



**In the High Court of Justice
Queen's Bench Division
Administrative Court
Planning Court (at Cardiff)**

CO/4329/2021

In the matter of an application for judicial review

THE QUEEN on the application of

**CAMPAIGN TO PROTECT RURAL ENGLAND (DEVON) Claimant
(an incorporated charity)**

-and-

TORRIDGE DISTRICT COUNCIL Defendant

-and-

RENEWABLE ENERGY SYSTEMS LIMITED Interested Party

Following consideration of the documents filed by the parties

Order by the Honourable Mr Justice Kerr

- (1) Permission to apply for judicial review is granted.**
- (2) The case management directions below shall apply.**
- (3) The claimant's Aarhus costs exposure is £10,000.**

Reasons:

1. The three closely interlinked grounds of challenge are arguable. The council (local planning authority) does not contend otherwise or resist the claim.
2. The interested party contends that the grounds of challenge are not arguable, but I am not persuaded that this is so.
3. The difficulty is that while the report mentioned relevant policies in passing, it did not opine on whether the proposal was consistent with them.
4. The decision notice indicates that members thought the decision was consistent with the relevant policies; but it is arguable that this is not sustainable.
5. The interested party says the claimant is trying to put too heavy a burden on the author of the report and that not all points or policies need be mentioned.
6. That is in my judgment a matter for argument at the full hearing, not a knock out blow at the permission stage.
7. The submission that any material errors are highly likely not to have affected the outcome (s.31(3C) SCA 1981) is not persuasive at this stage; particularly in the absence of any contest to the claim by the local planning authority.

8. The claim is supported by the financial statement of Mr Best. It is not disputed that the claimant is entitled to a costs exposure limit of £10,000.

9. This claim has been designated as significant.

Signed: **Mr Justice Kerr**

17.2.22

Case management directions

- The defendant 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 (or file a statement that the summary grounds stand as detailed grounds) for contesting the claim or supporting it on additional grounds and any written evidence, within 35 days of service of this order.
- Any reply and any application by the claimant to lodge further evidence must be lodged within 21 days of the service of detailed grounds for contesting the claim.
- The claimant must file and serve an electronic trial bundle compliant with the Administrative Court guidance not less than 3 weeks before the date fixed for the hearing of the judicial review.
- The claimant must file and serve a skeleton argument not less than 14 days before the date of the hearing of the judicial review.
- The defendant and any interested party must file and serve a skeleton argument not less than 7 days before the date of the hearing of the judicial review.
- The claimant must file an agreed bundle of authorities, not less than 3 days before the date of the hearing of the judicial review.

Listing Directions

The application is to be listed for one day (excluding judgment); the parties to provide a written time estimate within 7 days of service of this order if they disagree with this direction.

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

Criminal case NOT suitable for hearing by a Single Judge*

[*Tick if applicable]

Directions as to venue, if applicable: Cardiff

For completion by the Administrative Court Office

Sent / Handed to the claimant, defendant and any interested party / the claimant's, defendants, and any interested party's solicitors on (date):

Solicitors:

Ref No.