



**In the High Court of Justice
King's Bench Division
Planning Court**

AC-2023-LON-003127



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In the matter of an application for judicial review

THE KING

on the application of

SARAH MOAKES

-and-

CANTERBURY CITY COUNCIL

**GARY WALTERS
(on behalf of HICO GROUP)**

Claimant

Defendant

Interested Party

Notification of the Judge's decision on the application for permission to apply for judicial review (CPR 54.11, 54.12)

Following consideration of the documents lodged by the Claimant and the Acknowledgments of service filed by the Defendant and Interested Party;

Order by the Honourable Mrs Justice Lang DBE

1. The application for permission to apply for judicial review is granted.
2. The hearing is to be listed for 1½ days; the parties to provide a written time estimate within 7 days of service of this order if they disagree with this direction.
3. Venue: London.
4. This is an Aarhus Convention claim within the meaning of CPR 45.41. The Claimant's liability for the costs incurred by the Defendant and Interested Party is limited to £5,000, and the Defendant's and Interested Party's liability for the costs incurred by the Claimant is limited to £35,000 for each party.
5. Costs in the case.

Case Management Directions

6. The Defendant and any other person served with the Claim Form who wishes to contest the claim or support it on additional grounds shall, within 35 days of the date of service of this Order, file and serve (a) Detailed Grounds for contesting the claim or supporting it on additional grounds, and (b) any written evidence that is to be relied on.

7. The Claimant may file and serve any Reply and any further evidence within 21 days of the date of service of the Detailed Grounds and/or evidence.
8. The Claimant must file and serve an agreed hearing bundle, not less than 28 days before the date of the hearing. The electronic version of the bundle shall be prepared and lodged by the Claimant in accordance with the Guidance on the Administrative Court website. The Claimant must also lodge two hard-copy versions of the hearing bundle at the Administrative Court Office, not less than 28 days 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 Defendant, and any Interested Party wishing 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 and serve an agreed authorities bundle, not less than 7 days before the date of the hearing. The electronic version of the bundle shall be prepared by the Claimant in accordance with the Guidance on the Administrative Court website. The Claimant must also lodge a hard-copy version of the authorities bundle at the Administrative Court Office, not less than 7 days before the date of the hearing.

Observations:

In my view, the Claimant has raised arguable grounds which merit consideration at a full hearing. I am not satisfied that the high test under section 31(3C)-(3D) of the Senior Courts Act 1981 is met.

Applying the factors in CPR 45.44, and having regard to the evidence of the Claimant's financial position, I am not persuaded that it would be appropriate to raise the Claimant's costs limit above £5,000.

Signed: *Mrs Justice Lang*

Dated: 20.11.23

The date of service of this order is calculated from the date in the section below

For completion by the Administrative Court Office

Sent / Handed to

either the Claimant, and the Defendant [and the Interested Party]

or the Claimant's, and the Defendant's, [and the Interested Party's] solicitors

Date: 20/11/2023

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 grounds of defence and evidence.