

25 October 2012

By email and post

Christine Symes
Department for Communities and Local Government
Zone 1/H1
Eland House
Bressenden Place
London
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Our ref GALLIMOM/2977020
Matter ref U0475/00015

Dear Ms Symes

**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: 5/09/07/08**

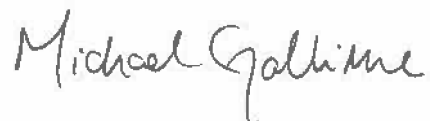
I refer to Mr Barrett's email of 22 October by way of reply to my letter of 18 October.

I was disappointed to receive the brief email response bearing in mind the issues raised in my letter. Through the correspondence sent to you by both CgMs and my firm our client has done its utmost to engage constructively with the Secretary of State on the issues raised in the Secretary of State's letters of 19 September and 12 October. We are extremely disappointed not to have received a substantive response to the confirmation requested in paragraph 4 of the representations submitted with CgMs' letter of 27 September. In the absence of a substantive response from the Secretary of State on that issue we do not consider that we can realistically be expected to add further to the correspondence which we have already sent.

There is one further matter which we consider that we should draw to your attention in this letter. In paragraph 2 on page 2 of your letter dated 12 October you state that Mr Mead's 2010 report on the current Radlett appeal will only be a "material consideration" to be taken into account by the Inspector at a reopened and conjoined inquiry. We are amazed at the suggestion that the Secretary of State is considering putting Mr Mead's report to one side in this way and only treating it as "material consideration". We consider that the Secretary of State would need to have good planning reasons to reopen the detailed debates on relevant issues which have already taken place in front of Mr Mead and we are certainly not aware that such reasons exist. We refer you in particular to the case of R (King's Cross Railway Lands Group) v Camden LBC [2007] EWHC1515 in this respect. If the Secretary of State is proposing to adopt this approach to Mr Mead's report i.e. only treating it as a "material consideration", we have to make it clear that

our client would need to give very careful consideration as to whether it would participate in such a further inquiry process.

Yours sincerely

A handwritten signature in black ink that reads "Michael Gallimore". The signature is written in a cursive style with a large initial 'M'.

Michael Gallimore

CC: R Barrett