

On behalf of : STRIFE Ltd
Name: Christopher Brown
Witness Statement: 1
Exhibits: CB1-CB6
Dated: 22nd February 2011

IN THE HIGH COURT OF JUSTICE
QUEENS BENCH DIVISION
ADMINISTRATIVE COURT

Case No. CO/8739/2010

IN THE MATTER OF AN APPLICATION UNDER SECTION 288 OF THE TOWN AND
COUNTRY PLANNING ACT 1990

AND IN THE MATTER OF A STRATEGIC RAIL FREIGHT INTERCHANGE AT THE
FORMER AERODROME, NORTH ORBITAL ROAD, RADLETT, HERTFORDSHIRE

BETWEEN:

HELIOSLOUGH LIMITED

Claimant

-and-

(1) THE SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT

-and-

(2) ST ALBANS CITY AND DISTRICT COUNCIL

Defendants

-and-

(3) GOODMAN LOGISTICS DEVELOPMENTS (UK) LIMITED

-and-

(4) STRIFE LIMITED

Interested Parties

WITNESS STATEMENT OF CHRISTOPHER BROWN

I, Christopher Michael Brown, of 5 The Rise, Park Street, St Albans, AL2 2NT,
state as follows:

Introduction

1. I am authorised by STRIFE Ltd ("STRIFE") to make this witness statement. The facts and matters to which I refer are, unless otherwise stated, within my own personal knowledge and are true. Matters that are not within my own knowledge are true to the best of my information and belief and I identify my source.
2. STRIFE is a campaign organisation which has acted as a channel for the broad-based local opposition which the Claimant's proposed Strategic Rail

Freight Interchange ("SRFI") has engendered. It was a Rule 6 Party in both the 2007 Inquiry and the 2009 Inquiry into the Claimant's proposals.

3. STRIFE's evidence and submissions at the 2009 Inquiry included a critique of the Claimant's Alternative Sites Assessment. I attach a copy of Douglas Hirst's Proof of Evidence, which addressed this issue, as Exhibit CB1 and a copy of STRIFE's Closing Submissions as Exhibit CB2.
4. I am a member of STRIFE and supported its case at both Inquiries. Although my evidence was given independently, it was shared with STRIFE during its preparation and was consistent with, and relied upon by, STRIFE in its own representations.
5. On the public day of the 2009 Inquiry I gave evidence (Exhibits CB3 and CB4) that included comparisons of projected freight movements (rail and road) and site size between Radlett, the two other promoted sites at Colnbrook and Kent International Gateway (KIG) and the approved site at Howbury Park. The Inspector noted my evidence at §10.53 - §10.57 of his report of 29 March 2010 ("IR2010").
6. I now attach Exhibit CB5 which has been compiled using information from CB4, albeit in a simplified manner since I consider that this makes clearer the comparison between Radlett and Colnbrook. In particular, I have removed the references to Kent International Gateway and Howbury Park, and the lines relating to height and volume, and have presented the results in a slightly different form. However, the base details of Green Belt land take, floorspace and the number of traffic movements remain as before.

The Purpose of this Witness Statement

7. In this witness statement I wish to address the Claimant's criticism of the Secretary of State's conclusion in his Decision Letter of 7 July 2010 ("DL2010") that a smaller development such as that proposed at Colnbrook might cause less harm to the Green Belt than that of the larger development proposed at Radlett (Grounds §56ff). I also wish to address briefly the Strategic Gap issue (Grounds §65) and the Claimant's contention that the Secretary of State's approach was unfair (Grounds §64). I will not endeavour to touch upon all of the issues to which these aspects of the claim give rise, but only upon matters which were central to the case advanced in my evidence and by STRIFE more generally.

The Policy Objective for SRFIs and a comparison of Colnbrook and the Claimant's Proposal

8. Both Inquiries into the Radlett applications accepted that SRFI policy was set out by the Strategic Rail Authority ("SRA") in the document *Strategic Rail Freight Interchange Policy - March 2004*, which I attach as Exhibit CB6.



9. Whilst recognising that SRFIs will require rail-linked warehousing, it is quite clear from the SRA policy document that its key policy objective is to achieve modal shift, that is to say the transfer of freight from the road to the rail network, and not to develop rail-linked warehousing (floorspace).
10. Furthermore, the only policy aspect that reflects a quantum of floorspace for an SRFI is to be derived from the statement in the SRA policy document in support of 3 to 4 SRFIs to serve London and the South East (L&SE), providing a total of approximately 400,000m² of floorspace. That suggests an SRFI providing between 100,000m² to 135,000m² of floorspace, substantially smaller than the Claimant's proposal.
11. In its Grounds, the Claimant refers to an "underlying policy objective of increasing the quantum of rail related warehousing" (§7). If this is a suggestion that there is policy support for floorspace *per se*, it is mistaken. As above, the policy support is for modal shift; the amount of floorspace may affect the level of modal shift, but it is not a simple linear relationship as the Claimant appears to contend.
12. I attach in this regard, and as Exhibit CB7, PPG2, the national planning policy guidance for the Green Belt. It will be seen from paragraphs 3.1 and 3.2 of PPG2 that "inappropriate development" (which an SRFI is conceded to be) cannot be permitted unless "very special circumstances" are demonstrated which clearly both outweigh the harm to the Green Belt by inappropriateness *per se* and any other harm. That harm will increase in proportion to the size of the inappropriate Green Belt development proposed. It follows that the efficiency with which the floorspace proposed for an SRFI in the Green Belt will be used, and the land take upon which it is proposed, must be key planning considerations to take into account in assessing such a proposal, since it would be difficult, if not impossible, to argue that very special circumstances justified taking more Green Belt land, or justified more extensive inappropriate development, than was necessary to achieve the policy aim of modal shift.
13. With this in mind it is therefore informative to compare the efficiency in land use terms of the Claimant's proposal and the Colnbrook proposal, both of which were Green Belt sites and both subject to PPG2.
14. As Exhibits CB4 and CB5 show, the Colnbrook proposal relies on slightly over half the number of hectares of Green Belt land take per daily inbound train movement than the Claimant's proposal (7.5ha for Colnbrook; 14.3ha for Radlett); and around three quarters of the amount of floor area per daily inbound train. Colnbrook also achieves a markedly higher amount of floorspace per hectare of Green Belt land take (2814m² for Colnbrook; 1918² for Radlett).
15. This comparison between the Claimant's proposal and the Colnbrook proposal demonstrates the error of the Claimant's 'bigger is necessarily better

approach': Colnbrook would take far less land from the Green Belt and would use that land far more efficiently.

16. Accordingly, whilst the Claimant's assertion, at §15(a) of its Grounds, that Colnbrook is not an alternative to the proposal, is therefore right as far as the *floorspace* is concerned, that is not the relevant issue. In particular, the harm to the Green Belt is far greater for the Claimant's proposal, but without a proportionately increased contribution to modal shift.
17. In these circumstances, it was plainly open to the Secretary of State to consider that the additional Green Belt harm from the larger land take of the Claimant's proposal was not justified.

The Strategic Gap issue

18. It is right, of course, that the Colnbrook site is not just within the Green Belt, but also within a designated Strategic Gap as provided for by a saved Policy of the Slough Local Plan. During the 2009 Inquiry STRiFE relied in this regard on an Inspector's Report on two appeals relating to land also within a designated Strategic Gap ("the Farnborough Decision"), relevant sections of which I attach as Exhibit CB8. STRiFE addressed the Farnborough Decision at §25-30 of its Closing Submissions. The key point for present purposes is the Inspector's view at §435 of her Report in respect of the Farnborough proposal that:

"The primary purpose of a Strategic Gap is to prevent the coalescence of settlements and to protect their separate identity. In fact it has a very similar purpose in this respect to a Green Belt."

19. In the light of the high degree of synergy between the aims of the Strategic Gap and the Green Belt, and given that both the Radlett site and the Colnbrook site are in the Green Belt, it was plainly open to the Secretary of State to decide, as he did at §22-23 and 29 of DL2010, both to attribute less weight to the additional Strategic Gap policy designation at Colnbrook than did the Inspector, and to decide that such Strategic Gap designation should not therefore be regarded as a decisive factor in the appeal.
20. STRiFE also addressed, in this regard, Slough Borough Council's Core Strategy at §132 of its Closing Submissions (the relevant sections of which are attached as Exhibit JBH1 to the witness statement (no. 1) of John Bernard Hargreaves in these proceedings). In particular, STRiFE submitted that it was clear from the Core Strategy that there was "no policy embargo upon SRFI development at Colnbrook" and that the "only sensible reading of [the Core Strategy] is that the Council appreciate the potential of the site for an SRFI development; understand the tests against which such a proposal will be determined; and are of the view that they should be applied in the context of a planning application rather than the proposal being ruled out through the LDF process".


21. The Secretary of State addressed this issue at §23 of DL2010. He was, in the circumstances, clearly entitled to find that the "Slough Core Strategy Policy 2 does not necessarily bar inappropriate Green Belt development such as an SRFI in the Strategic Gap".

The Claimant's suggestion that the Secretary of State's approach was unfair

22. The Claimant suggests (Grounds §64) that it is "seriously aggrieved" that it has not been granted permission on the basis of the potential alternative at Colnbrook. As described above the Colnbrook proposal is an alternative to much more than half the Claimant's proposal and would achieve modal shift much more efficiently in terms of Green Belt land take.
23. The merits or otherwise arising from the scale of the Radlett proposal could be discussed at length, but the argument crystallised and became quantifiable once the Goodman plans for Colnbrook came forward. These plans show Colnbrook to be a better alternative to Radlett.
24. The Claimant asserts that it "should have been given the opportunity to explain in detail why it was better than a smaller scale development at Colnbrook" (Grounds §64). It was given that opportunity. Goodman placed materials before the 2009 Inquiry; and my Exhibits CB3 and CB4 were also placed before the 2009 Inquiry as comparisons between sites (see §10.57 of IR2010). These were neither queried nor challenged on Green Belt take, floor area or traffic movements.
25. The Secretary of State was fully entitled on the evidence before him, including my analysis, to conclude that the proposed SRFI at Colnbrook would be less harmful than the Claimant's proposal. I believe that the statistics I have given above clearly show that Colnbrook as proposed is far superior in terms of performance in that it will use scarce Green Belt resource far more efficiently than the proposed Radlett site. There is nothing unfair in the Secretary of State having agreed.

Statement of Truth

26. I believe the facts stated in this Witness Statement to be true.

Signed  . Dated 22/2/2011

Full Name: Christopher Michael Brown

