



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

CO/3499/2021

Before the Honourable Mrs Justice Lang

On 1 December 2022

In the matter of an application for judicial review



THE KING

on the application of

**(1) PIERS MONCKTON
(2) SOMERFORD HOME PARTNERSHIP**

Claimants

-v-

STAFFORDSHIRE COUNTY COUNCIL

Defendant

MARTIN REAY

Interested Party

ORDER

UPON hearing Mr G. Laurence KC and Mr M. Dale-Harris of Counsel on behalf of the Claimants, and Mr W. Webster of Counsel on behalf of the Defendant, on 1, 2 and 3 November 2022;

AND UPON the Interested Party not attending or being represented;

AND UPON the Defendant undertaking that the Countryside and Rights of Way Panel will review its decision of 16 July 2021, as set out in Appendix 1 to this order;

IT IS ORDERED THAT:

1. The Claimants do have permission to adduce in evidence:
 - a. the principal report of Mr R. Carr dated 14 April 2022 and revised on 11 May 2022, and his supplementary report dated 11 May 2022;
 - b. the seventh witness statement, together with the exhibits thereto, of Mr A. Corbin dated 3 November 2022.
2. The Claimants' application to adduce in evidence the eighth witness statement of Mr A. Corbin dated 10 November 2022, and the exhibits thereto, is refused.
3. The Defendant do have permission to rely upon the two witness statements of Ms S. Frost, dated 12 May 2022 and 25 May 2022, together with the exhibits thereto.

4. The Claimants do have permission to file their supplementary skeleton dated 10 October 2022 and the Defendant do have permission to file their supplementary argument dated 6 October 2022.
5. The Claimants' application for permission to apply for judicial review is refused.
6. The Claimants do pay 80% of the Defendant's costs, on the standard basis, such costs to be subject to a detailed assessment, if not agreed.
7. Pursuant to CPR r.44.2(8), the Claimants shall make a payment on account of costs to the Defendant, in the sum of £47,000, within 6 weeks of the date of this Order.

Dated 1 December 2022

By the Court

APPENDIX 1

DEFENDANT'S UNDERTAKING

The Defendant undertakes:

1. To refer the application for a modification order (“the application”) to the Countryside and Rights of Way Panel (“the Panel”) in order that it may review (on the basis set out below) the decision which it made on 16 July 2021 (“the decision”) in light of (i) the further evidence and submissions which emerged during the judicial review proceedings; (ii) the findings of the Court; and (iii) any later representations or objections (as appears below).
2. The Panel will review its decision no later than 28 April 2023.
3. The procedure involved in referring the decision back to the Panel is intended to be as follows:
 - (i) The Defendant will inform interested parties (which will include the Claimants and other affected landowners and the Interested Party) that the decision is to be reviewed by the Panel on a date to be fixed no later than 28 April 2023.
 - (ii) That an addendum (in draft form only) to the Officer’s Report which was before the Panel at the time of its decision will be sent to interested parties as soon as it is available and in any event by no later than 1 February 2023.
 - (iii) The draft addendum will be available for inspection at the Defendant’s offices. The Defendant will advertise as appropriate the address and the arrangements which should be made by members of the public wishing to inspect the draft addendum and/or to submit objections and representations to such document. The Defendant will provide interested parties with a copy of the draft addendum once it has become available (it is anticipated that the draft addendum will be drafted by counsel).
 - (iv) Members of the public and interested parties will have until 1 March 2023 to submit objections and representations to the Defendant to the draft addendum.

- (v) The Defendant will thereafter have until 31 March 2023 to finalise the addendum report before it is submitted to members of the Panel.
- (vi) The addendum report in its final form will be available for inspection at the Defendant's offices and online on the Defendant's website by members of the public and interested parties.
- (vii) The date on which the Panel will conduct its final review will be advertised in the press and online to members of the public. Interested parties will also be informed in writing by the Defendant of the date of the Panel's review.
- (viii) The Panel will conduct its review on the basis of the addendum report and any further representations or objections which have been made to the Defendant either in writing and/or orally at the review meeting.