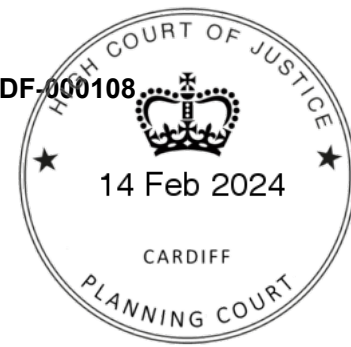




**In the High Court of Justice
King's Bench Division
Administrative Court**

AC-2023-CDF-000108



AC-2023-CDF-000108

In the matter of an application for judicial review

THE KING

on the application of

GREENFIELDS (IOW) LTD

-and-

ISLE OF WIGHT COUNCIL

-and-

WESTRIDGE VILLAGE LTD

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 Acknowledgements of service filed by the Defendant and/or Interested Party

ORDER by His Honour Judge Jarman KC

1. The application for permission to apply for judicial review is adjourned to be listed in court as a "rolled-up hearing", on notice to the Defendant and Interested Party. If permission to apply for judicial review is granted at that hearing, the Court will proceed immediately to determine the substantive claim.
2. The application is to be listed for 1 day; the parties to provide a written estimate within 7 days of service of this order if they disagree with that estimate.
3. The Claimant's application to file a short reply is granted. This does not permit the filing of the reply attached to the application. The reply should be limited to 5 pages and filed within 7 days of service of this order.
4. The Defendant's application to file a response and in respect of security of costs is granted only in respect of the latter.
5. This being a claim to which the CPR cost capping rules apply, the cap on the Claimant's costs is set at £10,000.
6. The Claimant shall pay the sum of £10,000 into court within 14 days of service of this order by way of security for costs under CPR

25.13(2)(c).

7. In default of such payment in and subject to any further order of the court the claim shall stand struck out without further order of the court.
8. The application for transfer to the Royal Courts of Justice is refused.

Observations

1. The parties raise issues of law which are better dealt with at an oral hearing. That being so it is proportionate and expeditious for the substantive hearing, if permission is granted to be heard at the same hearing.
2. It is not appropriate to grant permission for the defendant's response (as opposed to the application for security for costs) as it consists largely of legal arguments. Those are better dealt with in skeleton arguments.
3. The application for disclosure is granted to the limited extent set out below which extent all that is necessary for the determination of the grounds of challenge. In view of the Defendant's potential reliance on privilege the process should be one of list and inspection.
4. It is not in dispute that the Claimant's costs should be capped at £10,000. As the company's evidence suggests that it has no assets and that the litigation is funded by crowdfunding, it is appropriate to order payment of that sum into court by way of security.
5. The parties' applications for a transfer into the RCJ appear to be put on the basis of the convenience of the parties. That does not explain why the claim should not be dealt with administratively in the region it arises, in the usual way. The question of venue for the hearing is a separate matter.

Case Management Directions

1. The Claimant must, within 7 days of the date of service of this Order, file an undertaking to pay the continuation fee (see below) if permission to apply for Judicial Review is granted.
2. The Defendant shall within 14 days of service of this order disclose by list documents relating to the involvement in the application of Councilors Lilley, Price, Brodey and Mr Chris Potter. Inspection shall take place 7 days thereafter.
3. 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 21 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. For the avoidance of doubt, a party who has filed and served Summary Grounds pursuant to CPR 54.8 may comply with (a) above by filing and serving a document which states that those Summary Grounds shall stand as the Detailed Grounds required by CPR 54.14.
4. Any application by the Claimant to serve evidence in reply shall be filed and served within 14 days of the date on which the Defendant serves

evidence pursuant to 1(b) above.

5. The parties shall agree the contents of the hearing bundle and must file it with the Court not less than 2 weeks before the date of the hearing of the judicial review. An electronic version of the bundle shall be prepared and lodged in accordance with the Guidance on the Administrative Court website. The parties shall, if requested by the Court lodge 2 hard-copy versions of the hearing bundle.
6. The Claimant must file and serve a Skeleton Argument not less than 10 days before the date of the hearing of the judicial review.
7. The Defendant and any Interested Party must file and serve a Skeleton Argument not less than 5 days before the date of the hearing of the judicial review.
8. The parties shall agree the contents of a bundle containing the authorities to be referred to at the hearing. An electronic version of the bundle shall be prepared in accordance with the Guidance on the Administrative Court website. The parties shall if requested by the Court, prepare a hard-copy version of the authorities bundle. The electronic version of the bundle and if requested, the hard copy version of the bundle, shall be lodged with the Court not less than 3 days before the date of the hearing of the judicial review.
9. The hearing shall be listed at a court nearest to the Isle of Wight if practicable. If this is not practicable, it shall be listed at the RCJ.
10. CPR 2.11 shall not apply to these proceedings.

Signed *HJ Jarman KC*

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:

Solicitors:

Ref No.

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 evidence.