

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
PLANNING COURT

CO/642/2021

B E T W E E N:

THE QUEEN (on the application of MAIR BAIN)

Claimant

- and -

THE SECRETARY OF STATE FOR TRANSPORT

Defendant

- and -

HIGHWAYS ENGLAND COMPANY LIMITED

Interested Party



[DRAFT] CONSENT ORDER

UPON the Claimant having applied on 23 February 2021 for permission to bring a claim for judicial review against the Defendant's decision on 8 January 2021 to grant development consent to the A38 Derby Junctions road scheme;

AND UPON the Defendant having confirmed that he is prepared to concede the claim for the reasons set out in the schedule to this order;

AND UPON the parties therefore agreeing that it is appropriate to make the order set out below;

By consent, **IT IS ORDERED THAT:**

1. The Claimant's application for permission to apply for judicial review be granted in respect of Ground 1(ii).
2. The Defendant's decision be quashed and remitted to him for re-determination.
3. The Defendant pay the Claimant's costs in the agreed sum of £18,500 (inclusive of VAT) within 14 days of the date of this Order.

For Richard Buxton Solicitors, solicitors for the Claimant

For Government Legal Department, solicitors for the Defendant

For Highways England General Counsel Directorate, solicitors for the Interested Party

Date: 29th April 2021

Mr Justice Lavender 17/06/2021

Schedule of Reasons for the Order

1. The Defendant accepts, as alleged in Ground 1(ii) of the Statement of Facts and Grounds, that he failed to provide a reasoned conclusion as required by Regulation 21 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 on the significant effects of the proposed development on the environment, taking into account his examination of the environmental information, and/or failed to include a reasoned conclusion in his decision notice when making the A38 Derby Junctions Development Consent Order 2021.
2. For the avoidance of doubt, the Claimant's consent to the terms of this Order and to the quashing of the Defendant's decision on the basis of Ground 1(ii) is without prejudice to her position in relation to the other grounds of challenge in the claim.