

**HERTFORDSHIRE COUNTY COUNCIL**

**COUNTY COUNCIL  
TUESDAY, 10 NOVEMBER 2015 AT 10.00 AM**

Agenda Item No.

**4A**

**PETITION RELATING TO THE FORMER RADLETT AERODROME SITE**

Report of the Assistant Director Property – Resources & Performance

Author: Dick Bowler, Estate Manager (Tel: 01992 556223)

Executive Member: Chris Hayward, Resources & Performance

Local Member: Aislinn Lee, St Stephens Division

**1. Purpose of report**

- 1.1 To advise County Council of the receipt of a petition relating to the former Radlett Aerodrome Site and to set out for Members the background and other relevant information of which officers are aware relating to the subject matter of the petition.

**2. Summary**

- 2.1 Notice of intention to present a petition containing 1,000 or more signatures has been received pursuant to the County Council's Petition Scheme. The petition states:

*“Don't sell Green Belt to Helioslough*

*We, the undersigned, call upon Hertfordshire County Council*

*(a) to recognise that its prime duty is to local residents*

*(b) to acknowledge that it is not obliged to sell any part of the Radlett Aerodrome site; therefore*

*(c) to refuse to sell its site to Helioslough.”*

- 2.2 The County Council's Petition Scheme provides that officers will prepare a Report for Members setting out the background and other relevant information of which they are aware relating to the subject matter of the petition but will not give a recommendation as to how the petition should be dealt with.

### **3. Procedure**

- 3.1 The petition which is the subject of this report has been received in accordance with the Council's Petition Scheme (Annex 22 to the Constitution).
- 3.2 The deadline for receipt of motions from Members in respect of this Report under Standing Order 9 (3) is noon on Thursday 5 November 2015.
- 3.3 Paragraph 44 of the Petition Scheme provides that the Petition Organiser will be given three minutes maximum to present the petition and will not otherwise be allowed to speak at the meeting. There is then a short debate by Council.
- 3.4 Paragraph 47 of the Petition Scheme states:

*The Council will decide how to respond to the petition at the meeting. They may decide to take the action the petition requests or not to take the action requested for reasons put forward in the debate. Where the issue is one on which the Council executive are required to make the final decision, the Council will decide whether to make recommendations to inform that decision. If the Council do not decide to deal with the petition in some other way, it will (at the discretion of the Chairman) be referred to the Overview and Scrutiny Committee, the appropriate Cabinet Panel or to officers for consideration and report to the local member and Group Spokesmen.*

- 3.5 The subject matter of the petition relates to an Executive function and as such Council cannot make a decision on it but may make a recommendation to Cabinet if it so wishes.

### **4 Background and Other Relevant Information**

- 4.1 The County Council owns the freehold of land at the former Radlett Aerodrome Site. The County Council's land forms part of the site required for the construction of a strategic rail freight interchange.
- 4.2 At its meeting on 9 December 2013 Cabinet considered its response to the Secretary of State's letter of 20 December 2012 that he was minded to grant planning permission for a strategic rail freight interchange development on and around the site of the former Radlett Aerodrome.
- 4.3 The decisions of Cabinet were:

"Cabinet AGREED UNANIMOUSLY the following:-

The County Council:-

1. disagrees with the Secretary of State in his conclusion (summarised in paragraph 44 of his letter of 20 December 2012) that the factors weighing in favour of permitting the Strategic Rail Freight Interchange development

outweigh the harms it will cause;

2. nonetheless, acknowledges that the Council is obliged to accept that the conclusion of the Secretary of State is binding on it and must act consistently with that conclusion, even though it disagrees with it;
  3. therefore, the Council agrees to enter into a s106 planning obligation in respect of its land at the former Radlett Airfield site in connection with the proposed Strategic Rail Freight Interchange scheme (but, in doing so, does not imply its support for the development) and authorises the Deputy Chief Executive, in consultation with the Executive Member for Resources & Transformation and the Chief Legal Officer, to finalise the terms of the s106 Agreement;
  4. recognises that the Secretary of State's letter of 20 December 2012 indicates only that he was then 'minded' to approve the application and urges him to review his conclusion, reconsidering all the evidence available and taking account of:
    - (a) any change in circumstances since that date including the impact of London Gateway on the potential container business for this site;
    - (b) all representations received by him since that date which might influence his conclusions on the balance of benefit and harm;
    - (c) the relative merits of alternative sites including any new sites which may have emerged; and
    - (d) the views of the Council that the S106 obligations are inadequate;
  5. defers any decision on the possible disposal of its land pending an absolute decision by the Secretary of State and the final outcome of any legal challenge to such decision; and
  6. recognises that, should a lawful planning consent be granted, the Council will make any decision on the disposal of its land at the appropriate time having regard, in particular, to the purposes for which it holds the land, any alternative uses then available and its fiduciary duty. Notwithstanding if, in such circumstances, the Council is under a legal duty to dispose of its land, this duty might not require the Council to dispose of the land for use as a Strategic Rail Freight Interchange if a rational alternative was then available. "
- 4.4 Following the decisions of Cabinet in December 2013 the County Council entered into a s106 agreement pursuant to decision 3 above.
- 4.4 Subsequently the Secretary of State granted planning permission to Helioslough Limited (Helioslough) for a strategic rail freight interchange (SRFI). There followed various legal challenges to that decision and by July of 2015 all challenge process was exhausted and the planning permission

remains in place.

- 4.5 It is understood that Helioslough is undertaking processes in respect of the owners of the land required for the SRFI (other than the County Council) with Network Rail and with the Local Planning Authority in respect of acquiring their land, clarifying rail infrastructure development, and clarifying conditions attached to the planning permission. Helioslough has contacted the County Council in its capacity as highways authority. At the date of issue of this report Helioslough has not made an offer to acquire the County Council's land.
- 4.6 Other parties are exploring proposals for development of the site (other than for a SRFI). The uses proposed are ones that would require planning permission and would need either a change to the green belt designation and an allocation in the Local Plan Review or very special circumstances justification for development in the green belt. No proposals to buy the land for any of these uses have been received by the date of issue of this report.
- 4.7 The progress on the Local Plan Review by the Local Planning Authority (St Albans City & District Council) can be seen on the papers for its Planning Policy Committee at this link:  
  
<http://stalbans.moderngov.co.uk/ieListDocuments.aspx?CId=459&MId=7803&Ver=4>
- 4.8 In summary, the Strategic Local Plan is expected to be the subject of a further consultation in the New Year. That would be followed by the Detailed Local Plan and it is this Plan that would deal with any amendments to the green belt.
- 4.9 The powers of the County Council as landowner are not the same as those of a private landowner. The County Council must act consistently with its statutory duties and with the statutory purpose for which it holds the land. It owes a fiduciary duty to its taxpayers, which includes the duty to use the full resources available to it to the best advantage. That may well involve balancing a number of competing objectives in relation to any landholding.
- 4.10 The County Council has not yet received any offers to purchase the land. In coming to any decision whether to sell the land Cabinet will need to consider the purpose for which it holds the land, its fiduciary duties and its obligations to obtain best consideration under s123 Local Government Act 1972.

## **5. Financial Implications**

- 5.1 None arising from this Report.

### Background Information

County Council Petitions Procedure

<http://www.hertsdirect.org/docs/pdf/a/consann22pet20131219.pdf>

Report to and Minutes, Cabinet, December 2013