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BE

Your reference

Our reference

PF3/2339/220/2PT3

Date

11 September 1972

Messrs Cannon Morgan and Rheinberg
Chartered Architects
38 Holywell Hill
ST ALBANS
Herts

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971

APPLICATION BY AUTAIR HELICOPTER SERVICES LTD (NOW AUTAIR INTERNATIONAL LTD)
AND THE COMMISSION FOR THE NEW TOWNS REFERRED UNDER SECTION 22 OF THE TOWN AND COUNTRY
PLANNING ACT 1962 (NOW SECTION 35 OF THE TOWN AND COUNTRY PLANNING ACT 1971)

1. I am directed by the Secretary of State for the Environment to say that he has considered the report of the Inspector, Mr E W Berridge, MA, FRPPI, ARIBA who held a local inquiry into the above mentioned application to the St Albans Rural District Council, acting on behalf of Hertfordshire County Council, for planning permission to develop land at Breakspear Way, Hemel Hempstead as a site for a heliport. Group Captain G F K Donaldson, AFRAeS, sat as an assessor on noise and aeronautical matters generally. The Secretary of State had directed in pursuance of section 22 of the Town and Country Planning Act 1962 (now section 35 of the 1971 Act) that the application be referred to him for decision instead of being dealt with by the local planning authority. The Secretary of State also indicated that he intended to consider whether there was a need to exercise powers under article 6(i) of the Town and Country Planning (New Towns Special Development) Order 1963 to direct that permission for a heliport given to the Hemel Hempstead Development Corporation in 1961 by virtue of article 3 of the Order shall not apply.

2. In his report, a copy of which is enclosed, the Inspector concluded that the site had merits as a heliport in that it was readily accessible from the town centre and the M1 motorway, it was close to the main industrial area of the town, it adjoined a motel, and its use would not necessitate flying over the built-up area of the town. The proposed buildings were pleasantly designed and would take their place satisfactorily as part of a group of buildings associated with transportation. There was no reason to suppose that the heliport would materially affect road safety, provided no direct vehicular access was made to Breakspear Way, or that the overhead electricity supply lines would constitute a hazard to helicopters. The main issue was therefore whether the noise would create an unwarranted intrusion into the amenities of the houses and schools in the locality.

3. The Inspector was of the opinion that, provided that the use of the site was restricted in the manner envisaged by the applicants and, in addition, flying at weekends was prohibited, the noise would not be so intrusive as to justify refusal. It would be likely to occur at relatively infrequent intervals and the flight paths would be mainly over agricultural land. Although some of the residents in the locality might have purchased their houses without knowledge of the proposed heliport, it was to be noted that the development had taken place in accordance with the approved Town Map on which the site of the heliport was shown and that the houses nearest to the site were built by the New Towns Commission. So far as the schools were concerned, there was no evidence to suggest that the noise level inside the buildings would interfere with teaching.

4. Breakspears Farm already suffered a fairly high level of noise from the motorway which was unlikely to be materially diminished by the planting which had been carried out. It appeared to the Inspector that the occasions on which the flight patterns would have to be routed over this farm would be relatively few in number and he did not think the disturbance which the property would suffer would be so serious as to justify refusal of the application. He saw little merit in the suggestion that Breakspears Farm would provide a more suitable alternative site. There would be no safety area between the site and the motorway, the existing access was poor, and the development would almost certainly necessitate the demolition of the farmhouse which had some architectural merit.

5. The Inspector considered that the conditions which the Commission for the New Towns proposed to impose on the lessees of the site would provide a satisfactory basis for containing the use of the heliport within acceptable lines, subject to additional conditions being imposed restricting flying after dark and at weekends. He was doubtful whether it would be possible to restrict the number of helicopter movements or flight paths under planning powers but he considered that the undertakings given by the applicants should be accepted in good faith and as providing sufficient safeguard in relation to these matters.

6. The Inspector said that he would view with some concern any extension of the heliport on the land to the south end, unless it was decided that this land did not enjoy a deemed planning permission as it was not owned by the Commission, it would appear desirable to make an article 6 Direction in order that the use of this land could be effectively controlled.

7. The Inspector recommended that permission be given to the application subject to a number of conditions. He further recommended that:-

- i. the Commission for the New Towns be requested to consult with the local authorities concerned before finalising the terms to be imposed on the lessees or before subsequently granting any variation of these terms;
- ii. the lessees' attention be drawn to the need for a system of control or other arrangement such that the conditions regarding flying in the vicinity of the heliport and those implicit in the heliport ordinary licence can be implemented.

8. The Secretary of State agrees with the Inspector's conclusions and accepts his recommendations in so far as they relate to the planning application. Accordingly he hereby grants planning permission for the development of a heliport in accordance with drawings Nos 516-2-10 and 2 which accompanied the application on 6.74 acres of land at Breakspear Way, Hemel Hempstead subject to the following conditions:-

- a. no direct vehicular access shall be made to Breakspear Way;
- b. the number and location of the car parking spaces shall be agreed with the local planning authority before any constructional work is commenced;
- c. a scheme for the landscape treatment of the site shall be submitted and approved by the local planning authority before any constructional work is commenced;
- d. equipment for monitoring noise shall be installed on the heliport before the use commences and the local planning authority or persons authorised by it shall be given facilities for obtaining information about the noise levels monitored;
- e. helicopters using the site shall operate within a noise level of 80 dB(A) when measured at any point not more than 400 feet from the landing point;
- f. flying operations and testing engines on the site shall be restricted to between 0700 hours and 2100 hours or half an hour after sunset, whichever is the earlier, and prohibited after 12 noon on Saturdays and on Sundays;

g. in the course of approach and take-off helicopters shall be limited to an area to be agreed with the local planning authority or, in default of agreement, to be determined by the Secretary of State;

h. the number of take-offs and landings in total shall not exceed 34 during the operating hours of one day;

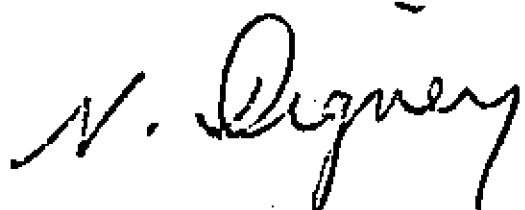
i. no work on overhauling engines shall be carried out on the site.

9. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

10. The Secretary of State has still to decide whether he should exercise his powers under article 6(1) of the Town and Country Planning (New Towns Special Development) Order 1963 in respect of the 1961 permission. A further letter on this will be sent to the Commission in due course.

11. A letter in similar terms has been sent to the Commission for New Towns.

I am Gentlemen
Your obedient Servant



N DIGNEY
Authorised by the Secretary
of State to sign in that behalf