



AC-2024-CDF-000136

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

His Honour Judge Keyser KC sitting as a Judge of the High Court
15 October 2024

BETWEEN:

THE KING
on the application of ELIZABETH PARFITT

Claimant

-and-

SOMERSET COUNCIL

Defendant

-and-

TOWENS OF WESTON LTD

CONSENT ORDER

UPON the Defendant having granted planning permission, pursuant to reference SCC/4048/2023 in respect of land at Springway Business Park, Springway Lane, Westonzoyland, TA7 OJS on 14 June 2024 (the “Defendant’s Decision”)

AND UPON the Claimant proposing four grounds of challenge in a judicial review pre-action protocol letter dated 9 July 2024

AND UPON the Defendant agreeing to concede proposed grounds 1 and 2 in its response dated 19 July 2024 to the pre-action protocol letter

AND UPON the Claimant applying for permission to apply for judicial review of the Defendant’s Decision

AND UPON the Court reviewing the Judicial Review claim form and supporting documentation and the parties agreeing terms of settlement before permission is considered

AND UPON reading a draft consent order signed on behalf of the Claimant, the Defendant and the Interested Party

BY CONSENT IT IS ORDERED THAT:

1. The Claimant's application for permission to apply for judicial review be granted.
2. The Defendant's Decision be quashed for the reasons set out in the Schedule to this Order and be remitted to the Defendant's Planning Committee for redetermination.
3. The Defendant do pay the Claimant's costs in the agreed amount of £3,800 (inclusive of VAT) by 29 October 2024.

Dated: 15 October 2024

SCHEDULE OF REASONS

- (1) On 14 June 2024, the Defendant Council granted planning permission pursuant to reference SCC/4048/2023 in respect of land at Springway Business Park, Springway Lane, Westonzoyland, TA7 OJS. The permission was described as follows: "Development of Inert Material Storage Facility".
- (2) The Defendant and Interested Party have carefully considered the Claimant's Pre-Action Protocol Letter dated 9 July 2024 attached to its judicial review Claim Form.
- (3) Pursuant to Ground 1, the Defendant and Interested Party accept that the decision to grant planning permission was unlawful. The conclusion in the officer report that the proposed development was not EIA development was unlawful for the reasons set out in the Claimant's Pre-Action Protocol Letter, namely the officer report failed to consider cumulative impact, failed to have regard to the location of proposed development adjacent to a Site of Special Scientific Interest and failed to provide adequate reasons.
- (4) Pursuant to Ground 2, the Defendant and Interested Party accept that the decision to grant planning permission was unlawful for the reasons set out in the Claimant's Pre-Action Protocol Letter, as the Defendant failed to publish a negative screening opinion as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- (5) Accordingly, the Defendant and Interested Party agree that the decision to grant permission be quashed.