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27 March 2013

By email and post

Department for Communities and Local Government
Zone 1/H1
Eland House
Bressenden Place
London SW1E 5DU

For the attention of Christine Symes

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Partner
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Our ref C2/GALLIMOM/3253038
Matter ref U0475/00015

Dear Sirs

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

As you are aware, we act for Helioslough Limited in connection with the above referenced Appeal. The purpose of this letter is to write to you in accordance with the judicial review pre-action protocol.

The Proposed Claimant

The proposed Claimant is Helioslough Limited whose registered office is at 234 Bath Road, Slough, SL1 4EE.

The Proposed Defendant

The proposed Defendant is the Secretary of State for Communities and Local Government.

Introduction

1. This is a pre-action protocol letter for judicial review in respect of the continuing failure of the Secretary of State for Communities and Local Government ("the SoS"):

   (a) to issue a decision on his redetermination of the appeal by Helioslough Ltd ("HS") against the refusal by St Albans City and District Council ("the Council") of planning permission for a strategic rail freight interchange ("the SRFI") at Radlett in Hertfordshire ("the Radlett Proposals"); and

   (b) even to set a timetable with which he will comply for such redetermination.

2. In short summary, the only outstanding issue for the SoS to resolve is whether to accept condition 33 or to insist on a s.106 obligation from Hertfordshire County Council ("HCC") before permission is granted. The legality and appropriateness of condition 33 has been addressed in detail through the inquiry process and by the Inspector. Condition 33 is plainly a lawful and appropriate condition and in the circumstances there is no applicable guidance or rational reason to insist on a s.106 obligation from HCC before permission is granted. There is no need for further rounds of representations on condition 33 and no lawful basis for further delay arising from it.

3. Further, the SoS is in breach of his statutory duty to issue a decision in accordance with his own statutory timetable. HS is no longer prepared to countenance any further delay and continuing breach because: (1) further delay is directly contrary to Government stated determination to deliver economic growth by avoiding delay in the planning system; (2) further delay has the potential effect of generating satellite litigation and procedural difficulties which then create yet further delay and indecision; and (3) further delay may seriously jeopardise the implementation of a permission in tandem with other engineering works already planned by Network Rail for the Midland Main Line, in connection with the Thameslink and Midland Main Line electrification schemes.

4. HS therefore requires the SoS to set out by 3rd April a timetable for redetermination of the appeal by 10th April and to confirm that he will comply with that timetable failing which an application for judicial review and mandatory orders will be pursued on an expedited basis.

The Core Facts

5. The Radlett appeal was remitted by the High Court to the SoS for redetermination on 4th July 2011 – over 20 months ago. After three rounds of representation, there was no remaining outstanding issue on condition 33 (the sole issue identified by the SoS on this having been addressed in the first round of representations), nobody sought reopening of the Inquiry or conjoining of it with Colnbrook and a statutory timetable for the making of a final decision on the appeal was set expiring on 5th April 2012 (subsequently lawfully extended to June 2012). Representations on condition 33 were at that stage plainly closed.

6. That timetable was not complied with and could not thereafter be lawfully further extended. However, the SoS indicated that he was moving to a decision and judicial review of the delay was therefore not pursued at that stage.

7. On 19th September, the SoS (in our view, unlawfully) contemplated re-opening the inquiry and conjoining it with the Colnbrook inquiry. A further two rounds of representation on this suggestion then occurred resulting in the SoS deciding against such an approach on 14th December 2012. The SoS's procedural "adventure" of 19th September has led to satellite litigation from the Council in the form of a judicial review of 14th December 2012. Further delay will likewise create the opportunity for further spoiling tactics by those opposed to the scheme through satellite litigation. It is evident that the procedures the DCLG is adopting here and its delay in decision making are creating the very delay and procedural difficulties the Government is determined to avoid.

8. On 20th December 2012, the SoS finally issued a minded to grant letter. What should have happened at that stage consistent with the guidance, the facts and the law, is that, consistent with the Inspector's recommendation, permission should have been granted with condition 33 alternative 1 or 2. However, in the minded to grant letter, for reasons which are simply wrong, he raised again the acceptability of condition 33 and invited HS to secure a s.106 obligation from HCC who own a significant part of the proposed development site.

9. As a pragmatic response to the SoS's minded to grant letter, HS reluctantly agreed to try to pursue the HCC s.106 route.

10. By 21st February 2013, it was clear that there was no prospect of HCC signing such an obligation in the short to medium term. HCC sought a three month extension in which to consider whether to enter into such an obligation on 25th February.

11. By letter dated 28th February 2013, HS indicated that it was no longer prepared to pursue the HCC route at this stage because of the delay that that would entail. The letter set out in detail, by reference to an accompanying Opinion from independent leading counsel, the correct approach to condition 33.

12. Notwithstanding that this issue has been debated at length in the inquiry and conclusions reached on it (with which the SoS has no lawful basis for not following) and in the subsequent written representations, the Council has sought until 28th March 2013 to respond to the 28th February letter.

13. The SoS has now, and since at least 7th April 2012 has had, no lawful option available to him but to grant permission with condition 33. It is now three months since the minded to grant letter and there has been no progress whatsoever by the public authorities involved.

14. HCC is taking no action towards providing a s.106 agreement (apparently preferring to wait on the SoS's final decision on permission) and the Council is pursuing a misconceived delaying JR application in respect of the 14th December (conjoining) decision – which we consider to be classic spoiling satellite litigation designed to generate further delay.

15. Despite repeated requests the SoS has declined to provide a timetable for his decision.

16. He is thereby in continuing and indefinite breach of his statutory duty and the procedural consequences in terms of satellite litigation and delay by HCC are severe.

17. Further, continued delay in granting permission may impact on the ability to deliver the SRFI in conjunction with other engineering works and maintenance "possessions" of the Midland Main Line already planned by Network Rail. Further delay on a decision on the appeal will in turn mean even more delay in delivering this much needed part of a network of SRFI in line with Government policy.

18. The approach of the SoS to this decision making (and of the public authorities) is wholly inconsistent with Government statements as to the need to avoid delay in planning decision making and the need to promote development in the national economic interest. There is no rational basis for the continued delay and no rational basis upon which permission can be refused.

19. HS is therefore entitled to and requires the SoS to set out a timetable forthwith under which a final decision will be taken and issued prior to 10th April 2013.

20. Unless we receive a positive response to this letter by 3rd April we will be issuing an urgent application for permission to apply for judicial review and expedition at all stages.

Condition 33

21. The sole outstanding issue following the minded to grant is the condition 33 issue. On that the position is as follows.

22. The merits and lawfulness of condition 33 were addressed in detail at the 2009 public inquiry and in the Inspector's Report. The Inspector supported alternative 1. On

alternative 2, the only issue was in respect of the definition of rail works. The Inspector's recommendations remain before the SoS.

23. The SoS did not agree with the Inspector's approach to condition 33 (DL33) but the point did not, in any event, lead anywhere because of the refusal of permission. The SoS's decision has, of course, been quashed and he is now required to redetermine in accordance with law taking into account the Inspector's report.

24. As we show below, there is no reason for him not to reconsider and determine now the condition 33 issue in accordance with the Inspector's recommendation and no need for him to seek further representations on this issue. The result is that he must now grant permission.

25. In the light of the Inspector's Report and the High Court judgment, in the first round of representations, the SoS asked for representations on the views expressed in DL33. HS responded in detail: Representations dated 11th October 2011 including by providing a definition of "rail works" for alternative 2.

26. In respect of alternative 1, there has never been any substantive answer to HS's analysis (or the Inspector's analysis) on alternative 1 by any party through the written representations.

27. In respect of alternative 2, no objections to the definition proposed for alternative 2 were made - see Representations of 20th December 2011 para 7. The sole issue identified by the SoS in respect of alternative 2 had thus been overcome.

28. The matter has thus been debated at length through the inquiry process and, to the extent any party wished to, through the subsequent written representations (following the High Court Order). The exchange on the condition 33 matter had been fully aired and closed many months ago. The SoS had everything he needed to reach a decision. There is thus no possible basis for continuing delay in resolving that issue.

29. To put the matter beyond doubt a further Opinion on the issue was obtained and provided to the SoS. This confirms all that had been said before and raised no new substantive issue.

30. There is therefore no rational basis for further delay on the condition 33 issue, no need to revert to the parties for further rounds of written representations and no lawful basis for declining to grant by reason of the lack of a s.106 obligation at this stage from HCC.

31. Thus, there is in reality no basis for any further delay.

32. The position is compounded by the previous, very substantial delay in issuing the Minded to Grant letter and the currently continuing breach of the statutory duty. We consider that the history, to which we now turn, further demonstrates why the SoS cannot now lawfully delay any further.

Historic Delay and breaches of statutory duty

33. In order to make good the basic point that the SoS is in breach of statutory duty, cannot now extend time and that continuing delay is unlawful a more detailed explanation is now provided.

Appeals and redeterminations

34. An appeal lies to the SoS against a refusal of planning permission by the local planning authority (here the Council) under s.78 of the Town and Country Planning Act 1990. The

SoS can: (1) delegate the power to determine the appeal to inspectors appointed by him; or (2) recover the appeal for his own determination.

35. In the latter case, an Inquiry is held by an appointed Inspector under the Town and Country Planning (Inquiries Procedure)(England) Rules 2000 ("the 2000 Rules"). The Inspector then provides a report to the SoS. Fundamentally the inquiry is the forum in which those interested put forward their cases

36. Upon receipt of the inspector's report, the SoS then makes his decision. He is required to give reasons including (where applicable) reasons for why he has disagreed with the Inspector's conclusions and recommendations.

37. A challenge may be brought under s.288 of the 1990 Act to the SoS's Decision. An applicant has to show an error of law and in so doing can point either to the Decision itself or an error in the Inspector's Report which was then adopted by, or impacted upon the decision of, the SoS. In the instant case, the challenge was to the SoS's conclusions and not to any part of the inspector's report.

38. If the application to the High Court is successful it is the Decision of the SoS and not the Inspector's Report which is quashed.

39. Upon the quashing of the Decision, by virtue of regulation 19 of the 2000 Regulations, the SoS has to decide what matters he has to reconsider and how he will do so (namely by written representations and/or by a reopened inquiry) in order to remedy the flaws identified by the High Court. Following extensive case law, he will also need to ensure that any material changes in circumstances between the date of his quashed decision and his redetermination are taken into account.

Timetable for decision making

40. S.55(1) of the 2004 Act gives effect to schedule 2 which contains provision about the time in which the SoS must take certain decisions.

41. By virtue of schedule 2 paragraph 1, the redetermination in this case is one to which paragraph 4 applies. Paragraph 4 provides as follows:

"(1) The Secretary of State must make one or more timetables for the purposes of decisions to which this Schedule applies.

(2) A timetable may make different provision for different decisions or different descriptions of decision.

(3) A timetable–

(a) has effect from such time as the Secretary of State determines;

(b) must set out the time within which the decision must be taken;

(c) may set out the time within which any other step to be taken for the purposes of the decision must be taken.

(4) A timetable made under this paragraph must be published in such form and manner as the Secretary of State thinks appropriate." [Emphasis added]

42. By virtue of these provisions, the SoS was required to make a timetable for the decision on the redetermination.

43. The timetable so set contains the time within which "the decision must be taken". The purpose of this primary legislation is to prevent inertia, delay and failure to grapple with difficult issues in the decision making process by the SoS and those charged by him with making decisions on his behalf.

44. Paragraph 6(1) provides as follows:

(1) This paragraph applies if before the time at which any step must be taken in accordance with the applicable timetable the Secretary of State thinks that there are circumstances which are likely to prevent the taking of the step at that time.

(2) The Secretary of State may vary the applicable timetable accordingly.

(3) If the Secretary of State varies the applicable timetable under sub-paragraph (2) he must notify the persons mentioned in paragraph 5(1) of the variation and the reason for it." [Emphasis added].

45. The timetable set under paragraph 4 can only be extended: (1) before the period has expired; and (2) even then only in defined situations namely where there are circumstances which are likely to *prevent* the taking of the step at that time. On the facts here there are no circumstances which are likely to prevent the giving of a decision.

The Chronology

46. The Radlett Proposals had been the subject of an earlier application and Inquiry in 2007 ("the 2007 Inquiry"), an Inspector's Report in 2008 ("the 2008 IR") and a decision of the SoS in 2008 ("the 2008 DL"). In the 2008 DL, the SoS dismissed HS's appeal on the sole basis that he was not satisfied that it had been demonstrated that there was no alternative location for the SRFI less harmful to the GB. The SoS nonetheless concluded that had it been demonstrated that there was no preferable alternative site the "very special circumstances" necessary to justify this development in the GB would "almost certainly" have been established.

47. Consequently, HS prepared a detailed Alternative Site Assessment ("ASA") and re-submitted the application in 2009. It was refused by the Council on a number of grounds. An inquiry was held at which all parties had full opportunity to criticise the ASA and to show why alternative sites were to be preferred and to raise issues on the proposed conditions including condition 33.

48. The Inspector recommended the grant of permission for the Radlett Proposals in clear and forthright terms.

49. The SoS nonetheless refused permission on 7th July 2010 (more than two and a half years ago) on the basis that he attached less weight to the SG policies at Colnbrook and therefore he thought there was a possibility of a much smaller scale of development at Colnbrook causing less harm to the GB than the larger Radlett Proposals. He also questioned condition 33 at DL33.

50. That decision was challenged in the High Court. The Decision of the SoS was quashed by Order dated 4th July 2011 (more than 20 months ago).

51. During the course of the High Court proceedings, an application at Colnbrook was submitted (27th September 2010). On 8th September 2011 it was refused by the Council on a number of grounds.

52. On 15th September 2011, in respect of the Radlett redetermination, the SoS sent out the letter required by regulation 19 of the Town and Country (Inquiries Procedure)(England)

Rules 2000 identifying the matters with respect to which further representations were invited setting a deadline for comments on those matters by 14th October 2011 (more than eighteen months ago). This will be referred to as Round 1. One issue raised in round 1 was the appropriateness of condition 33 and the comments in DL33.

53. The intention was that there would then be a short opportunity for a final round of comments after Round 1. The SoS also notified the parties that they could in Round 1 ask for the inquiry to be re-opened

54. No party asked for the inquiry to be re-opened and the all parties and the SoS thereafter proceeded throughout on the basis that it would not be reopened. No party raised any substantial case on condition 33 to rebut the approach of the Inspector.

55. On 19th October 2011, the SoS invited comments on the representations received in Round 1. Whilst he did "not propose to allow a lengthy series of cross-representations" he indicated that he would accept representations on any other material changes in circumstance. Comments were to be received by 11th November 2011 ("Round 2"). Nobody requested that the inquiry be reopened in Round 2 or made any detailed representations on condition 33.

56. On 29th November 2011, the SoS commenced Round 3 (in the same terms as Round 2) including inviting comments on three new government documents. Round 3 closed on 30th December 2011. Nobody requested a further round of representations or a re-opening of the Inquiry or raised any sustainable case on condition 33. Three rounds of written representations on a redetermination is, so far as Helioslough is aware, unprecedented.

57. The three rounds of representations culminated in a decision of the SoS on 1st February 2012 in which he stated: "On the basis of the submissions received, he is of the view that there are no substantive issues which require the inquiry to be re-opened and he has therefore decided that he is in a position to re-determine the appeal on the basis of all the evidence before him." This statement naturally covered the debate on condition 33. More than a year ago the SoS had everything he needed to determine the condition 33 issue.

58. He then set a timetable as he was required to do under paragraph 4 of schedule 2 of the Planning and Compulsory Purchase Act 2004 stating that his decision would be made on or before 5th April 2012. The SoS did not invite any further representations. This was not a timetable for a minded to grant letter for "the decision" on the appeal.

59. The position at this point was therefore that:

(a) no party had asked for a re-opened inquiry;

(b) the SoS had decided none was required;

(c) the SoS had decided that he had everything he needed to issue a decision; and

(d) he was binding himself to provide one as required by the statutory scheme on or before 5th April 2012.

60. By reason of the above facts, HS had a legitimate expectation that, absent any circumstances that "prevented" a decision being made, the SoS would make a decision by 5th April 2012. It had a further legitimate expectation, that the SoS would make his decision on the then available material.

61. As will be shown below, nothing has changed since to justify a different approach.

62. On 5th March 2012, Goodman appealed in respect of Colnbrook. The SoS himself recovered the appeal on 14th March. Thus from this date, the SoS knew there was a live appeal there. The statutory start date for that inquiry was 3rd May 2012 and a timetable for preparation for that inquiry was set at around that time (copy enclosed). That timetable is inconsistent with any later claim that evidence on Colnbrook inquiry was required before the SoS could make a decision on Radlett.

63. On 29th March 2012 (and notwithstanding the earlier timetable), the SoS initiated Round 4 of representations in respect of the redetermination of the Radlett Proposals. He sought representations only on the impact of the NPPF for the redetermination. Representations "must be confined" to that issue "and must not seek to raise any other matters". The timetable was altered with the final date for the decision moving from 5th April to 13th June 2012. The sole reason for this change in the timetable was to give him time to receive and take into account the representations received on the NPPF. Those making representations in Round 4 limited their representations to the impact of the NPPF.

64. On 18th April 2012, the SoS gave a final chance for comments on the NPPF representations received in Round 4 ("Round 5"). No party asked for the inquiry to be re-opened in Round 4 or 5 or raised any condition 33 issue. Round 5 closed on 26th April 2012. The timetable was not further varied. At this point the written representations rounds had been completed. The SoS has not since identified any "very good planning reason" *(Kings Cross Railways Land Group)* or any material change in circumstance to justify reopening them.

65. At 26th April 2012:

(a) the SoS had undertaken an unprecedented 5 rounds of written representations;

(b) the SoS had set a timetable as he was required to do and moved it once to another fixed date in purported pursuant of his power under schedule 2 para 6;

(c) the SoS had gradually limited the matters on which he wished to be addressed to the point where the representations had fully closed (and at no point had he raised the implications of the prospective and then actual Goodman appeal for his redetermination or a need for further consideration of condition 33 before he could make his final determination);

(d) by 26th April 2012, he had stated that he had all the information he required and was moving towards a decision by the timetable date of 13th June 2012.

66. On 7th June 2012, the SoS informed the Appellant by email that the decision would not be made in mid-June. The only reasons given were that ministers were in recess and the need to take into the account the NPPF in writing a robust decision letter. Some further delay was therefore anticipated. No new date was set as was required by the legislation.

67. On 12th August 2012, the SoS (in response to complaints from various parties) indicated that he could not give a date for the decision. "Unfortunately I am not in a position to give you an indication of when the decision will be issued." This is in breach of the statutory obligation upon him.

68. On 28th August 2012, the Appellant was informed that the civil servant concerned was hopeful that the decision would be out before the party conference season but no new date was given. The decision had been largely written by this date. The Appellant was thanked by the senior civil servant for its patience – HS's note of the telephone conversation is that HS's agent were thanked for being "the most patient agent she has ever dealt with".

69. No excuse whatsoever has been given since 7th June 2012 for the delay. Plainly the excuse of 7th June 2012 would have justified a delay of a matter of at most a few weeks. In breach of statutory duty no new timetable was set before 13th June 2012 and no reason for the delay which meets the requirements of schedule 2 para 6 has been provided.

70. Meanwhile, preparations for the Goodman inquiry had been ongoing. A slightly revised programme for the preparation of the inquiry was issued at the end of July/early August albeit the dates for the submission of proofs of evidence and the inquiry start date remained the same (a copy of the revised programme is also attached). In its statement of case submitted on 14th August 2012, Goodman did not claim that its scheme at Colnbrook should be preferred in GB or other terms to the Radlett Proposals[1] and nobody else made such a case in the Colnbrook appeal.

71. Consistent with this, Goodman applied for a postponement of its inquiry until after Radlett was determined. In a letter dated 4th September 2012 it said it would withdraw its appeal unless its inquiry was postponed. Its basis for doing so was that it was not prepared to proceed with its proposals until the Radlett decision was issued. A deadline of noon on 7th September 2012 was set. This deadline was imposed because it was known that proofs were to be exchanged on 8th September 2012. The 4th September letter was wholly inconsistent with Goodman's appeal somehow justifying a delay in the making of the Radlett decision - quite the reverse. The 4th September letter demonstrates why the Radlett decision was required first.

72. On 7th September 2012, the SoS granted the postponement. No reasons appear to have been given although the basis appears to have been to avoid Goodman withdrawing its proposals in accordance with the logic in its 4th September 2012.

73. The postponement thus confirmed the need to determine the Radlett Proposals first and separately from the Colnbrook Proposals.

74. Two weeks later, out of the blue, and without being requested to do so by any party, on 19th September 2012, the SoS sought views on re-opening the Radlett inquiry and co-joining it with the Colnbrook inquiry (Round 6).

75. The parties responded. Helioslough challenged the legality of the re-opening and conjoining of the inquiries and sought clarification as to what precisely was proposed to allow it to comment fully on what was being proposed.

76. On 12th October 2012, the SoS entered into Round 7 – seeking further comments by 29th October 2012.

77. On 14th December a decision was taken not to conjoin and on 20th December 2012 a minded to grant letter was issued – subject only to the condition 33 point.

78. It can thus be seen that for about a year the SoS has been in breach of the statutory timetable and, for no sustainable reason, failed to make a substantive decision on this appeal right up to 20th December. Since then there has been a further delay based on his misconceived approach to the condition 33 issue.

79. HS considers that the delay is intolerable.

80. It has the effects referred to above.

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[1] Its statement of case made clear that it was not competing against Radlett [para 6.5]. It was only if the SoS concluded in granting Radlett that there was only capacity for one SRFI, that Goodman asked to be given the opportunity to comment on that issue before a decision on its appeal was made. By the time of its statement of case, Goodman was plainly not contending that Colnbrook was to be preferred to Radlett.

81. Absent an undertaking to make a decision within a fixed timetable, HS will have no option but to seek an order of the Court to force the SoS to comply with his statutory and public law duties.

Grounds of Challenge

Ground 1: Breach of Statutory Duty

82. The SoS is in breach of the statutory timetable governing his decision:

(a) the SoS has set a timetable as he was required to do under s.55 and schedule 2 paragraph 4 of the Planning and Compulsory Purchase Act 2004;

(b) he extended that timetable to 13th June 2012 in the light of the publication of the NPPF under schedule 2 paragraph 6(1);

(c) he thereafter did not comply with that deadline;

(d) he is therefore in breach of his statutory duty and the Court should order him to rectify this unlawful conduct forthwith.

83. To the extent that it is argued that things have moved on since February 2012 such as to justify a new timetable:

(a) the SoS cannot now (after the expiry of the deadline) extend the timetable;

(b) in any event there would be no lawful basis for extending it because, by his own reasoning in February 2012, there is nothing to prevent him reaching a decision;

(c) in any event, the only possible relevant issue is condition 33 and he has all the material he needs to determine the legality, appropriateness and efficacy of this condition.

Ground 2: No lawful basis for continuing delay

84. The continued delay is irrational:

(a) it is in breach of the Government's own overarching determination to avoid delays and procedural issues in the planning system;

(b) it has the effect of potentially generating satellite decisions and satellite litigation which is designed to cause further delay; and

(c) it is for no purpose.

Expedition

85. Given the subject matter, HS will ask for all stages of the judicial review to be expedited. The SoS is respectfully reminded of the Prime Minister's repeated concern about delays in the planning system hindering economic development. Helioslough will rely heavily on those concerns which are in sharp focus in this case in seeking expedition at all stages.

86. Huge investment (totalling hundreds of millions of pounds) potentially creating thousands of jobs in the UK is dependent on a rapid decision being taken on this appeal. Any further delay will seriously prejudice future HS investment in the UK.

87. For these reasons, and given the subject matter of this JR, we ask for a response to this letter by 3rd April setting out a timetable for the decision which will be made by 10th April

2013. We would remind you that you have agreed to the date of 28th March for the submission by SADC of further representations. That date was set in the full knowledge of all relevant circumstances including specifically the Easter recess, the forthcoming County Council elections on 3rd May and any purdah period connected with those elections. Accordingly those circumstances and specific matters do not provide any basis for delaying the decision and we therefore request urgent confirmation that a decision will be issued by 10th April.

Details of Claimant's Solicitor and Counsel

88. Helioslough Limited is represented by Hogan Lovells International LLP. All communications should be addressed to Michael Gallimore at Hogan Lovells International LLP, Atlantic House, Holborn Viaduct, London EC1A 2FG; email: michael.gallimore@hoganlovells.com.

89. Counsel instructed in relation to this matter are; Martin Kingston QC of No 5 Chambers, Birmingham and David Forsdick of Landmark Chambers, London.

90. We are sending a copy of this letter to the Council, to HCC and to STRIFE.

Yours faithfully

Hogan Lovells

Hogan Lovells international LLP

Enc

CC: St Albans City & District Council
STRIFE (c/o Wayne Leighton)
Hertfordshire County Council

Reference: APP/J0350/A/12/2171967

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY Goodman Logistics Development (UK) Ltd
SITE AT Land North of A4 (Colnbrook Bypass), Colnbrook, SLOUGH, SL3 0FE

INSPECTOR: K Barton BA(HONS) DIPARCH

ACTION	TIMETABLE
Start date	3 May 2012
Submission of questionnaire	17 May 2012
Deadline for comments from interested parties	16 May 2012
Submission of statements of case and statement of common ground	14 August 2012
Pre-inquiry meeting (if applicable) (time, date and venue)	TBC
Submission of proofs of evidence	11 September 2012
Inquiry	9 October 2012 10.00am The Centre, Farnham Road, Slough, SL1 4UT
Estimated number of sitting days	16
Report submitted to Secretary of State on or before (provisional)[1]	18 February 2013
Decision issued on or before (Secretary of State cases)	TBA [2]

[1] The date indicated is provisional. The target date for submission of the report to the Secretary of State will be confirmed within 10 working days of the close of the inquiry
[2] In accordance with the requirements of Schedule 2 of the Planning and Compulsory Purchase Act 2004, you will be advised within 10 working days after the close of the Inquiry of the timetable set for the Secretary of State issuing the decision

Reference: APP/J0350/A/12/2171967

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY Goodman Logistics Development (UK) Ltd
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Submission of questionnaire	17 May 2012
Deadline for comments from interested parties	14 June 2012
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