



In the High Court of Justice
Queen's Bench Division
Planning Court

CO/3809/2019

Before the Honourable Mrs Justice Lang

On 18 March 2020

In the matter of an application for statutory review



KEEP BOURNE END GREEN
(CHARITY NUMBER 116905)

Claimant

-v-

(1) WYCOMBE DISTRICT COUNCIL
(2) SECRETARY OF STATE FOR HOUSING,
COMMUNITIES AND LOCAL GOVERNMENT

Defendants

(1) CATESBY ESTATES LIMITED
(2) LEOPOLD NOE

Interested Parties



ORDER

UPON the Claimant's renewed application for permission to apply for statutory review;

AND UPON hearing Mr J. Burton of Counsel on behalf of the Claimant, Mr G. Williams of Counsel on behalf of the First Defendant and Mr C. Banner QC on behalf of the First Interested Party;

AND UPON the Second Defendant and the Second Interested Party not attending or being represented;

IT IS ORDERED THAT:

1. Permission to apply for statutory review is granted on Grounds 1,2, 3, 5 and 6.
2. Permission is refused on Ground 4.
3. This is an Aarhus Convention claim within the meaning of CPR 45.41. The Claimant's liability for the costs incurred by the First and Second Defendants is limited to £10,000. The First Defendant's liability for the costs incurred by the Claimant is limited to £35,000. The Second Defendant's liability for the costs incurred by the Claimant is also limited to £35,000.
4. The costs order made by Waksman J. on 20 December 2019 is set aside.
5. Costs reserved.

Case management directions

6. The Defendants, and any other person served with the claim form who wishes to contest the claim or support it on additional grounds, must file and serve detailed grounds for contesting the claim or supporting it on additional grounds and any written evidence, within 35 days after service of this order.
7. The Claimant must file and serve any reply and any further evidence within 21 days after service of the Defendants' detailed grounds for contesting the claim and evidence.

8. The Claimant must file and serve an agreed trial bundle not less than 4 weeks before the date of the hearing.
9. The Claimant must file and serve a skeleton argument not less than 21 days before the date of the hearing.
10. The Defendants and any Interested Parties who wish to participate in the proceedings must file and serve a skeleton argument not less than 14 days before the date of the hearing.
11. The Claimant must file a joint bundle of authorities, not less than 5 days before the date of the hearing.
12. The parties are at liberty to agree in writing any variation to the dates in these directions, such variation not to exceed 4 weeks in respect of any specific date. Notification of an agreed variation should be sent to the Court. In the absence of agreement, the parties do have liberty to apply to the Court for a variation.

Listing Directions

13. The application is to be listed for 2 days. It has been designated as "significant".

Case NOT suitable for hearing by a Deputy High Court Judge*

Criminal case NOT suitable for hearing by a Single Judge*

(*Tick if applicable)

Dated 18.03.2020

By the Court

Sent / Handed to the Claimant, Defendant and any Interested Party / the Claimant's, Defendant's, and any Interested Party's solicitors on (date):

Notes for the Claimant

To continue the proceedings, a fee is payable.

For details of the current fee please refer to the Administrative Court fees table at <https://www.gov.uk/court-fees-what-they-are>. Failure to pay the fee or submit a certified application for fee remission may result in the claim being struck out. The form to make an application for remission of a court fee can be obtained from the Justice website <https://www.gov.uk/get-help-with-court-fees>

You are reminded of your obligation to reconsider the merits of your claim on receipt of the defendant's evidence.