

N208PC

Planning Statutory Review

Part 8 Claim Form (CPR8.1(6) and Practice Direction 8C)

In the High Court of Justice
Planning Court in the Administrative Court

For Court use only	
Planning Court Reference No.	AC-2024-MAN-000165
Date filed	30/04/2024



SECTION 1 Details of the claimant(s) and defendant(s)

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

name
Save Greater Manchester's Green Belt Limited

address
Unit 82a
James Carter Road
Mildenhall
Bury Dt. EdmundsIP28 7DE

Telephone no. **Fax no.**

E-mail address
RGama@leighday.co.uk

Claimant(s) or claimant(s) legal representative(s) address to which documents should be sent.

name
Ricardo Gama & Julia Eriksen

address
Leigh Day
27 Goswell Road
London
EC1M 7AJ

Telephone no. **Fax no.**

E-mail address
Rgama@leighday.co.uk; JEriksen@leighday.co.uk

Claimant(s) Counsel's details

name
Jenny Wigley KC & Charles Bishop

address
Landmark Chambers
180 Fleet Street
London
EC4A 2HG

Telephone no. **Fax no.**

E-mail address
JWigley@landmarkchambers.co.uk

cbishop@landmarkchambers.co.uk

1st Defendant

name
Secretary of State for Levelling Up, Housing and Communities

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

name
Government Legal Department

address
102 Petty France
Westminster
London
SW1H 9GL

Telephone no. **Fax no.**

E-mail address
newproceedings@governmentlegal.gov.uk

2nd Defendant

name
Please see attached sheet for details of 10 other Defendants.

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

name

address

Telephone no. **Fax no.**

E-mail address

SECTION 2 Details of other interested parties as set out in paragraph 4 of PD 8C

Include name and address and, if appropriate, details of DX, telephone or fax numbers and e-mail

name _____	name _____
address _____	address _____
Telephone no. _____	Telephone no. _____
Fax no. _____	Fax no. _____
E-mail address _____	E-mail address _____

SECTION 3 Details of the decision to be statutorily reviewed

Decision: _____
The decision of Bolton, Bury, Manchester, Oldham, Salford, Rochdale, Tameside, Trafford and Wigan Councils to adopt the Places for Everyone Joint Development Plan following recommendations by the First Defendant.

This claim for statutory review is being made under the following section as set out in CPR PD 8C 1.1:-

- ☐ section 287 of the Town and Country Planning Act 1990
- ☐ section 288 of the Town and Country Planning Act 1990
- ☐ section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- ☐ section 22 of the Planning (Hazardous Substances) Act 1990
- ☒ section 113 of the Planning and Compulsory Purchase Act 2004
- ☐ other, please state _____

Date of decision: _____
21 March 2024

Name and address of the authority, tribunal or minister of the Crown who made the decision to be reviewed.

name _____ Please see above and attached details for the Defendants.	address _____ Please see above and attached details for the Defendants.
--	---

SECTION 4 Permission to proceed with a claim for a planning statutory review

I am seeking permission to proceed with my claim for a planning statutory review.

Are you making any other applications? If Yes, complete Section 8.

☒ Yes ☐ No

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

☐ Yes ☒ No

Are you claiming exceptional urgency, or do you need this application determined within a certain time scale? If Yes, complete Section 8.

☐ Yes ☒ No

Have you issued this claim in the region with which you have the closest connection? (Give any additional reasons for wanting it to be dealt with in this region in the box below). If No, give reasons in the box below.

☒ Yes ☐ No

Save Greater Manchester's Green Belt Ltd is the incorporated group of over 40 greenspace groups across Greater Manchester. The Decision under challenge is made in respect of the Defendant Councils' (of which Manchester is one) decision to adopt the Places for Everyone Joint Development Plan, which is a plan for development across Greater Manchester. Both the geography of the Claimant and the Defendant Councils and Greater Manchester Authority, and the subject matter of the Decision being challenged, provide reason for why the claim has been issued in Manchester.

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

If Yes, state the articles which you contend have been breached in the box below. ☐ Yes ☒ No

SECTION 5 Detailed statement of grounds

☐ set out below

☒ attached

SECTION 6 Aarhus Convention Claim

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 on the basis that the grounds of the claim concern legal decisions relating to the environment within the meaning of Article 9(3) of the Convention. The definition of "environmental" in the Aarhus Convention is "arguably broad enough to catch most, if not all, planning matters": *Venn v Secretary of State for Communities and Local Government* [2015] 1 WLR 2328 at para 11. The Claimant therefore applies for a reciprocal costs cap under CPR r.46.26 limiting its liability to £10,000 inclusive of VAT in respect of the costs of all 11 Defendants.

SECTION 7 Details of remedy (including any interim remedy) being sought

☐ set out below ☒ attached

SECTION 8 Other applications

☒ set out below ☐ attached

I wish to make an application for:-

The Claimant makes two applications, set out below (and at paragraphs 6 and 7 of the Claimant's Statement of Facts and Grounds):

(i) The claim to be categorised as "significant", pursuant to CPR PD54D para 3.1. This is on the basis that it (a) relates to commercial, residential and other developments which have significant economic impact both at a local level and beyond their immediate locality; (b) it raises important points of law as to (at least) consultation on Main Modifications and the interpretation of the statutory provisions governing the effect of a local planning authority withdrawing from a joint DPD; (c) the claim is already generating significant public and media interest across Greater Manchester and the country more widely; and (d) the volume and nature of the technical material before the court means it is best dealt with by a Judge with significant experience of handling such matters. In light of this it is respectfully suggested it should be heard on an expedited basis, well within the target timescales in CPR PD54D para 3.4.

(ii) The claim is dealt with as a "rolled-up" hearing. Although every effort has been made to reduce the size of the bundles, given the scale of the Plan this claim inevitably requires the consideration of a very large volume of material. It is estimated at least one day's pre-reading will be needed before a decision on permission could be made. In these circumstances, it is suggested that the overriding objective would be best supported through a rolled-up hearing to prevent unnecessary duplication of judicial resources. It would also support the need for expedition.

SECTION 9 Statement of facts relied on

☐ set out below

☒ attached

SECTION 10 Supporting documents

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

Please also tick the following boxes in relation to the papers you are filing with this claim form and any you will be filing later.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Detailed statement of grounds | <input type="checkbox"/> set out in Section 5 | <input checked="" type="checkbox"/> attached |
| <input checked="" type="checkbox"/> Application for directions | <input checked="" type="checkbox"/> set out in Section 8 | <input checked="" type="checkbox"/> attached |
| <input checked="" type="checkbox"/> Statement of the facts relied on | <input type="checkbox"/> set out in Section 9 | <input checked="" type="checkbox"/> attached |
| <input checked="" type="checkbox"/> Written evidence in support of the claim | | <input checked="" type="checkbox"/> attached |
| <input type="checkbox"/> Where the claim for a planning statutory review relates to a decision of a court or tribunal, an approved copy of the reasons for reaching that decision | | <input type="checkbox"/> attached |
| <input checked="" type="checkbox"/> Copies of any documents on which the claimant proposes to rely | | <input checked="" type="checkbox"/> attached |
| <input type="checkbox"/> A copy of the legal aid or Civil Legal Aid Certificate <i>(if legally represented)</i> | | <input type="checkbox"/> attached |
| <input checked="" type="checkbox"/> Copies of any relevant statutory material | | <input checked="" type="checkbox"/> attached |
| <input checked="" type="checkbox"/> A list of essential documents for advance reading by the court <i>(with page references to the passages relied upon)</i> | | <input checked="" type="checkbox"/> attached |

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

Statement of Truth

I believe (The claimant believes) that the facts stated in this claim form are true.

Full name Ricardo Gama

Name of claimant's legal representative's firm Leigh Day

Signed 

Claimant ('s legal representative)

Position or office held Senior Associate

(if signing on behalf of firm or company)

Schedule to Claimant's N208 PC
Details of Second to Eleventh Defendants

(2) Greater Manchester Combined Authority

Tootal
56 Oxford St
Manchester
M1 6EU

(3) Bolton Council

Town Hall
Victoria Square
Bolton
BL1 1RU

(4) Bury Council

Knowsley Place
Knowsley St
Bury
BL9 0SW

(5) Manchester Council

Town Hall Extension
Albert Square
Manchester
M60 2LA

(6) Oldham Council

Civic Centre
West Street
Oldham
OL1 1UT

(7) Salford Council

Salford Civic Centre
Chorley Road
Swinton
M27 5AW

(8) Rochdale Council

Number One Riverside
Smith Street
Rochdale
OL16 1XU

(9) Tameside Council

Tameside One
Level 1
Market Place
Ashton under Lyne
OL6 6BH

(10) Trafford Council

Access Trafford
Sale Waterside
Sale
M33 7ZF

(11) Wigan Council

Life Centre
Library St
Wigan
WN1 1YN

Legal Representative for Second to Eleventh Defendants

Robert Irvine
Solicitor
Group Leader (Physical Infrastructure)
Legal and Democratic Services
Manchester City Council

Email: robert.irvine@manchester.gov.uk

Tel: 0161 219 6010

Mob: 07760 326672