

## BY POST AND EMAIL

Ms Christine Symes  
Department for Communities and Local Government  
Zone 1/H1  
Eland House  
Bressenden Place  
LONDON  
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16347/A3/SF/mg

26 October 2012

Dear Ms Symes

**APP/B1930/A/09/2109433 AND APP/J0350/A/12/2171967**  
**APPEALS BY HELIOSLOUGH LTD AND GOODMAN LOGISTICS DEVELOPMENT (UK) LTD**

We write in response to your letter of 12 October 2012 addressed to CgMs Limited, agents for Helioslough Limited in respect of their appeal at Radlett. As with our letter of 28 September, this response is on behalf of Mr Crossland and Mr Scambler of Goodman, who also received a copy of your letter.

We have had the opportunity to review the other responses you received to the Secretary of State's letter of 19 September. Those responses do not change the views set out in our letter of 28 September and, indeed, in many respects they confirm the basis of our misgivings over the proposed conjoining of the two appeals.

Although responding in part to those representations, your letter of 12 October does not provide any clarification as to the intended scope of the proposed inquiry into the conjoined appeals, or the identity of the Inspector who would be appointed to report on the two appeals. We note that Helioslough Limited and Slough Borough Council contend that any public inquiry into the two appeals should have a limited scope in relation to the Radlett appeal and should be conducted by Mr Mead.

However, if the two appeals are to be conjoined, then this must be on the basis that the appointed Inspector is able to report to the Secretary of State on both appeals. If, despite representations to the contrary, the Secretary of State wishes to be advised of the relative merits of the two proposed SRFIs, then the Inspector reporting on the conjoined appeals would need to be free to reach conclusions different to those reached by the two previous Inspectors who reported on the proposed SRFI at Radlett.

Contrary to the views expressed by Helioslough Limited and by Slough Borough Council, Mr Mead is not in a position to provide the Secretary of State with an impartial report on the relative merits of the two proposed SRFIs, having previously expressed a preference for Radlett. The appointment of Mr Mead to hear evidence on the conjoined appeals and to report to the Secretary of State would be a clear breach of the rules of natural justice and our client would in that event need to consider whether such a process should be the subject of challenge through judicial review proceedings. As



explained in our letter of 28 September, our client would also object on legal grounds to a conjoined inquiry if the appointed Inspector was only being asked to reach factual conclusions in respect of Colnbrook and not Radlett.

We do not consider it satisfactory for a decision of this nature to be put off until after a decision to conjoin the appeals has been taken, as is suggested in your letter of 12<sup>th</sup> October. The scope of any public inquiry in to these appeals is clearly of crucial concern to the principal parties, as evidenced by the representations received to date, and is properly a matter for the Secretary of State. Nor would it be tenable in our view for the Secretary of State to simply reschedule the Colnbrook appeal irrespective of the timing of any decision on the Radlett appeal, as is suggested in the response from Slough Borough Council. Such an approach would, of course, be directly counter to the view taken by the Secretary of State when agreeing to the postponement of the public inquiry in to our client's appeal.

We remain of the view that any decision to conjoin the two appeals at this late stage, even if handled in the most scrupulous way, inevitably introduces unprecedented complexity and grounds for potential legal challenge. That view has been reinforced by the representations received in response to the Secretary of State's letter of 19 September.

We remain of the view that conjoining the two appeals will not result in a more coherent or consistent decision making process and, we would invite the Secretary of State to proceed to a decision on the remitted Radlett appeal, with arrangements for the inquiry in to our client's appeal to then follow in a timely manner.

Yours faithfully



**SIMON FLISHER**  
Director