the document is still a source of advice and guidance (IR13.30). The Secretary of State has also taken account of the Department for Transport's Strategic Rail Freight Interchange Policy Guidance and its Logistics Growth Review Document (both published on 29 November 2011), and the joint Written Ministerial Statement on Strategic Rail Freight Interchanges issued by the Secretary of State for Transport and the Secretary of State for Communities and Local Government on 29 November 2011.

18. He has also had regard to Slough's Core Strategy 2006-2026 (2008), the saved policies of the Slough Local Plan (2004) and the Revised Pre-submission Version of the Development Strategy for Central Bedfordshire (DSCB) (June 2013).

19. The East of England Plan (EEP) formed part of the development plan when the Inspector wrote his report. The Order revoking the Plan had been laid but had not come into force when the Secretary of State issued his letter of 20 December 2012. However the EEP was revoked on 3 January 2013 and the Secretary of State has not had regard to it in his determination of this case.

20. The South East Plan (SEP), which was a material consideration when the Inspector wrote his report and which remained in place and attracted limited weight when the Secretary of State issued his letter of 20 December 2012, was partially revoked on 25 March 2013. The Secretary of State has not had regard to it in his determination of this case.

21. The Secretary of State has taken account of the fact that the Inspector attributes little weight to the emerging St Albans City and District Core Strategy Development Plan Document which was published in 2009 (IR13.28). The Secretary of State notes that,

since the IR was written, the Council has taken a number of steps in the development of new development plan documents. However, at this stage the Council's emerging development plan is not sufficiently advanced to carry material weight.

Legal Submissions

22. In addition to the material considerations referred to above, the Secretary of State has taken account of Inspector Phillipson's report dated 4 June 2008 and the associated decision letter dated 1 October 2008. The Secretary of State has considered the Inspector's comments on the submissions made by your client, the Council and STRIFE about how the current case should be approached in view of the Secretary of State's 2008 decision on the appeal site (IR13.8 – 13.18). For the reasons given by the Inspector in those paragraphs, he agrees with the Inspector's conclusion at IR13.19 that, if there is a very good planning reason, he is able to differ from the conclusions or decision of his predecessor.

Main issues

23. The Secretary of State considers that the main issues in this case are those set out by the Inspector at IR13.20 and whether the proposal complies with the development plan and with national policy.

Green Belt

24. Having had regard to the Inspector's comments at IR13.35, the Secretary of State concludes that the appeal proposal would be inappropriate development in the Green Belt and that it is harmful as such. As the proposal amounts to inappropriate development he considers that, in the absence of very special circumstances, it would conflict with national policies and with LP policy 1 which concern the protection of the Green Belt. The Secretary of State agrees with the Inspector's further analysis at IR13.35 and concludes that the proposal would have a substantial impact on the openness of the Green Belt, that it would result in significant encroachment into the countryside, that it would contribute to urban sprawl and that it would cause some harm to the setting of St Albans. For the reasons given by the Inspector at IR13.36 – 13.39, the Secretary of State is satisfied that the proposal would not lead to the merging of neighbouring towns (IR13.38). He also agrees with the Inspector's analysis and conclusion that the aim to encourage the recycling of derelict and other urban land would not be frustrated by the proposal (IR13.40).

Other Harm

25. The Secretary of State agrees with the Inspector's reasoning and conclusions with respect to the proposal's landscape and visual impact, as set out at IR13.41 – 13.44. Like the Inspector, he considers that the effect of the proposal on the landscape and visual impact would be moderately adverse and would be contrary to Policy 104 of the LP (IR13.44).

26. In 2008, the former Secretary of State found that the harm to ecological matters would not be significant (IR13.45). However, for the reasons given by the Inspector (IR13.45 – 13.46), the Secretary of State shares his view that the proposal would conflict with Policy 106 of the LP (IR13.45) and, despite there being no more bird species recorded than there were at the time of the previous Inquiry and despite the lack of objection from Natural England, more weight should be attached to the harm to ecological interests (IR13.46).

27. Having taken account of the section 3.2.4 of the November 2011 Strategic Rail Freight Interchange Policy Guidance, which states that the availability of an available and economic workforce will be an important consideration and the Inspector's comments at IR13.47 – 13.48, the Secretary of State agrees with the Inspector and he too concludes that it would not be reasonable to refuse planning permission for the development on account of sustainability concerns relating to the likely pattern of travel to work by the workforce (IR13.48).

28. The Secretary of State has given careful consideration to the Inspector's assessment of the impact of the proposal on highways, as set out at IR13.49 – 13.58, and agrees with his reasoning and conclusions on this matter. Whilst he has taken account of the comments on highways matters put forward by interested parties following the close of the inquiry, including the matters raised by Anne Main MP in her letters of 5 March (and her attached letter dated 27 January 2014) and 14 April 2014 and the concern expressed in the letter dated 27 March 2014 from the Radlett Society & Green Belt Association, he does not consider that highway concerns amount to a reason for refusal in this case.

29. The Secretary of State agrees with the Inspector's analysis, as set out at IR13.59 – 13.71, with regard to the impact of noise generated by the proposed development. He has given careful consideration to the point about noise made by STRIFE in its letter of 15 April 2014 and the statement from Network Rail in its letter of 26 March 2014 that the connections to and from the Radlett terminal should be designed to be capable of 45mph operation. He observes that the question of when and how the junction will be used by trains entering and exiting the SRFI is a matter for negotiation with Network Rail and he does not consider that STRIFE's representation undermines his conclusions in relation to noise. Like the Inspector (IR13.71), he is satisfied that, with the inclusion of the three conditions on noise, the noise generated by the activity of the site during the night would not be unacceptable and would not bring the proposal into conflict with the development plan.

30. The Secretary of State agrees with the Inspector's reasoning and conclusions with respect to air quality and lighting issues (IR13.72 – 13.73), the impact of the proposal on Park Street and Frogmore and the Napsbury Conservation Area (IR13.74) and the impact on existing footpaths and bridleways (IR13.75).

Other considerations

31. The Secretary of State has had regard to the Inspector's comment at IR13.34 that, as the Council accepted in evidence, the need for SRFIs is stated and restated in a number of documents. The Secretary of State observes that the Written Ministerial Statement of 29 November 2011 makes clear that there remains a need for a network of SRFIs to support growth and create employment and that it has proved extremely problematical, especially in the South East, to create appropriately located SRFIs. The SRFI Policy Guidance published on 29 November 2011 states that only one SRFI had been granted planning consent in the whole of the South East region and advises that SRFI capacity needs to be provided at a wide range of locations, particularly but not exclusively serving London and the South East. The Secretary of State has had regard to the comment made by STRIFE (letter of 4 March 2014) that the proposed SRFI at Howbury Park has not been delivered. However, he tends to the view that this only serves to reinforce the point made in the 2011 Written Ministerial Statement on Strategic Rail Freight Interchanges that, in the South East in particular, it is proving extremely problematical to develop SRFIs.

Whether the development would operate as an SRFI

32. The Secretary of State has carefully considered the Inspector's analysis and conclusions as to whether the development would operate as an SRFI including his statement (IR13.79) that Network Rail does not consider that there are any major technical obstacles to achieving a connection such as is proposed at the site (IR13.76 – 13.83). He has also taken account of the further comments on this matter submitted following the close of the inquiry, including the letters from STRIFE dated 4 March and 15 April 2014 which raise the matter of junction speed. The Secretary of State has also given careful consideration to your representation dated 28 March 2014 and the letters of 1 November 2011 and 26 March 2014 from Network Rail, and those dated 11 November 2011 and 31 March 2014 from the Department for Transport. He observes that the letter dated 31 March 2014 states that Network Rail, as both the owner and operator of the rail infrastructure and the author of a very recent Freight Market Study that seeks to identify the market demand and infrastructure needs for rail freight over the coming thirty years, may be regarded as authoritative on these matters. Having taken account of the comments made, the Secretary of State sees little reason to doubt Network Rail's view that there is no good reason why a junction at Radlett capable of 45 mile per hour operation cannot be achieved.

33. Overall, the Secretary of State sees no good reason to disagree with the Inspector's analysis or with his conclusions that the timetabling and bidding process should ensure that sufficient paths to enable access to be gained would be made available to serve the SRFI during the interpeak hours and overnight (IR13.80) and that he can be satisfied of the ability of the SRFI to be accessed from all the key destinations (IR13.82). He further agrees that there is no reason to doubt that the Midland Main Line will develop as a key part of the rail freight network and that the aim of Network Rail and rail regulators will be to enable freight to be carried efficiently, albeit without compromising its passenger carrying ability (IR13.83).

Alternatives

34. For the reasons given at IR13.84 – 13.88, the Secretary of State agrees with the Inspector that the broad approach of the appellant in focusing on the north west sector in the assessment of alternatives is reasonable (IR13.88). He agrees with the Inspector, for the reasons given at IR13.89 – 13.91, that the general approach by the appellant to the assessment of alternatives and producing the 'long list' has been robust and realistically pragmatic (IR13.91). The Secretary of State sees no reason to disagree with the Inspector's comments on the appellant's assessment of the long list sites (IR13.92 – 13.94).

35. The Secretary of State notes that, at the inquiry, the cases put forward by the Council and by STRIFE included argument in relation to London Gateway (LG) and that, in his conclusions the Inspector refers to LG at IR13.85 and IR13.88. A number of the representations submitted to the Secretary of State since his letter of 20 December 2012 have also referred to LG. In particular Anne Main MP (7 January 2014) and STRIFE (4 March and 15 April 2014) both state that the opening of the LG container port amounts to a material change in respect of this proposal. Barton Willmore in its letter of 27 March 2014, Network Rail in its letter of 26 March 2014 and you, in your representation of 28 March 2014, disagree with that view. The Secretary of State has given careful consideration to the views submitted alongside the Inspector's analysis and conclusions and he concludes that there is no good reason to consider that the opening of LG undermines the Alternative Sites Assessment or the Inspector's views on LG at IR13.85.

36. The Secretary of State has given very careful consideration to the Inspector's comments about the appellant's short listed sites (IR13.95 – 13.103). He sees no reason to disagree with the Inspector's remarks about the sites at Littlewick Green or Harlington (IR13.95 – 13.98).

37. With regard to the Upper Sundon site, the Secretary of State has taken account of the Inspector's remark that there was no suggestion by any party that Upper Sundon scored better than the appeal site and that the Inspector saw no reason to disagree with that (IR13.95). The Secretary of State observes that the 2014 version of the emerging DSCB includes policy 64 which allocates 5 hectares of land at Sundon for an intermodal rail facility and states that the Green Belt boundary follows the extent of the rail freight interchange. As the submission version of the DSCB has yet to be published, the Secretary of State considers that this limits the weight to be attributed to the document.

38. A number of representations (including those from Anne Main MP dated 27 January and 14 April 2014 and those from STRIFE dated 4 March and 15 April 2014) have pointed to the Upper Sundon site as offering a preferable alternative to Radlett. The Secretary of State observes that Network Rail, in its letter dated 26 March 2014, states that it has worked with the developers of both the Sundon and the Radlett schemes, that Sundon is a significantly smaller site than Radlett and that it does not consider that the two proposals fulfil the same purpose or act as alternatives to each other. The Secretary of State sees no reason to disagree with the view of the Department for Transport in its letter of 31 March 2014 that Network Rail, as both the owner and operator of the rail infrastructure and author of the Freight Market Study, may be regarded as authoritative on these matters and he gives the views of Network Rail full weight. In conclusion on this matter, the Secretary of State does not consider that the Sundon site can be regarded as a preferable alternative to the proposal before him.

39. The Secretary of State has had regard to the Inspector's assessment of the site identified at Colnbrook (IR13.99 – 13.103) and the fact that appeal reference: APP/J0350/A/12/2171967 was made on 5 March 2012. As indicated by the Inspector (IR13.100), the Strategic Gap designation has been brought forward in Slough's adopted Core Strategy. The Secretary of State observes that the Core Strategy states that development will only be permitted in the Strategic Gap if it is essential to be in that location. He has also had regard to the High Court judgment referred to at paragraph 3 above, in which the judge held (at paragraph 79) that the Slough Core Strategy sets an additional policy restraint beyond that which follows from the site's location in the Green Belt. In common with the Inspector (IR13.100), the Secretary of State attributes substantial weight to the Strategic Gap designation. In conclusion on this matter, the Secretary of State sees no reason to disagree with the Inspector's analysis and conclusions in respect of Colnbrook (IR13.100 – 13.103).

Other benefits

40. Having had regard to the Inspector's analysis at IR13.104, the Secretary of State shares his view that the Park Street and Frogmore bypass is a local benefit which carries a little weight. He also agrees with the Inspector's reasoning and conclusions with regard to the proposals for Areas 3 to 8 (IR13.105).

The Planning Balance including Prematurity

41. The Secretary of State agrees with the Inspector's comments at IR13.106. He has concluded (at paragraph 24 above) that the proposal would constitute inappropriate development and that further harm would arise from a substantial loss of openness,

significant encroachment into the countryside and that the development would contribute to urban sprawl. He considers that the harm arising thereby would be substantial and that, in addition, some further harm would be caused to the setting of the historic city of St Albans (IR13.106). In line with paragraph 88 of the Framework, the Secretary of State has attached substantial weight to the harm that the appeal scheme would cause to the Green Belt.

42. As set out at paragraph 25 above, the Secretary of State has concluded that the effect of the proposal on the landscape and visual impact would be moderately adverse and that it would be contrary to Policy 104 of the LP. In addition, he has found that conflict would arise in respect of LP Policy 106 and that the harm to ecological interests should be given more weight than in 2008 (paragraph 26 above).

43. In common with the Inspector (IR13.109), the Secretary of State concludes overall that harm would arise from the Green Belt considerations and also due to the impact on landscape and ecology.

44. Turning to the benefits offered by the appeal scheme, like the Inspector (IR13.110), the Secretary of State weighs in the scheme's favour the country park, the improvements to footpaths and bridleways, the provision of a bypass to Park Street and Frogmore, the predicted reduction of CO₂ emissions, and the employment benefits. The Secretary of State has had regard to the Inspector's comments at IR13.111 and, also bearing in mind his remarks at paragraph 31 above, he shares the Inspector's view that the need for SRFIs to serve London and the South East is a material consideration of very considerable weight.

45. The Secretary of State agrees with the Inspector's analysis at IR13.112 – 13.115. He agrees with the Inspector that the assessment of alternative locations for an SRFI conducted by the appellant has been sufficiently methodical and robust to indicate that there are no other sites in the north west area of search which would be likely to come forward in the foreseeable future which would cause less harm to the Green Belt (IR13.114).

46. For the reasons given by the Inspector at IR13.116 – 13.117, the Secretary of State agrees with the Inspector that there is no reason to conclude that determination of the proposal would be premature (IR13.117).

Conditions & Obligations

47. Having had regard to the proposed conditions set out at annex A of the Inspector's Report the Inspector's comments on conditions (IR12.1 – 12.19) and the parties' further representations on conditions, the Secretary of State is satisfied that proposed conditions 1-32 are reasonable and necessary, and meet the tests set out at paragraph 206 the Framework.

48. In his letter of 20 December 2013, the Secretary of State invited you to provide him with a planning obligation under section 106 of the Town and Country Planning Act 1990 which binds all those with an interest in the appeal site. On 20 December 2013 Hogan Lovells LLP submitted a Unilateral Undertaking dated 19 December 2013 and, as set out above, the Secretary of State gave parties the opportunity to comment on that document. The Secretary of State has given very careful consideration to the comments made including the concerns raised by the Council and the comments submitted on behalf of the appellant in respect of those concerns.

49. The Secretary of State takes the view that the 2013 obligation includes the same or substantially similar covenants as those within the 2009 obligation (evidence document 9/HS/INQ/11.0). Notwithstanding the provisions in the 2013 obligation that Hertfordshire County Council shall give reasonable assistance to the Council in respect of its fourth, sixth and seventh covenants, the Council has advised that it lacks expertise or power in respect of some measures in the obligation. The Secretary of State, however, sees little reason to anticipate that Hertfordshire County Council would not provide such reasonable assistance as might be required by the Council to ensure that the relevant covenants would meet their aims and indeed it would be against Hertfordshire County Council's own interests and responsibilities as highways authority not to provide that reasonable assistance. In any event, the Secretary of State takes the view that it is more likely that a developer would need to have control over all of the areas of the land which are required for the development including the land currently owned by Hertfordshire County Council in order to deliver the appeal scheme to which this decision letter relates. The Secretary of State has considered whether this is a case where there are no prospects at all of the development starting within the time limit imposed by the permission and he is satisfied that this is not such a case.

50. With regard to the points made by parties as to whether the costs set out in the 2013 obligation are adequate, as previously indicated, the Secretary of State considers them to be so.

51. In conclusion on this matter the Secretary of State considers that, as sought by his letter of 20 December 2012, the Unilateral Undertaking dated 2013 is a duly certified, signed and dated planning obligation which complies with the relevant statutory provisions of sections 106 and 106A of the Town and Country Planning Act 1990 and the CIL regulations 2010 as amended. He considers that the 2013 obligation binds that part of the land which was not bound by the 2009 obligation and that the entire site is now bound to necessary and sufficient planning obligations.

Conclusion

52. In conclusion, the Secretary of State has found that the appeal proposal would be inappropriate development in the Green Belt and that, in addition, it would cause further harm through loss of openness and significant encroachment into the countryside. In addition the scheme would contribute to urban sprawl and it would cause some harm to the setting of St Albans. The Secretary of State has attributed substantial weight to the harm that would be caused to the Green Belt. In addition he has found that harms would also arise from the scheme's adverse effects on landscape and on ecology and that the scheme conflicts with LP policies 104 and 106 in those respects.

53. The Secretary of State considers that the factors weighing in favour of the appeal include the need for SRFIs to serve London and the South East, to which he has attributed very considerable weight, and the lack of more appropriate alternative locations for an SRFI in the north west sector which would cause less harm to the Green Belt. He has also taken account of the local benefits of the proposals for a country park, improvements to footpaths and bridleways and the Park Street and Frogmore bypass. The Secretary of State considers that these considerations, taken together, clearly outweigh the harm to the Green Belt and the other harms he has identified including the harm in relation to landscape and ecology and amount to very special circumstances. Despite the Secretary of State's conclusion that the scheme gives rise to conflict with LP policies 104 and 106, in the light of his finding that very special circumstances exist in

this case he is satisfied that, overall the scheme is in overall accordance with the development plan.

Formal Decision

54. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants outline planning permission for the construction of a Strategic Rail Freight Interchange comprising an intermodal terminal and rail and road served distribution units (331,665m² in Use Class B8 including ancillary B1/B2 floorspace) within Area 1, with associated road, rail and other infrastructure facilities and works within Areas 1 and 2, (including earth mounds and a Park Street/Frogmore relief road) in a landscaped setting, and further landscaping and other works within Areas 3 to 8 inclusive to provide publicly accessible open land and community forest, at land in and around Former Aerodrome, North Orbital Road, Upper Colne Valley, Hertfordshire in accordance with application Ref 5/09/0708 dated 9 April 2009, subject to the conditions set out at Annex B.

55. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

56. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

57. This letter serves as the Secretary of State's statement under regulation 21(2) of the Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Right to challenge the decision

58. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

59. A copy of this letter has been sent to St Albans City and District Council and to STRIFE. Notification letters have been sent to all other parties who asked to be informed of the decision.

Christine Symes

Authorised by the Secretary of State to sign in that behalf

Post Inquiry correspondence received prior to 7 July 2010

Name	Date
S Hedges	15/05/2010
P Dixon	17/05/2010
M Aldridge	04/06/2010
R Biddlecombe	15/06/2010
J Chattaway	15/06/2010
M Mark	15/06/2010
S Beesley	15/06/2010
A Russell	16/06/2010
P Matteucci	16/06/2010
J Rice	16/06/2010
C Horton	16/06/2010
S Statt	17/06/2010
J Byrne	17/06/2010
EK Kaye	17/06/2010
P Ruckin	18/06/2010
B Greenwood	18/06/2010
B Gardner	18/06/2010
M Novitt	19/06/2010
D Tribe	19/06/2010
R Tompkins	20/06/2010
J Bacall	20/06/2010
F & K Loud	21/06/2010
R Harrington	21/06/2010
E Thurston	21/06/2010
C Mitchell	23/06/2010
MJG Lewis	25/06/2010

Post Inquiry correspondence following the Secretary of State's letter dated 15 September 2011

Name / Organisation	Date
Ian La Rivière	06/10/2011
Mr S Walkington and Mr D Parry	10/10/2011
Paul Stimpson / Head of Planning – Slough Borough Council	11/10/2011
Erica Mortimer / CgMs for Helioslough	12/10/2011
Dick Bowler / Hertfordshire County Council	13/10/2011
Tim Wellburn / Department for Transport	13/10/2011
Howard Wayne / Wayne Leighton Solicitors for STRiFE Ltd	14/10/2011
Simon Flisher / Barton Willmore for Goodmans	14/10/2011
St Albans City and District Council	14/10/2011

Post Inquiry correspondence following the Secretary of State's letter dated 19 October 2011

Name / Organisation	Date
Anne Main MP for St Albans	08/11/2011
Paul Stimpson / Head of Planning – Slough Borough Council	09/11/2011
Howard Wayne / Wayne Leighton Solicitors for STRiFE Ltd	10/11/2011
James Clappison MP for Hertsmere	10/11/2011
Simon Flisher / Barton Willmore for Goodmans	10/11/2011
St Albans City and District Council	10/11/2011
Erica Mortimer / CgMs for Helioslough	11/11/2011
Tim Wellburn / Department for Transport - enclosing one from Richard Eccles, Director of Network Planning dated 01/11/2011	11/11/2011

Post Inquiry correspondence following the Secretary of State's letter dated 29 November 2011

Name / Organisation	Date
Howard Wayne / Wayne Leighton Solicitors for STRiFE Ltd	19/12/2011
Erica Mortimer / CgMs for Helioslough	20/12/2011
Mike Lovelady / St Albans City and District Council	22/12/2011
Simon Flisher / Barton Willmore for Goodmans	23/12/2011
Paul Stimpson / Head of Planning – Slough Borough Council	29/12/2011
Mr P Trevelyan / St Albans Civic Society	30/12/2011

Post Inquiry correspondence following the Secretary of State's letter dated 29 March 2012

Name / Organisation	Date
Howard Wayne / Wayne Leighton Solicitors for STRiFE Ltd	30/03/2012
Anne Main MP for St Albans	04/04/2012
Erica Mortimer / CgMs for Helioslough	10/04/2012
Polly Harris-Gorf / Hertsmere Borough Council	11/04/2012
Simon Flisher / Barton Willmore for Goodmans	16/04/2012
James Clappison - MP for Hertsmere	16/04/2012
Mike Lovelady / St Albans City and District Council	16/04/2012

Post Inquiry correspondence following the Secretary of State's letter dated 18 April 2012

Name / Organisation	Date
Howard Wayne / Wayne Leighton Solicitors for STRiFE Ltd	30/04/2012
Paul Stimpson / Head of Planning – Slough Borough Council	26/04/2012
Erica Mortimer / CgMs for Helioslough	26/04/2012
Mike Lovelady / St Albans City and District Council	25/04/2012

Post Inquiry correspondence following the Secretary of State's letter dated 19 September 2012

Name / Organisation	Date
Anne Main - MP for St Albans	25/09/2012
James Clappison - MP for Hertsmere	26/09/2012
Erica Mortimer / CgMs for Helioslough	27/09/2012
Simon Flisher / Barton Willmore for Goodmans	28/09/2012
Howard Wayne / Wayne Leighton Solicitors for STRiFE Ltd	01/10/2012

Paula Paley on behalf of Aldenham Parish Council	01/10/2012
Mr S Walkington and Mr D Parry	01/10/2012
Peter Evans / Aldenham Parish Council	01/10/2012
John Dean / Colney Heath Parish Council	01/10/2012
Mike Lovelady / St Albans City and District Council	02/10/2012
Graham Taylor / Radlett Society and GB Association	02/10/2012
Paul Stimpson / Head of Planning – Slough Borough Council	03/10/2012
Steve Baker / CPRE Hertfordshire	03/10/2012
Polly Harris-Gorf / Hertsmeire Borough Council	03/10/2012

Post Inquiry correspondence following the Secretary of State's letter dated 12 October 2012

Name / Organisation	Date
Mr S Walkington and Mr D Parry	18/10/2012
Hogan Lovells - solicitors for Helioslough	18/10/2012
Hogan Lovells - solicitors for Helioslough	25/10/2012
Mike Lovelady / St Albans City and District Council	26/10/2012
Peter Evans / Aldenham Parish Council	26/10/2012
Simon Flisher / Barton Willmore for Goodmans	26/10/2012
Paul Stimpson / Head of Planning – Slough Borough Council	29/10/2012

Other post Inquiry correspondence - disclosed in the Secretary of State's letter of 20 December 2012

Name / Organisation	Date
Mr Lindemann	27/10/2011
Mr Behrman	30/10/2011
Graham Taylor / Radlett Society and Green Belt Association	14/03/2012
Anne Main - MP for St Albans	29/03/2012
Anne Main - MP for St Albans	25/04/2012
Howard Wayne / Wayne Leighton Solicitors for STRiFE Ltd	30/04/2012
Bruce Vincent	26/05/2012
Mr Behrman	30/10/2011
Anne Main - MP for St Albans	14/08/2012
N Halliwell	28/09/2012
Ann Goddard	28/09/2012
H Lewis and G McDonald	03/10/2012
James Clappison - MP for Hertsmere	15/10/2012
Anne Main - MP for St Albans	08/11/2012

Post Inquiry correspondence following the Secretary of State's letter dated 19 February 2014

Name / Organisation	Date of letter
Howard Wayne / Wayne Leighton LLP obo STRIFE	04/03/2014
James Clappison MP	05/03/2014
Anne Main MP	05/03/2014
Steve Baker / CPRE Hertfordshire	05/03/2014
David Wood / Hogan Lovells International LLP obo Helioslough Limited	05/03/2014
Mike Lovelady / St Albans City and District Council	06/03/2014

Simon Flisher / Barton Willmore obo Goodman Logistics Developments (UK) Ltd	06/03/2014
Ian M LaRivière	07/03/2014

Post Inquiry correspondence following the Secretary of State's letter dated 14 March 2014

Name / Organisation	Date of letter
Peter Evans, Aldenham Parish Council	25/03/2014
James Clappison MP	26/03/2014
Simon Flisher, Director, Barton Willmore (obo Goodman Logistics Development (UK) Ltd	27/03/2014
Graham Taylor, Chairman, Radlett Society & Green Belt Association	27/03/2014
Steve Baker, CPRE Hertfordshire	28/03/2014
Michael Gallimore, Partner, Hogan Lovells International LLP (obo Helioslough Limited)	28/03/2014
Mike Lovelady, Head of Legal Services, St Albans City & District Council	28/03/2014
Sarah Pickup, Deputy Chief Executive, Hertfordshire County Council	28/03/2014
Paul Collins, Deputy Director, Rail Strategy, Department for Transport – enclosing one from Paul McMahon, Director Freight, Network Rail dated 26/03/2014	31/03/2014

Post Inquiry correspondence following the Secretary of State's letter dated 1 April 2014

Name / Organisation	Date of letter
Michael Gallimore, Partner, Hogan Lovells International LLP (obo Helioslough Limited)	04/04/2014
Simon Flisher, Director, Barton Willmore (obo Goodman Logistics Development (UK) Ltd	08/04/2014
Mike Lovelady, Head of Legal Services, St Albans City & District Council	09/04/2014
Anne Main MP	14/04/2014
Howard Wayne, Wayne Leighton LLP obo STRIFE	15/04/2014

Other post inquiry correspondence

Name / Organisation	Date of letter
Ken Herbert	21/06/2012
Hogan Lovells – for Helioslough	31/10/2012
Anne Main MP	17/12/2012
James Clappison MP	21/12/2012
Cllr Steve Bowes-Phipps	17/12/2012
Anne Main MP	21/12/2012
Clive Glover	21/12/2012
Alan Richardson (and further follow-up letter of 18/01/2013)	21/12/2012
Kate Steiner	21/12/2012
Nic Pearce (and further follow-up letter of 18/01/2013)	21/12/2012
Tim Price (and further follow-up letter of 28/01/2013)	21/12/2012
Malcolm Mark	21/12/2012
Charles O'Carroll	22/12/2012

Debbie Baker	23/12/2012
Angela Dixon	27/12/2012
Gary Davis (and further follow-up letter of 24/01/2013)	28/12/2012
Alison Evans	30/12/2012
Anthony Holden	30/12/2012
Eric Roberts	31/12/2012
John Barker	02/01/2013
Pam and Tony Elliott	02/01/2013
Catherine Nixon	02/01/2013
Daniel Deyong	03/01/2013
Anthony Oliver	03/01/2013
Jana Marmon (and further follow-up letter of 25/01/2013)	03/01/2013
Dr Nigel Brand	03/01/2013
Daniel Deyong	04/01/2013
Ken Herbert	04/01/2013
Catherine Ashton (and further follow-up letter of 30/01/2013)	05/01/2013
Margaret & Michael Morgan	05/01/2013
Hilary Robinson (and further follow-up letter of 28/01/2013)	06/01/2013
Kim Scrivener	06/01/2013
Valerie Argue	07/01/2013
Clive Glover	08/01/2013
James Clappison MP	08/01/2013
Gary Davis	08/01/2013 & 15/01/2013
RJ & Mrs PM Coller	09/01/2013
A W Turp	09/01/2013
Jill Godwin	10/01/2013
Patricia & George Old	10/01/2013
Fiona & Richard Todd	11/01/2013
Simon Gardner	11/01/2013
Daniel Barton (and further follow-up letter of 07/02/2013)	11/01/2013
Christopher Brown	11/01/2013
Mr J Freestone	11/01/2013
Anne Main MP	11/01/2013
Jeremy Caulton	12/01/2013
Pamela Roberts	12/01/2013
Roy McNee	13/01/2013
Clive Glover	14/01/2013
Irene Cowan	14/01/2013
Bruce Vincent	15/01/2013
Mark Brattman	17/01/2013
R Clarkson	18/01/2013
Mike Lovelady, St Albans City and District Council (two letters)	18/01/2013
Mr A Turp	22/01/2013
Vicki Hopcroft	22/01/2013
Erica Mortimer, CGMS	23/01/2013
Sandra Constable	23/01/2013
Jill Singer & John Thomson	23/01/2013
Corinne & Martin Lewis	25/01/2013
Jeremy Chattaway	25/01/2013
Malcolm Mark	25/01/2013
Caroline Syson	26/01/2013
Kirtida Mehta	26/01/2013

Bruce Gardner	26/01/2013
Darren Blencowe	26/01/2013
Stuart Beesley	26/01/2013
Mark Novitt (and further follow-up e-mails of 15/02/13)	27/01/2013
Richard Biddlecombe (Napsbury Park RA)	27/01/2013
Robert Harrison	27/01/2013
Emily Bowes	27/01/2013
P Nevitt	27/01/2013
Eric Hamill	27/01/2013
Chris Clarke	27/01/2013
G R Cooper	27/01/2013
Charles Taylor	28/01/2013
Alan Russell	28/01/2013
Stanley Statt	28/01/2013
Anthony Murray	28/01/2013
Simon & Laura Mitchell	28/01/2013
Lesley Field	28/01/2013
Jonathan Richards	28/01/2013
David Johnson-Stockwell	28/01/2013
Lorraine & Paul Ruckin	28/01/2013
Paul Matteucci	28/01/2013
Fiona Loud	28/01/2013
Richard Hoult	28/01/2013
Ken D Peak	28/01/2013
Amy Burnett	29/01/2013
Dawit W. Michael Gebre-ab	29/01/2013
Jonathan Carter	29/01/2013
Jeremy Kaye	29/01/2013
Robert & Kathleen Nevitt	29/01/2013
Murray Willows	29/01/2013
Christine Bee	29/01/2013
Sarah Cox	29/01/2013
Naveed Malik	29/01/2013
Sally McKean	29/01/2013
Fiona & Frederick Tong	29/01/2013
Patsy & Les Grundon	29/01/2013
Jeremy Pepper	29/01/2013
Peter Stallwood	29/01/2013
Christine Mitchell	29/01/2013
Helen Smith	29/01/2013
Jennie Harrison	29/01/2013
Ben Greenwood	29/01/2013
Minos Michaelides	30/01/2013
Nicholas Remzi	30/01/2013
Simon Dekker	30/01/2013
Deborah Dellinger	30/01/2013
Michael Wolfson	30/01/2013
Paul Cordell	30/01/2013
Katy Patino	30/01/2013
Christopher Horton	30/01/2013
Paul & Hilary Weitzman	30/01/2013
Dr Tim Wickham	30/01/2013
Joan & Dave Dayton	31/01/2013
Linda Banks	31/01/2013

Pamela & Malcolm Mark	31/01/2013
Clive Ireland	31/01/2013
Christopher Langdon	01/02/2013
Gary Davis	02/02/2013
Trevor Fox	03/02/2013
Billy Brown	06/02/2013
Robert Webb (and follow-up e-mail of 27/02/2013)	06/02/2013
Mrs V M Wilson	06/02/2013
Peter Celiz	07/02/2013
Anne Main MP	07/02/2013
Sheena Ellwood (and follow-up letters of 03/03/2013 and 22/03/2013)	08/02/2013
Hogan Lovells for Helioslough	08/02/2013
James Clappison MP (enclosing one from constituent, Stuart Bromley)	11/02/2013
Sonia Simmons	12/02/2013
Mark Novitt	15/02/2013
Mr & Mrs Kastro	16/02/2013
Chris Bladd	17/02/2013
J Freestone	17/02/2013
Peter Mason	18/02/2013
John Scoote	18/02/2013
Christopher Langdon	18/02/2013
Neil Magrath	18/02/2013
John Sharp	19/02/2013
Patricia McKinley	19/02/2013
Kelvin Smith	20/02/2013
Sam Humphries	21/02/2013
Bren Calver	21/02/2013
Rt Hon Dominic Grieve QC MP (enclosing one from constituent, Mrs Gray-Fisk)	21/02/2013
Dave Saul	22/02/2013
Gordon Shepherd	22/02/2013
Chris Hamby	22/02/2013
James Clappison MP (enclosing one from constituent, David Lavender)	22/02/2013
James Clappison MP (enclosing one from constituent, Christopher Langdon)	22/02/2013
Michael Ormiston	23/02/2013
Susan Bellamy (and follow-up e-mail of 15/03/2013)	25/02/2013
John Wood, Hertfordshire CC	26/02/2013
John Rae	28/02/2013
Michael Gallimore, Hogan Lovells	28/02/2013
A Maskall	01/03/2013
Mr & Mrs Chown	01/03/2013
Jack Beeston	01/03/2013
Chris Thorpe	04/03/2013
Anne Main MP	04/03/2013
Miranda Gerritson	06/03/2013
Mrs Kowolik	07/03/2013
Michael Gallimore, Hogan Lovells	07/03/2013
Mr R F Collins	08/03/2013

Leslie Diamond	10/03/2013
Dr Winkler	10/03/2013
David & Meryl Burleigh	11/03/2013
Daniel Graham	11/03/2013
Mrs Anne Main MP	12/03/2013
Mike Lovelady, St Albans City and District Council	13/03/2013
Stuart Bromley	14/03/2013
Mr & Mrs LaRivière	18/03/2013
Mrs Anne Main MP encl Gary Davis	22/03/2013
Mrs Anne Main MP	27/03/2013
Michael Gallimore, Hogan Lovells	27/03/2013
Mike Lovelady, St Albans City and District Council	28/03/2013
Gary Davis	01/04/2013 & 09/04/2013
Huw Smith	06/04/2013
Mrs Anne Main MP	08/04/2013
Michael Gallimore, Hogan Lovells	15/04/2013
Mrs Barbara Price	Undated – but received on 30/04/13
Michael Gallimore, Hogan Lovells	19/04/2013
Mrs Anne Main MP (with letter from Rt Hon Simon Burns MP (DfT))	02/05/2013
James Clappison MP constituent Mrs Fiona Todd	08/05/2013
Michael Gallimore, Hogan Lovells	10/05/2013
Mrs Anne Main MP	15/05/2013
John Thomson – St Albans Civic Society	16/05/2013
Michael Gallimore, Hogan Lovells	21/05/2013
Kerry Smith	27/05/2013
Michael Gallimore, Hogan Lovells	28/05/2013
Peter Trevelyan – St Albans Civic Society	03/06/2013
Mrs Anne Main MP	06/06/2013
Mrs Anne Main MP	21/06/2013
P Trevelyan / St Albans Civic Society (to DfT)	21/06/2013
Mrs Anne Main MP	24/06/2013
Sandra Constable	24/06/2013
Martin Threadgold	27/06/2013
Gary Davis	28/06/2013
Mrs Anne Main MP	28/06/2013
Mrs Anne Main MP (enclosing one from Gary Davis)	05/07/2013
Mrs Anne Main MP (enclosing one from Ian Troughton)	05/07/2013
James Clappison MP (enclosing one from Mr Lavendar)	16/07/2013
Heather Pownall	28/07/2013
Mrs Anne Main MP	01/08/2013
Beryl Munro	07/08/2013
Mrs Anne Main MP	19/08/2013
Ken Peak – London Colney Village Concern	05/09/2013
Mrs Anne Main MP (enclosing one from Martin Blencowe)	30/09/2013

James Clappison MP (enclosing one from Heather Pownall)	03/10/2013
Mike Penning MP	22/10/2013
Mrs Anne Main MP	28/10/2013
John Wood, Hertfordshire CC	29/10/2013
John Wood, Hertfordshire CC	31/10/2013
John Wood, Hertfordshire CC	01/11/2013
Erica Mortimer, CgMs	04/11/2013
Richard Hoult	12/11/2013
Diana Tribe	25/11/2013
James Clappison MP (enclosing one from Heather Pownall)	02/12/2013
Alison Rubinson	04/12/2013
Rt Hon Peter Lilley MP (enclosing one from Sheilagh Collingwood)	05/12/2013
Andy Love	10/12/2013
Mrs Vicki Hopcroft	11/12/2013
Laura Dekker	11/12/2013
Stephen Rose	11/12/2013
Nicholas Remzi	11/12/2013
Simon Angel	11/12/2013
Mark Castle	11/12/2013
Jeremy Kaye	11/12/2013
Hugh Howard	11/12/2013
Barbara McCabe	11/12/2013
Nick Louis	11/12/2013
Dr Tim Wickham	11/12/2013
Jane Rice	11/12/2013
Caroline Syson	11/12/2013
Diana Tribe	11/12/2013
Harvey Sokolsky	11/12/2013
Alan Ring	11/12/2013
Hardeep Lota	11/12/2013
Pamela & Malcolm Mark	12/12/2013
Mr Tim Becker	12/12/2013
Paul Weitzman	12/12/2013
Mrs Clovissa Horton	12/12/2013
Richard Biddlecombe	12/12/2013
Lesley Field	12/12/2013
Dr David Lee	12/12/2013
Stuart Beesley	12/12/2013
Simon Edwards	15/12/2013
Gary Davis	15/12/2013
P Nevitt	15/12/2013
Howard Wayne	16/12/2013
Sheena Ellwood	16/12/2013
Ian Christopher	16/12/2013
Cllr Stephen Bowes-Phipps	16/12/2013
Ian Lariviere	17/12/2013
Geoffrey Shalet	18/12/2013
Colin & Tricia Gibb	19/12/2013
Fiona & Richard Todd	19/12/2013
John Barker	19/12/2013

Chris Doyle	19/12/2013
Sarah Pickup, Hertfordshire CC	19/12/2013
Vicki Hopcroft	20/12/2013
David Turner	20/12/2013
Michael Gallimore, Hogan Lovells	20/12/2013
Nicola Graynoth	21/12/2013
Les and June Diamond	21/12/2013
Neil Conrad	22/12/2013
Gordon Townsend	22/12/2013
Violet LaRivière	23/12/2013
Stewart Rose	23/12/2013
Allan Lane	23/12/2013
Margaret Townsend	23/12/2013
Gary Clamp	23/12/2013
His Honour Judge Michael Kay QC	23/12/2013
Peter Moss	23/12/2013
John Stacey	23/12/2013
Dominic Mort	24/12/2013
Suzi Clarke	24/12/2013
Brian Gibbard	27/12/2013
Fiona & Richard Todd	28/12/2013
Natasha Deyong	29/12/2013
Kevin Naughton	29/12/2013
Lesley Field	30/12/2013
Catherine Davies	30/12/2013
John LaRivière	30/12/2013
Marcus Hooper	01/01/2014
Neil Magrath	01/01/2014
Brenda & Raymond Jenkinson	02/01/2014
Gerry Walden	03/01/2014
John Garrick	03/01/2014
Jamie Goodfellow	03/01/2014
Keith Macbain	03/01/2014
Peter Tiffany	05/01/2014
Mrs Peta McKeon	05/01/2014
Carole Heselton	05/01/2014
Melvyn & Michelle Smith	06/01/2014
John Collier	06/01/2014
Stephen & Ann Rutherford	08/01/2014
L & D Cazin	08/01/2014
Christopher Langdon	08/01/2014
Andrew Bailey	08/01/2014
Amanda Dickson	09/01/2014
Ian & Sue Getley	09/01/2014
Sally Temple	13/01/2014
A Ortega	13/01/2014
Dr Robert Wareing	15/01/2014
Anthony Baker	17/01/2014
Douglas Hirst	20/01/2014
Cllr Stephen Bowes-Phipps	21/01/2014
Dr A Chalmers	22/01/2014
Anne Main MP (& enclosing one from Doug Hirst dated 17 January 2014)	27/01/2014

Siobhan Barrett	07/02/2014
David & Sharon Harris	09/02/2014
Anne Main MP (& enclosing one from Doug Hirst dated 17 January 2014)	10/02/2014
Stephen Hammond MP (enclosing one from Rt Hon Cheryl Gillan MP dated 10 January 2014, enclosing one from Peter and Vanessa Martin dated 16 December 2013)	11/02/2014
Matthew Johns	18/02/2014
Jack Easton, St Albans District Green Party	17/03/2014

CONDITIONS

COMMENCEMENT OF DEVELOPMENT

1. The development hereby permitted shall be commenced either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters to be approved, whichever is the later.

Reason: In compliance with Section 92 of the T&CPA 1990 as amended

APPROVAL OF RESERVED MATTERS

2. Application for approval of the Reserved Matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: In compliance with Section 92 of the T&CPA 1990 as amended

DEVELOPMENT IN ACCORDANCE WITH KEY PARAMETERS PLAN

3. The development shall be carried out in accordance with the Key Parameters Plan and the specified paragraphs of the Development Specification Document dated March 2009 and drawing number 394503-LV-074 referred to in condition 3(f) comprising:
 - (a) layout of the new buildings to the extent to which it is shown on the Key Parameters Plan together with para 4.3;
 - (b) the maximum ridge height of the new buildings as specified on the Key Parameters Plan together with para 4.4;
 - (c) the maximum length and width of the B8 distribution units and the administration and ancillary buildings as set out in para 4.5;
 - (d) the maximum total floorspace of the new buildings applied for as specified on the Key Parameters Plan together with para 4.6;
 - (e) the proposed finished site levels specified on the Key Parameters Plan together with para 4.7;
 - (f) the height of earth mounds shown on drawing number 394503-LV-074 together with para 4.8;
 - (g) various access and circulation routes shown on the Key Parameters Plan together with paras 4.9 and 4.10;
 - (h) access to lorry and car parking/storage areas as shown on the Key Parameters Plan together with para 4.11;
 - (i) proposed structure planting areas as shown on the Key Parameters Plan together with para 4.12.

Reason: This condition is necessary to ensure that the development does not materially depart from that applied for and considered in the ES.

4. **PARTIAL SIGNALISATION OF PARK STREET ROUNDABOUT**

- 4.1 None of the Units shall be occupied until the Park Street Roundabout Signalisation Works have been completed and brought into use.
- 4.2 The improvements shall include any revisions as required due to Road Safety Audit process and any revisions required to ensure the improvements comply with DMRB standards.
- 4.3 The improvements shall have:
- (a) the required Road Safety Audits and Completion Certificates in accordance with the Design Standards for Roads and Bridges (DMRB), and
 - (b) the Health and Safety file required by the Construction (Design and Management) Regulations 2007.

Reason: This condition is necessary to ensure that the improvements to Park Street Roundabout are completed before the units are occupied.

5. **IMPROVEMENT TO TRAFFIC SIGNALS AT LONDON COLNEY ROUNDABOUT**

- 5.1 None of the Units shall be occupied until details of the London Colney Roundabout Improvements have been submitted for approval in writing by the local planning authority.
- 5.2 The London Colney Roundabout Improvements shall be completed in accordance with the approved details before the later of:
- (a) two years of occupation of any of the Units, or
 - (b) twelve months of approval of the details of the improvements.

Reason: This condition is necessary to increase the capacity of the London Colney Roundabout

6. **PROVISION OF ACCESS WORKS AND PARK STREET BYPASS**

- 6.1 None of the Units shall be occupied until the Access Works and the Park Street Bypass Phase 1 Works have been completed and brought into use.
- 6.2 The works shall include any revisions as required due to Road Safety Audit process and any revisions required to ensure the improvements comply with DMRB standards.
- 6.3 The works shall have:
- (a) the required Road Safety Audits and Completion Certificates in accordance with the Design Standards for Roads and Bridges (DMRB), and
 - (b) the Health and Safety file required by the Construction (Design and Management) Regulations 2007.
- 6.4 Not more than 230,000 square metres of floor area in the Units shall be occupied until a scheme for the Park Street Bypass Phase 2 Works (which shall include a programme for the

delivery of the works) has been submitted to and approved in writing by the local planning authority.

- 6.5 The Park Street Bypass Phase 2 Works shall be completed in accordance with the approved scheme.

Reason: This condition is necessary to ensure that the access is completed before the Units are occupied, including the Park Street Bypass with a 'temporary' connection to the A5183 at its southern end.

7. IMPROVEMENTS TO JUNCTION 21A OF THE M25

- 7.1 None of the Units shall be occupied until the M25 Junction 21A Improvements have been completed and brought into use.

- 7.2 The improvements shall include any revisions as required by the Road Safety Audit process and any revisions required to ensure the improvements comply with DMRB standards, or the improvements shall include the relevant approved Departures from Standards (DfS).

- 7.3 The improvements shall have:

- (a) the required Road Safety Audits and Completion Certificates in accordance with the Design Standards for Roads and Bridges (DMRB), and
- (b) the Health and Safety file required by the Construction (Design Management) Regulations 2007.

Reason: to mitigate the impact of the additional traffic generated by the development on the safety and capacity of the M25 Junction 21a.

8. IMPROVEMENTS TO JUNCTION 22 OF THE M25

- 8.1 Not more than 130,000 square metres of floor area in the Units shall be occupied until the M25 Junction 22 Improvements have been completed and brought into use.

- 8.2 The improvements shall include any revisions as required due to Road Safety Audit process and any revisions required to ensure the improvements comply with DMRB standards, or the improvements shall include the relevant approved Departures from Standards (DfS).

- 8.3 The improvements shall have:

- (a) the required Road Safety Audits and Completion Certificates in accordance with the Design Standards for Roads and Bridges (DMRB), and
- (b) the Health and Safety file required by the Construction (Design Management) Regulations 2007.

Reason: to mitigate the impact of the additional traffic generated by the development on the safety and capacity of the M25 Junction 22.

9. TRAVEL AND FREIGHT MONITORING AND MANAGEMENT PLAN

- 9.1 None of the Units shall be occupied until a Travel and Freight Monitoring and Management Plan substantially in accordance with the Draft Travel and Freight Monitoring and

Management Plan dated 18 December 2009 has been submitted to and approved in writing by the local planning authority.

- 9.2 The Travel and Freight Monitoring and Management Plan shall be submitted for approval no later than 12 months following the commencement of the Development.
- 9.3 The approved Travel and Freight Monitoring and Management Plan shall be implemented in accordance with the timetable contained therein and its requirements shall continue to be observed as long as any part of the development is occupied.

Reason: This condition is necessary to ensure that the measures proposed in the Travel Plan and Freight Management Plan to regulate movement to and from the development are carried out in the interests of (i) encouraging travel by means other than the private car and (ii) regulating the impact of HGV traffic on the surrounding network

CAR PARKING

10. Car parking spaces shall be provided at a standard of not more than 1 space per 207 square metres of floorspace for each Unit within the development

Reason: This condition is necessary to limit the amount of parking on the site in order to encourage travel by means other than the private car.

CONTROL OVER SOUTHERN ROUNDABOUT

11. None of the Units shall be occupied until a detailed scheme has been submitted to and approved in writing by the local planning authority to ensure that only pedestrians, cyclists and authorised public transport and emergency vehicles can use the eastern limb of roundabout Y on the Highways Plan. The scheme shall specify the physical measures to be incorporated and the management arrangements for the operation of those measures. The scheme shall be submitted for approval no later than 12 months following the commencement of the Development. The approved scheme shall be provided before any of the Units are occupied and the only users of the eastern limb shall be those authorised under the approved scheme.

Reason: This condition is necessary to ensure that the southern entrance to the SRFI is not used by employee's vehicles or goods vehicles in order to limit the impact of traffic generated by the development on the local road network.

12. RAIL RELATED WORKS

- 12.1 None of the Units shall be occupied until the Midland Mainline Connection Works have been completed and until an operational rail link has been provided from such works to the relevant Unit.
- 12.2 A second track linking the reception sidings to the Midland Mainline shall be completed and become operational upon the earlier of:
- (a) as soon as reasonably practicable following the date on which the average number of trains arriving at and leaving Area 1 over a three month period exceeds seven per 24 hour weekday period, or
 - (b) 10 years following first occupation of any of the Units.
- 12.3 None of the Units shall be occupied until the Intermodal Terminal Phase 1 Works have been completed.

- 12.4 The Midland Mainline Connection Works and the rail links to each of the Units and the Intermodal Terminal once provided shall thereafter be managed and maintained such that they remain available and operational to serve the Units.
- 12.5 The Intermodal Terminal Phase 2 Works shall be completed as soon as reasonably practicable following the date on which the average number of trains arriving at and leaving Area 1 over a three month period exceeds four per 24 hour weekday period.
- 12.6 The Intermodal Terminal Phase 3 Works shall be completed as soon as reasonably practicable following the date on which the average number of trains arriving at and leaving Area 1 over a three month period exceeds eight per 24 hour weekday period.
- 12.7 The Intermodal Terminal shall be equally open to access by all licensed rail freight operating companies.
- 12.8 There shall be submitted to the Council at the expiry of every six months following the date of commencement of the Development a written report setting out the anticipated programme for the delivery of the rail works referred to in conditions 12.1, 12.2, 12.3, 12.5 and 12.6 until such works have been completed.

Reason: This condition is necessary to ensure that the rail facilities on the site and the connection to the main line are provided and maintained in a manner compatible with the intended use of the site as a SRFI.

13. RAIL RELATED WORKS – GAUGE ENHANCEMENT TO THE MIDLAND MAINLINE

- 13.1 Not more than 175,000 square metres of floor area in the Units shall be occupied until the Midland Mainline Gauge Enhancement Works have been completed such that the W10 gauge enhancement has been provided either:
- (a) from the development to Acton Yard, West London Junction and Willesden Junction (Acton Branch), or
 - (b) from the development to Junction Road Junction.
- 13.2 If Network Rail confirms in writing to the local planning authority before occupation of 175,000 square metres of floorspace within the Units that both sets of the works set out at condition 13.1 are required to be completed to meet the anticipated demand for train paths to the development, not more than 230,000 square metres of floorspace within the Units shall be occupied until a programme for such works has been approved in writing by the local planning authority. The works shall be completed in accordance with that programme.
- 13.3 There shall be submitted to the Council at the expiry of every six months following the date of commencement of the Development a written report setting out the anticipated programme for the delivery of the rail works referred to in condition 13.1 until such works have been completed.
- 13.4 There shall be submitted to the Council written notice of the anticipated date of occupation of 175,000 sq metres of floorspace within the Units, such notice to be served at least 6 months prior to such anticipated date of occupation.

Reason: This condition is necessary to ensure that the rail gauge enhancement works are completed in a timely fashion

CONSTRUCTION METHOD STATEMENT

14. The Development shall not be commenced until there has been submitted to and approved in writing by the local planning authority a construction method statement. The construction method statement shall include:
- (a) details of the methods to be used to control dust, noise, vibration and other emissions from the site;
 - (b) details of all temporary buildings and compound areas including arrangements for their removal following completion of construction;
 - (c) details of areas to be used for the storage of plant and construction materials and waste;
 - (d) details of temporary lighting arrangements;
 - (e) hours of construction work.
 - (f) measures to ensure that construction vehicles do not deposit mud on the public highway.
 - (g) a scheme for the routing of construction vehicles accessing the site including measures to be taken by way of penalties if construction vehicles do not observe the identified routes.
 - (h) details of the construction earthworks methodology.

The construction of the development shall be carried out in accordance with the approved construction method statement.

Reason: This condition is necessary in the interest of controlling the construction works and limiting the impact of construction on surrounding residents.

15. LANDSCAPING

- 15.1 The details to be submitted for approval under condition 2 in relation to landscaping for Areas 1 and 2 shall include:
- (a) a topographical survey of the Country Park within Area 1 and Area 2 comprising an updated version of drawing number 394503/LV/041 showing landform, water features, boundary structures, land uses, access roads and footpaths.
 - (b) proposed ground modelling, re-profiling and mounding with proposed contours to be at a maximum of 1 metre levels;
 - (c) a survey of existing trees and hedges (including ground levels at the base of all trees) in the Country Park within Area 1 and Area 2, the survey to show details of all trees and hedges to be removed and those to be retained and a scheme for the protection of retained trees during the construction of the development on Area 1 and Area 2. The

survey and the tree protection measures shall be in accordance with BS 5837 (2005) unless otherwise agreed in writing with the local planning authority;

- (d) the comprehensive treatment of planting and seeding areas including plans and sections at a scale of not less than 1:1250;
- (e) all boundary treatment, retaining walls and security fencing including materials to be used, typical elevations and heights;
- (f) acoustic fencing including materials to be used, typical elevations and heights and details of acoustic performance;
- (g) hard landscape works including access roads, parking areas, signage, seating, litter bins and picnic areas;
- (h) all existing, diverted (whether temporary or permanent) and proposed rights of way including footpaths, bridleways and cycleways and their proposed surfacing treatment and details of enclosures, gates and stiles;
- (i) works to Hedges Farm to provide the Country Park Visitor/Interpretation Centre;
- (j) a programme of implementation and a management plan.

- 15.2 The landscaping programme shall be implemented as approved and the landscaping shall be maintained in accordance with the approved management plan.

Reason: This condition is necessary to guide the submission of landscaping details required as part of the reserved matters application and to ensure that the landscaping in Areas 1 and 2 is carried out and appropriately maintained.

POLLUTION CONTROL

16. Where any Unit or other facility in the development has oil fuel storage or chemical tanks serving such Unit, the relevant Unit shall not be occupied until a pollution control strategy in relation to such tanks has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the relevant approved strategy.

Reason: This condition is necessary to reduce the risk of any oil or chemicals stored on site polluting the environment.

17. DRAINAGE

- 17.1 The development shall not be commenced on Area 1 and Area 2 until a detailed scheme of drainage for Area 1 and Area 2 has been submitted to and approved in writing by the local planning authority. Such scheme shall include:

- (a) the provision of sustainable urban drainage systems to control the run-off from the development;
- (b) the provision of storm water balancing swales and other storage facilities; and

- (c) details of the design of the drainage infrastructure to illustrate the discharge rates will be less than existing levels.

The development shall be carried out in accordance with the approved scheme.

- 17.2 The development shall not be commenced on Areas 3 - 8 respectively until it has been confirmed in writing to the local planning authority whether development on the relevant Area includes the provision of foul and surface water drainage. If such drainage is to be provided on any of Areas 3 - 8 the development shall not be commenced on the relevant Area until a written scheme has been submitted to and approved in writing by the local planning authority setting out the details of such drainage and its effect on groundwater. Foul and surface water drainage on the relevant Area shall be constructed in accordance with the approved scheme.

Reason: This condition is necessary to ensure that drainage of the developed areas of the site does not increase run-off into local watercourses.

18. **PILING**

Piling or the construction of any other foundations using penetrative measures shall not take place until a written scheme has been submitted to and approved in writing by the local planning authority setting out the details of such measures and their effect on groundwater. Piling or the construction of any other foundations using penetrative measures shall only take place in accordance with such approved scheme.

Reason: the site is in a sensitive location with respect to the potential contamination of groundwater. The construction of piles or other types of foundation could provide a potential pathway for contamination at the surface to migrate into the underlying major aquifer and Source Protection Zone.

AREA 2 PONDS

19. The development on Area 1 shall not be commenced until details of the provision (including the timing, monitoring and aftercare of the new ponds to be located in Area 2 have been submitted to and approved in writing by the local planning authority. The ponds shall be constructed in accordance with the approved details. None of the Units shall be occupied until the ponds on Area 2 have been constructed.

Reason: This condition is necessary to ensure that ponds are provided on Area 2 to provide appropriate habitat for newts and invertebrates.

TRANSLOCATION OF ACID GRASSLAND

20. The development shall not be commenced on the land forming part of Area 1 shown on EPR Map 11 until a mitigation strategy for the translocation of acid grassland from Area 1 to Area 2 (including timing, monitoring and aftercare) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved strategy.

Reason: This condition is necessary to ensure that appropriate provision is made to mitigate for the loss of acid grassland on Area 1.

PROTECTED SPECIES

21. The development shall not be commenced until an up to date survey has been submitted to the local planning authority showing the location of any protected species (being reptiles and nesting birds protected under the Wildlife and Countryside Act 1981 (as amended)) within

Areas 1 or 2. Thereafter development shall not be commenced on any land forming part of Area 1 or 2 and identified by the survey as a location for a protected species, until a mitigation strategy for such species has been submitted to and approved in writing by the local planning authority. Development shall be carried out only in accordance with the approved strategy.

Reason: This condition is necessary to ensure that any protected species on the site are identified and that appropriate steps are taken to avoid harm to them.

BADGERS

22. Not more than 6 months prior to the development being commenced on Area 1 or Area 2 the developer shall carry out a badger survey on the relevant Area and shall submit the results of such survey to the local planning authority. If appropriate the survey shall include a mitigation strategy for approval in writing by the local planning authority. Development shall be carried out only in accordance with the approved mitigation strategy.

Reason: This condition is necessary to ensure that any Badgers on the site at the time development is due to commence are identified and appropriate measures taken to mitigate the effects of the development on them.

ARCHAEOLOGY

23. The development shall not be commenced within Areas 1, 2, 3 or 4 or the part of Area 6 shown on drawing CgMs Radlett/01 dated 13 December 2007 until a written scheme of archaeological work and protection in relation to the relevant Area has been submitted to and approved in writing by the local planning authority. The scheme shall make provision for the preservation in situ or, where that is not possible, the full excavation of remains considered to be of local or greater significance. The development shall be carried out in accordance with the scheme subject to any amendments approved in writing by the local planning authority. All remains preserved in situ shall be preserved in accordance with the scheme.

Reason: This condition is necessary in the interests of ensuring that appropriate provision is made for the recording or preservation of any archaeological remains that may be found on those areas of the site not previously disturbed by quarrying.

24. CONTAMINATION

- 24.1 The development shall not be commenced on any Area until the following components of a scheme to deal with the risks associated with contamination of the relevant Area has been submitted to and approved in writing by the local planning authority:

- (a) A preliminary risk assessment which has identified:
 - (i) all previous uses
 - (ii) potential contaminants associated with those uses
 - (iii) a conceptual model of the site indicating sources, pathways and receptors
 - (iv) potentially unacceptable risks arising from contamination at the site.
- (b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- (c) The site investigation results and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

24.2 Any changes to the approved remediation strategy and the longer-term monitoring require the express consent of the local planning authority. The remediation strategy and longer-term monitoring shall be implemented as approved.

24.3 The development shall not be commenced on any Area until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation on the relevant Area has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

24.4 If during development of the relevant Area contamination not previously identified is found to be present at the site then no further development shall be carried out on that Area until the developer has submitted to and obtained written approval from the local planning authority for an amendment to the approved remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that an appropriate remediation strategy is undertaken as part of the development

25. **NOISE**

25.1 The development shall not be commenced on Areas 1 and 2 until a scheme has been submitted to and approved in writing by the local planning authority which specifies the details of the provisions to be made for the control of noise emanating from these Areas during the operation of the development. The development shall be operated in accordance with the approved scheme.

25.2 The level of noise emitted from the site shall not exceed 50dB LAeq, 8hr between 2300 and 0700 the following day as measured at 1 metre from the facade of any residential property. The measurement shall be made in accordance with British Standard 74451:2003.

25.3 The level of noise emitted from the site shall not exceed 60 dB LAFmax as measured at 1 metre from the façade of any residential premises between 23.00 and 07.00, every day.

Reason: This condition is necessary in the interests of preventing significant noise disturbance to residents living around the site.

EXTERNAL LOUDSPEAKERS

26. No external loudspeaker systems shall be installed on any Area.

Reason: This condition is necessary in the interests of preventing residents living around the site being disturbed by (intermittent) noise from any external loudspeakers that may be installed on the site.

REFUSE

27. The development shall not be commenced on any Area until details of the facilities for the storage of refuse on that Area have been submitted to and approved in writing by the local planning authority. The approved details shall thereafter be implemented and retained.

Reason: This condition is necessary to ensure that proper provision is made for the storage of refuse on the site.

RENEWABLE ENERGY

28. Construction of the Units within Area 1 shall not be commenced until a report has been submitted to the local planning authority setting out the measures to be taken such that the predicted CO2 emissions of the development will be reduced by a target of 10% through the use of on-site renewable energy equipment and until such measures have been approved in writing by the local planning authority. The development shall be carried out incorporating such approved measures.

Reason: This condition is necessary in the interests of sustainable development and to comply with the requirements of RSS14.

LIGHTING

29. No Unit shall be occupied until a detailed external lighting scheme for Areas 1 and 2 has been submitted to and approved in writing by the local planning authority. No external lighting other than that approved shall be provided on Areas 1 and 2.

Reason: This condition is necessary to ensure that the design and installation of external lights on the site pays due regard to the need to protect the amenities of local residents and the environment.

CYCLE STORAGE

30. None of the Units shall be occupied until details of the cycle storage for employees of the Unit has been submitted to and approved in writing by the local planning authority. The approved cycle storage shall be provided and thereafter retained.

Reason: This condition is necessary in the interests of ensuring that appropriate provision is made for the storage of cycles on the site.

31. **COUNTRY PARK**

- 31.1 The development shall not be commenced until there has been submitted to and approved in writing by the local planning authority a Countryside Management Plan. The Countryside Management Plan shall include landscaping details for Areas 3 to 8 submitted for approval under Condition 2 above and shall be substantially in accordance with the following documents:

- (a) Countryside Management Plan – Overall Objectives and Design Principles dated 19 December 2007 and drawing numbers 394503-LV-042, 394503-LV-044, 394503-LV-046, 394503-LV-048, 394503-LV-050, 394503-LV-052, 394503-LV-054, 394503-LV-056, 394503-P-057 and 394503-LV-018 and EPR Maps 2, 3 rev A, 4, 5, 6, 7, 8, 9 and 10 Rev A; and
- (b) Countryside Management Plan – Objectives and Specific Measures for Areas 1 – 8, dated 19 December 2007.

31.2 The development shall not be commenced until there has been submitted to and approved in writing by the local planning authority a Landscape Management Plan substantially in accordance with the Draft Landscape Management Plan prepared by Capita Lovejoy in December 2008.

31.3 The approved Countryside Management Plan and the approved Landscape Management Plan shall be implemented and their requirements shall thereafter continue to be observed.

31.4 The Countryside Management Plan when submitted under condition 31.1 shall define the landscaping and countryside access works and the public access and the sport and recreation facilities referred to in condition 32.1 and the works to create waterbodies and related facilities for bird habitat referred to in condition 32.2. It shall also set out measures to protect the areas of ecological interest within the Country Park pending the completion of the Country Park.

Reason: This condition is necessary to ensure that details of the Country Park are settled at an early stage.

32. **DELIVERY OF COUNTRY PARK**

32.1 The landscaping and countryside access works in those parts of Areas 1 and 2 proposed for use as a Country Park and in Areas 3, 4 and 5 and in the southern part of Area 6 and the provision of public access and the sport and recreation facilities in Area 5 shall be completed prior to occupation of any of the Units. These works shall include the restoration of Hedges Farm as a working farm and as a Country Park Visitor/Interpretation Centre as approved under condition 15.1(i) above.

32.2 The works to create waterbodies and related facilities for bird habitat on Areas 5 and 8 shall be completed within twelve months following occupation of any of the Units.

32.3 The Country Park works on Areas 7 and 8 shall be completed no later than the occupation of 290,000 square metres of floor area in the Units.

32.4 The Country Park measures on the northern part of Area 6 shall be completed by the later of:

- (a) 12 months following completion of the restoration of Area 6 in accordance with the planning permission dated 27 March 2007 reference 5/1811-04(CM112) (and any variation thereof); or
- (b) occupation of more than 290,000 square metres of floor area in the Units.

Reason: This condition is necessary to ensure timely delivery of the Country Park.

DEFINITIONS

"Access Works"	The creation of the new vehicular access to serve Area 1 from the A414 including the at grade signalised roundabout linking the A414 to the Park Street bypass
"Area"	The relevant area within Areas 1 – 8
"Area 1"	The area marked Area 1 shown edged red on drawing number 394503-LV-018
"Area 2"	The area marked Area 2 shown edged red on drawing number 394503-LV-018
"Area 3"	The area marked Area 3 shown edged red on drawing number 394503-LV-018
"Area 4"	The area marked Area 4 shown edged red on drawing number 394503-LV-018
"Area 5"	The area marked Area 5 shown edged red on drawing number 394503-LV-018
"Area 6"	The area marked Area 6 shown edged red on drawing number 394503-LV-018
"Area 7"	The area marked Area 7 shown edged red on drawing number 394503-LV-018
"Area 8"	The area marked Area 8 shown edged red on drawing number 394503-LV-018
"Country Park"	The country park to be provided on part of Area 1 and part of Area 2 shown coloured green on drawing number 394503-LV-077 and the Key Parameters Plan and on Areas 3-8
"Countryside Management Plan"	A plan setting out details of the long term management and maintenance of the Country Park
"Highways Plan"	Plan 6035/37A dated December 2007
"Intermodal Terminal Phase 1 Works"	The first phase of the on-site rail works comprising the construction of three reception sidings and two intermodal terminal sidings and associated works to facilitate its operation as an intermodal terminal including security, hardstanding and lighting substantially in accordance with the principles of drawing number IM/Radlett/01 dated 19 December 2007
"Intermodal Terminal Phase 2 Works"	The second phase of on-site rail works comprising the construction of two additional intermodal terminal sidings and new temporary hardstanding substantially in accordance

with the principles of drawing number IM/Radlett/01 dated 19 December 2007

"Intermodal Terminal Phase 3 Works"	The third phase of on-site rail works comprising the construction of two additional intermodal terminal sidings with the extension of the track to the reception sidings substantially in accordance with the principles of drawing number IM/Radlett/01 dated 19 December 2007
"Intermodal Terminal"	The intermodal terminal forming part of the development
"Key Parameters Plan"	Plan 394503-DSD-002a dated December 2008
"Landscape Management Plan"	A plan setting out details of the long term management and maintenance of the landscape areas within the Country Park
"London Colney Roundabout Improvements"	Improvements to the existing traffic signal controller at the London Colney Roundabout by the installation of the MOVA signal control system and other works to improve safety and capacity of the roundabout
"M25 Junction 21A Improvements"	Improvements to M25 Junction 21A as shown in principle on drawing number 11012495/PHL/01 Rev C
"M25 Junction 22 Improvements"	Improvements to M25 Junction 22 as shown in principle on drawing numbers 2495/SK/003 Rev A and 2495/SK/004 Rev A
"Midland Main Line"	The railway running from Bedford to St Pancras
"Midland Main Line Connection Works"	The formation of a southerly connection from the Midland Main Line northbound and southbound slow lines to the new branch line (including necessary signalling works) to serve Area 1
"Midland Main Line Gauge Enhancement Works"	The gauge enhancement to the Midland Main Line to W9 and W10 loading gauge on the following routes; (a) the development to Brent Curve Junction, and (b) either; (i) Brent Curve to Acton Wells Junction; or (ii) Brent Curve to Junction Road Junction (at Tufnell Road)

"Park Street Bypass Phase 1 Works"

The provision of the Park Street Bypass from the A414 between points A and C on the Highways Plan

"Park Street Bypass Phase 2 Works"

The provision of:

- (a) a modification to the existing bridge over the M25; or
- (b) a new bridge over the M25 as shown in principle on Drawing 14297/BR/AIP/ST01/001-Rev A linking Area 1 with the A5183 by connecting roundabout Y and point D on the Highways Plan

"Park Street Roundabout Signalisation Works"

Improvements to the Park Street Roundabout as shown in principle on drawing no. 2495/SK/001 Rev A

"Reserved Matters"

Details of:

- (a) layout except as already approved for layout of the new buildings;
- (b) scale except as already approved for the maximum total floorspace of the new buildings and the maximum height, width and length of the new buildings;
- (c) appearance of the new buildings;
- (d) access except as already approved for rail, lorry and car access;
- (e) landscaping except as already approved for the location of the structure planting and earth mounds on Areas 1 and 2

"Unit"

Each of the respective warehouse units within Area 1 to be constructed as part of the development