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Case Summary posted by the Task Force on Access to Justice

The Queen on the Application of Jeremy Guiney v London Borough of Greenwich, [2008] EWHC 2012 (Admin)

<i>1. Key issue</i>	Public participation and costs – The Administrative (High) Court found it necessary to take a different approach to the general rule that costs follow the event in line with the Sullivan Report (which concerned costs in cases to which the Aarhus Convention applies), so as to ensure compliance with its requirements.
<i>2. Country/Region</i>	United Kingdom
<i>3. Court/body</i>	Administrative Court (High Court of Justice Queen’s Bench Division)
<i>4. Date of judgment /decision</i>	2008-07-31
<i>5. Internal reference</i>	[2008] EWHC 2012 (Admin)
<i>6. Articles of the Aarhus Convention</i>	Art. 6.; Art. 9.4
<i>7. Key words</i>	Public, Access to Justice; costs; Remedies
<i>8. Case summary</i>	<p>The residents of the Borough of Greenwich, London, appealed against the planning permission issued for a major development relating to the reconstruction recreational area on the grounds that the issuing local authority had failed to properly consult the local population for part of the development.</p> <p>The Court stated that the right to be consulted about a development affecting your home was an important one. However, it was not possible to repeal the whole permission, because only for part of the development the authority failed to consult the claimant.</p> <p>Regarding the costs assessment, the Court rejected the idea of an issue-based assessment, under which - in the ordinary way - the claimant would have been awarded 50 per cent of its costs in the proceedings, since its claim had been partially successful. However, the Court having had considered the Sullivan Report, which was also presented by the claimant, awarded to the claimant 75 per cent of its costs. The Report states that it is necessary for the Court to take a different approach to recovery of costs between the parties in environmental cases to which the Aarhus Convention applies, as to ensure compliance with its requirements.</p>
<i>9. Link address</i>	<p>http://www.bailii.org/ew/cases/EWHC/Admin/2008/2012.html</p> <p>http://www.unece.org/fileadmin/DAM/env/pp/a.to.i/Jurisprudence_prj/UNITED_KINGDOM/Guiney/GuineyRuling.pdf</p>