



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

CO Ref: CO/5372/2014

In the matter of an application for Judicial Review

The Queen on the application of **KERRY SAIL**

versus **SOUTH HAMS DC (Defendant) and ARQIVA SERVICES LTD (IP)**

**Application for permission to apply for Judicial Review  
NOTIFICATION of the Judge's decision (CPR Part 54.11, 54.12)**

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

Order by the **Honourable Mr Justice Jay**

**Permission is hereby refused.**

Reasons:

I entirely agree with the Defendant and the Interested Party that your Amended Grounds constituted a thinly-veiled attempt to assail the planning merits of the decision under challenge, rather than raise a properly arguable point of law.

The Aarhus Convention applies to this claim. The Claimant's costs liability is limited to £5,000.

The costs of preparing the defendant's Acknowledgment of Service are to be paid by the claimant to the defendant, in the sum of £3,000 unless within 14 days the claimant notifies the court and the defendant, in writing, that she objects to paying costs, or as to the amount to be paid, in either case giving reasons. If she does so, the defendant has a further 14 days to respond to both the court and the claimant, and the claimant the right to reply within a further 7 days, after which the claim for costs is to put before a judge to be determined on the papers. Where the claimant seeks a reconsideration, costs are to be dealt with on that occasion.

The costs of preparing the Interested Party's Acknowledgment of Service are to be paid by the claimant to the Interested Party, in the sum of £2,000 unless within 14 days the claimant notifies the court and the Interested Party, in writing, that she objects to paying costs, or as to the amount to be paid, in either case giving reasons. If she does so, the Interested Party has a further 14 days to respond to both the court and the claimant, and the claimant the right to reply within a further 7 days, after which the claim for costs is to put before a judge to be determined on the papers. Where the claimant seeks a reconsideration, costs are to be dealt with on that occasion.

Signed: Mr Justice Jay

23/12/14

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**For completion by the Planning Court**

party's solicitors on (date):

Solicitors:

Ref No.

**Notes for the Claimant**

If you request the decision to be reconsidered at a hearing in open court under CPR 54.12, you must complete and serve the enclosed FORM 86B within 7 days of the service of this order. A fee is payable on submission of Form 86B. **For details of the current fee see the Court website.** Failure to pay the fee or lodge a certified Application for Fee remission may result in the claim being struck out. The form for Application for Remission of a Fee is obtainable from the Justice website <http://hmctsformfinder.justice.gov.uk/HMCTS/FormFinder.do>



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

CO Ref no: CO/5372/2014

In the matter of a claim for Judicial Review

The Queen on the application of

SAIL

versus SOUTH HAMS DISTRICT COUNCIL

**Notice of RENEWAL of claim for permission to apply for Judicial Review (C P R 54. 12)**

1. *This notice must be lodged in the Administrative Court Office, by post or in person and be served upon the defendant (and interested parties who were served with the claim form) within 7 days of the service on the claimant or his solicitor of the notice that the claim for permission has been refused.*
2. *If the claim was issued on or after 7 October 2013, a fee is payable on submission of Form 86B. Failure to pay the fee or lodge a certified Application for Fee remission may result in the claim being struck out. The form for Application for Remission of a Fee is obtainable from the Justice website <http://hmctsformfinder.justice.gov.uk/HMCTS/FormFinder.do>*
3. *If this form has not been lodged within 7 days of service (para 1 above) please set out below the **reasons for delay:***
4. *Set out below the grounds for seeking reconsideration:*

5. *Please supply*

COUNSEL'S NAME:

COUNSEL TELEPHONE NUMBER:

Signed

Dated

Claimant's Ref No.

Tel.No.

Fax No.

**To the Administrative Court Office, Royal Courts of Justice, Strand, London, WC2A 2LL**

**FORM 86B**