

7 March 2013

By email and post

Department for Communities and Local Government
Bressenden Place
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For the attention of Christine Symes

Your ref APP/B1930/A/09/2109433
Our ref C2/GALLIMOM/3225205
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 5/09/0708**

We write further to our letter of 28 February to make the following points:

1. There have been further procedural developments which, combined with other matters previously highlighted, mean that our client is no longer prepared to countenance any further delay in the issuing of a decision on our client's appeal. The purpose of this letter is to ask that the Secretary of State now complies with his statutory duty to make a decision on our client's appeal and that he grants planning permission on the basis of condition 33.
2. First, we understand that Hertfordshire County Council ("HCC") has written to you seeking an extension of three months to 30 June 2013 to consider whether to enter into a Section 106 obligation. We reiterate the point made in our letter of 28 February that our client does not consent to any further extension.
3. Second, as part of its express approach of taking any possible legal steps to prevent the development (see the enclosed Minutes of the Council meeting on 30 January 2013 and in particular Motion 9(i)(iii)), St Albans City & District Council ("SADC") has issued spoiling and misconceived judicial review proceedings of the decision not to conjoin the Radlett and Colnbrook appeals which have the effect of:
 - (a) triggering the resolution of HCC not to enter into a planning obligation until the conclusion of any relevant legal action – which could be many months away (see Motion (g) of the Minutes of the County Council meeting on 26 February enclosed with our letter of 28 February); and
 - (b) given the delays in the High Court, potentially creating substantial further delay. In the urgent and hopeless Network Rail case at London Bridge it was five months between the issue of proceedings and the final refusal of permission to apply for judicial review by the Court of Appeal.

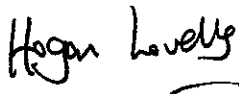
4. The combination of these factors means that the Secretary of State can have no confidence that there will be any substantial progress by HCC on the Section 106 obligation in a reasonable timeframe and until permission is granted and all challenges are disposed of.
5. Further, as indicated in our last letter, there is no proper basis for declining to adopt the condition 33 route as recommended by the inspector and on which all parties have had ample opportunity to comment through the process to date.
6. There is therefore no legitimate basis for further delay in issuing permission pursuant to the minded to grant letter and every reason to conclude that adopting any other route (waiting for SADC's judicial review claim to be complete or otherwise) will simply prolong the procedural morass which has plagued this application to date through no fault of our client, directly contrary to the Government's repeated imperative of avoiding unnecessary planning delays and preventing investment coming forward. We remind you of just two recent key announcements:
 - (a) The Parliamentary Debate of 6th September 2012 in which the Government has stressed that the planning system should work proactively to support economic growth and that it is still concerned that various aspects of the planning system are burdened by "unnecessary bureaucracy that can hinder sustainable growth."
 - (b) the Prime Minister's speech at the Conservative Party conference in October 2012; in which he stated:

"If we're going to be a winner in this global race we've got to beat off this suffocating bureaucracy once and for all."
7. We therefore invite the Secretary of State to respond by 14 March confirming that the Secretary of State will be moving without further delay to a final decision on the appeal within 4 weeks of today's date.
8. We will be submitting summary grounds in response to SADC's judicial review application as soon as possible. The judicial review covers the same ground as that which we anticipate will be covered by the challenge to the planning permission under Section 288 which SADC has indicated it will be issuing. Accordingly, the only logical way to proceed is for the Secretary of State to issue his decision letter promptly so that all spoiling challenges can be addressed expeditiously and in a single hearing (with the anticipated Section 288 challenge being heard with the current judicial review claim).

As previously, we are sending a copy of this letter by post to SADC, HCC and STRIFE.

We look forward to hearing from you in reply as a matter of urgency.

Yours faithfully



Hogan Lovells International LLP

Enc

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