

Judicial Review

Claim form


For Court use only 15 Sep 2023

Name of court
High Court of Justice
Planning Court

Reference number AC-2023-CDF-000108

Date

Day	Month	Year
15	09	2023



If you do not have all the documents or information you need for your claim, you must not allow this to delay sending or taking the form to the Administrative Court Office within the correct time. Complete the form as fully as possible and provide what documents you have. The notes to section 9 will explain more about what you have to do in these circumstances.



Time limit for filing a claim

Where an application for judicial review relates to a decision made by the Secretary of State or local planning authority under the planning acts, the claim form must be filed **not later than six weeks** after the grounds to make the claim first arose.

Section 1 – Details of the claimant(s) and defendant(s)

1. Claimant(s) name and address(es)

First name(s)

Greenfields (IOW) Limited (registration no. 13846353)

Last name

Address

Building and street

231 Vauxhall Bridge Road,

Second line of address

Town or city

LONDON

County (optional)

Postcode

S W 1 V 1 A D

Phone number

Email (if you have one)

1.1 Claimant's or claimant's legal representative's address to which documents should be sent.

First name(s)

Richard Buxton Solicitors

Last name

FAO: Richard Buxton, Susy Gandy

Note 1.1: Give full name(s) and address(es) to which all documents relating to the judicial review are to be sent.

Address

Building and street

Second line of address

Town or city

County (optional)

Postcode

Phone number

Email

1.2 Claimant's Counsel's details

First name(s)

Last name

Address

Building and street

Second line of address

Town or city

County (optional)

Postcode

Phone number

020 7427 1843

Email

charles.streeten@ftbchambers.co.uk

1.3 1st Defendant's name

Isle of Wight Council

1.4 Defendant's or (where known) Defendant's legal representative's address to which documents should be sent.

Address

Building and street

County Hall

Second line of address

High Street

Town or city

Newport

County (optional)

Isle of Wight

Postcode

P O 3 0 3 D E

Phone number

(01983) 821000 Ext: 6335

Email

Ben.Gard@IOW.gov.uk

1.5 2nd Defendant's name

1.6 Defendant's or (where known) Defendant's legal representative's address to which documents should be sent.

Address

Building and street

Second line of address

Town or city

County (optional)

Postcode

Phone number

Email

Section 2 – Contact details of other interested parties

2.1 1st Interest party

First name(s)

Last name

Address

Building and street

Alleyn House

Second line of address

Carlton Crescent

Town or city

Southampton

County (optional)

Postcode

S | O | 1 | 5 | 2 | E | U

Phone number

023 8082 7400

Email (if you have one)

Tom.Alder@LA-Law.com; Matt.Gilks@LA-Law.com

2.2 2nd Interest party

First name(s)

Westridge Village Limited (registration no.10286694)

Last name

Address

Building and street

37 Commercial Road

Second line of address

Town or city

Poole

County (optional)

Dorset

Postcode

B | H | 1 | 4 | 0 | H | U

Phone number

Email

Section 3 – Details of the decision to be judicially reviewed

3.1 Give details of the decision you seek to have judicially reviewed.

The Council's decision to grant planning permission on 4 August 2023 for development reference 20/01061/FUL.

Note 3.1: Use a separate sheet if you need more space for your answers, marking clearly which section the information refers to.

3.2 Date of decision

Day

Month

Year

3.3 Name and address of the court, tribunal, person or body who made the decision to be reviewed.

Name

Isle of Wight Council

Address

Building and street

as above

Second line of address

Town or city

County (optional)

Postcode

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Section 4 – Permission to proceed with a claim for judicial review

This section must be completed. You must answer all the questions and give further details where required.

4.1 Are you making any other applications?

Yes. Complete Section 8.

No

Is the claimant in receipt of a Civil Legal Aid Certificate?

Yes

No

Does your claim, or any application for interim relief or expedition need to be decided urgently?

- Yes. Complete form **N463PC** and file this with your application.
- No

Have you complied with the pre-action protocol?

- Yes
- No. Give reasons for non-compliance in the box below.

Pre Action Protocol letter was sent out to the Defendant and Interested Party on 29 August 2023.

Have you issued this claim in the region with which the claim is most closely connected?

- Yes. Give any additional reasons for wanting it to be dealt with in this region in the box below
- No. Give reasons in the box below

We would ask that the matter be transferred to London Subject to observations of the D and IP, this is likely to be more convenient for all parties concerned and their advisers.

Does the claim include any issues arising from the Human Rights Act 1998?

- Yes. State the articles which you contend have been breached in the box below.
- No

Section 5 – Statement of facts relied on

attached

Note 5: The facts on which you are basing your claim should be set out in this section of the form, or in a separate document attached to the form. It should contain a numbered list of the points that you intend to rely on at the hearing. Refer at each point to any documents you are filing in support of your claim.

Section 6 – Detailed statement of grounds

6.1 The detailed statement of grounds are:

- Set out below
 attached

attached

Note 6.1: Use a separate sheet if you need more space for your answers, marking clearly which section the information refers to.

Section 7 – Aarhus Convention claim

7.1 I contend that this claim is an Aarhus Convention claim

- Yes. Indicate in the following box if you do not wish the costs limits under CPR 45.43 to apply.
 No

If you have indicated that the claim is an Aarhus claim set out the grounds below, including (if relevant) reasons why you want to vary the limit on costs recoverable from a party.

This is an Aarhus Claim as the decision refers to "environmental matters" within the terms of the Aarhus Convention. The claim falls within the Implementation Guide (2013) to the Aarhus Convention, see *Venn v Secretary of State* CLG [2015] 1 WLR 232.

Note 7: The Aarhus Convention grants the public rights regarding access to information, public participation and access to justice, in government decision-making processes on matters concerning local, national and transboundary environment.

It focuses on interactions between public and public authorities. Please indicate whether you are seeking the costs protection in CPR 45.

Section 8 – Details of remedy (including any interim remedy) being sought

1. Order quashing the decision at section 3 above
2. protective costs order in the sum of £10,000, with a reciprocal
3. cap of £35,000
4. costs to be paid by Defendant

Note 8: Complete this section stating what remedy you are seeking:

- (a) a mandatory order;
- (b) a prohibiting order;
- (c) a quashing order; or
- (d) an injunction restraining a person from acting in any office in which he is not entitled to act.

A claim for damages may be included but only if you are seeking one of the orders set out above.

Section 9 – Other applications

9.1 I wish to make an application for:-

Note 9: You may wish to make additional applications to the Administrative Court in connection with your claim for Judicial Review. Any other applications may be made either in the claim form or in a separate application (form N244). This form can be obtained from any of the Administrative Court Offices listed overleaf or from our website at www.justice.gov.uk.


Statement of truth

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I believe that the facts stated in this form are true. I confirm that all relevant facts have been disclosed in this application.

The claimant believes that the facts stated in this form are true. **I am authorised** by the claimant to sign this statement.

Signature



Claimant

Litigation friend

Claimant's legal representative (as defined by CPR 2.3(1))

Date

Day

13

Month

Sept

Year

2023

Full name

Richard Buxton

Name of claimant's legal representative's firm

Richard Buxton Solicitors

If signing on behalf of firm or company give position or office held

Partner

Section 10 – Supporting documents

If you do not have a document that you intend to use to support your claim, identify it, give the date when you expect it to be available and give reasons why it is not currently available in the box below.

Please tick the papers you are filing with this claim form and any you will be filing later.


- Statement of grounds
 - Included attached
- Statement of the facts relied on
 - Included attached
- Application to extend the time limit for filing the claim form
 - Included attached
- Application for directions
 - Included attached
- Any written evidence in support of the claim or application to extend time
- Where the claim for judicial review relates to a decision of a court or tribunal, an approved copy of the reasons for reaching that decision
- Copies of any documents on which the claimant proposes to rely
- A copy of the legal aid or Civil Legal Aid Certificate (if legally represented)
- Copies of any relevant statutory material
- A list of essential documents for advance reading by the court (with page references to the passages relied upon)
- Where a claim relates to an Aarhus Convention claim, a schedule of the claimant's significant assets, liabilities and income.
 - Included attached
- a detailed statement of the grounds
 - Included attached

Note 10: Do not delay filing your claim for judicial review. If you have not been able to obtain any of the documents listed in this section within the time limits referred to on the previous page, complete the notice as best you can and ensure the claim is filed on time. Set out the reasons why you have not been able to obtain any of the information or documents and give the date when you expect them to be available.

Reasons why you have not supplied a document and date when you expect it to be available:-

List of essential reading appears at the bottom of the Statement of Facts & Grounds

Signature

A handwritten signature in black ink, appearing to read 'R. Buxton', enclosed in a rectangular box.

Claimant or legal representative

Richard Buxton Solicitors

The Court and venue

CPR part 54 – claims for Judicial Review are dealt with by the Administrative Court.

The general expectation is that proceedings will be administered and determined in the region with which the claim has closest connection; see Practice Direction 54C 2.5.

- Where the claim is proceeding in the Administrative Court in **London**, documents must be filed in the Administrative Court Office, Room C315, Royal Courts of Justice, Strand, London, WC2A 2LL.
- Where the claim is proceeding in the Administrative Court in **Birmingham**, documents must be filed in the Administrative Court Office, Birmingham Civil Justice Centre, Priory Courts, 33 Bull Street, Birmingham B4 6DS.
- Where the claim is proceeding in the Administrative Court in **Wales**, documents must be filed in the Administrative Court Office, Cardiff Civil Justice Centre, 2 Park Street, Cardiff, CF10 1ET.
- Where the claim is proceeding in the Administrative Court in **Leeds**, documents must be filed in the Administrative Court Office, Leeds Combined Court Centre, 1 Oxford Row, Leeds, LS1 3BG.
- Where the claim is proceeding in the Administrative Court in **Manchester**, documents must be filed in the Administrative Court Office, Manchester Civil Justice Centre, 1 Bridge Street West, Manchester, M3 3FX.