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10 March 2016

By email - URGENT

Dear Sirs

**Planning and Transportation Committee Meeting on 10 March 2016
21 Moorfields (the "Development")
Section 237 of the Town & Country Planning Act 1990 ("section 237")**

We refer to your letter to us dated 9 March 2016. We also refer to Land Securities' letter to you of the same date.

We thank you for confirming that a copy of our letter dated 8 March 2016 will be placed before the committee. We note the points you have made in your letter dated 9 March 2016 and wish to respond to these as follows.

1. Procedural unfairness

Your response is to say that our letter sets out our position and will be placed before the committee. However, what about all other affected parties? Your response also fails to take into account our complaint that we have only been given 7 days' notice of the intention to consider use of section 237 powers in relation to the Development and have therefore had to prepare our representations under considerable time pressure.

2. Adequacy of attempts to negotiate

Your response here virtually admits that this issue has not been fully considered in the report in that you state that the committee are invited to consider the proposed resolution on the basis that adequate attempts have been made to negotiate. We understand you to be saying that if there have not, this will be cured by the fact that the Town Clerk will be delegated to ensure that adequate attempts have been made before the acquisition proceeds.

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However, it is inappropriate to delegate such powers for all the reasons set out in our letter. A further reason why it would be inappropriate to delegate such powers is that the decision-making process that will be followed by the Town Clerk will be less transparent than that of the committee and with even less protections for affected parties.

3. Extent of the light infringed.

Your response does not deal with the failure to consider anywhere in the report the value of light and/or the factual extent of the infringement.

4. Failure to conduct a proportionate balancing exercise

We agree that the report deals at length with the question of public interest. Our point was rather that the report contains nothing going the other way (considering the point of view of affected parties). This makes the balancing exercise neither proportionate nor a balancing one.

You have also still not addressed our point regarding the altered nature of the basis of compensation following use of section 237 (which has been repeatedly overlooked on this issue).

Land Securities' letter

With regard to Land Securities' letter, we do in fact have protection which is equivalent to a right of light (which we negotiated when we entered into our lease).

The fact that this matter has been outstanding since their November 2015 request weighs against the approval of the resolution, given that we only were made aware of the proposal last week. This point therefore supports our case in relation to the failure to follow a fair process.

We do not agree with the other points but time does not permit a full response.

Conclusion

We should be grateful if you would ensure that a copy of this letter is also placed before the committee. We apologise for the late timing in sending this letter, which is due to the time constraints placed on this entire process. We appreciate your efforts in ensuring that the committee are made aware of our concerns.

Yours faithfully



Stephenson Harwood LLP