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Cllr Richard Thake
Hertfordshire County Council
County Hall
Postal Point: CH10 147
Pegs Lane, Hertford
SG13 8DE

19th November 2013

Dear Councillor Thake,

London Luton Airport – Planning Application to increase capacity to support 18 million passengers per annum

I refer to your letter of 18th November 2013 concerning the above which was addressed to the Secretary of State for Transport and into which I was copied.

As you correctly state in the third paragraph of your letter my Department was not prepared to rely solely on the documents submitted by London Luton Airport Operations Ltd (LLAOL) as part of their planning application, to justify the 18 mppa maximum capacity of the airport that would result from the proposed improvements to the airport contained within the planning application. Indeed, we went to great lengths to find an independent nationally recognised expert in the field of theoretical airport capacity to carry out the necessary investigations. The process involved extensive challenge and took many months, actually delaying the anticipated programme date for the Committee's consideration of the planning application by several months and costing the Council over £60k. Despite protestations from LLAOL the theoretical capacity figure was higher than that submitted by LLAOL as part of their application.

As you correctly state, there is a lack of national guidance and case law on how the provision of the Planning Act 2008 should be interpreted in respect to exceeding the capacity thresholds and we have therefore not only taken expert independent advice as already stated we have also gained legal opinion. However, I am extremely aware of the importance of my Department not only being seen to be completely impartial in the way it deals with the above application, but at every level of consideration throughout the process to have such a strong evidential base in its operations that its integrity is beyond reproach. After discussion with the Chief Executive and Chair of the Development Control Committee, I have therefore requested that the application is withdrawn from consideration by the Development Control Committee on Thursday 21st November 2013.



As of today, I have also instructed John Steele a Planning QC who specialises in aviation to carry out a complete review of the application and in particular the work undertaken in respect to capacity and the provisions of the Planning Act 2008.

I have done this both to meet your request and secure a second opinion on all the work undertaken and thereby remove any doubt from people's minds that my planning division are acting with complete impartiality.

Obviously given the above I am unable to inform you at this juncture as to when the application will now be going forward to Development Control Committee for consideration, as this will largely depend on the findings and time taken by the QC.

Whilst the delay is regrettable, I hope the action taken not only shows that we have acceded to your request, but that we are actively listening to consultees and truly acting with integrity and independence.

I will write to you further once the QC has completed his investigations and the results are known.

Finally, I note that you have also written two other letters, one to the Secretary of State for Communities and Local Government and a combined letter to both the Secretary of State for Transport and the Secretary of State for Communities and Local Government. I believe that my letter largely covers the areas raised but I will respond to you separately on each to cover any outstanding issues copying in the relevant Secretaries of State as I thought it was important to write to you immediately confirming that the planning application is withdrawn from consideration on 21st November 2013 as you had requested.

Yours sincerely

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

Colin Chick
Corporate Director, Environment and Regeneration

cc: The Rt Hon. Eric Pickles MP, Secretary of State for Communities and Local Government
Kelvin Hopkins MP
Rt Hon Peter Lilley MP
Stephen McPartland MP
Micheal Penning MP
Andrew Selous MP
Gavin Shuker MP
Cllr Martin Tett, Leader, Buckinghamshire County Council
Cllr Neil Blake, Leader, Aylesbury Vale District Council
Cllr Julian Daly, Leader, St Albans City and District Council

Cllr James Jamieson, Leader, Central Bedfordshire Council
Cllr Lynda Needham, Leader, North Hertfordshire District Council
Cllr Hazel Simmons, Leader, Luton Borough Council
Cllr Sharon Taylor, Leader Stevenage Borough Council
Cllr Andrew Williams, Leader, Dacorum Borough Council
National Infrastructure, Planning Inspectorate
Aviation Policy Team, Department for Transport
National Planning Casework Unit, Department for Communities and Local Government
Members of Luton Borough Council Development Control Committee

