



Legal, Democratic and Regulatory Services

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Date: 26 October 2012

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Ms Christine Symes

Planning Casework

Department for Communities and Local Government

Zone 1/H1

Eland House

Bressenden Place

London SW1E 5DU

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 COLNEY VALLEY, HERTFORDSHIRE (RADLETT)

APPLICATION REF 5/09/07/08

Thank you for your letter dated 12 October 2012. The Council does not feel it necessary to add significantly to its earlier representations and wishes only to make two short points at this stage.

The first concerns the suggestion by Helioslough in the representations of CgMS dated 27 September 2012 (at paragraph 22(a)) that there is now no power available to the Secretary of State to decide to hold an inquiry in respect of the Radlett appeal having reached the conclusion that he would proceed by the written representations route. In the Council's view, that suggestion is wrong. The power to cause an inquiry to be held under rule 19 of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 is unfettered. There is no restriction on the time within which the Secretary of State is required to decide to hold an inquiry nor on his ability to reconsider the form his process of re-determination will take. The power is available to proceed by a conjoined inquiry.

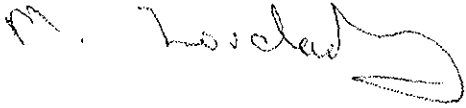
The second matter concerns the Secretary of State's response to some of the consultees' suggestions that there would be the potential for confusion if the conjoined inquiry process was adopted. The response of the Secretary of State in the second page of your letter as to how Inspector Mead's report would be dealt with in such an inquiry and how the conjoined inquiry would practically proceed – which were the main matters raised by a number of the parties on this issue – appears to the Council to constitute a sensible, pragmatic and lawful approach.



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26 October 2012

I hope the above is of use.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Lovelady', with a stylized flourish at the end.

M Lovelady LL.B. (Solicitor)
Head of Legal, Democratic and Regulatory Services