
SECRETARIES OF STATE NOTE ON THE HEARING AND DOCUMENTS

IN THE HIGH COURT OF JUSTICE

**CO/4916/2014, CO/4943/2014,
CO/4900/2014, CO/4946/2014**

QUEEN'S BENCH DIVISION
PLANNING COURT

**THE QUEEN (on the application of)
David Percival;
Thames Blue-Green Economy;
Blue Green London Plan (as Graham Stevens);
London Borough of Southwark**

Claimants

-and-

**(1) Secretary of State for Communities and Local Government
(2) Secretary of State for Environment, Food and Rural Affairs**

Defendants

and-

Thames Water Utilities Limited

Interested Party

SECRETARIES OF STATE'S NOTE ON THE HEARING AND DOCUMENTS

1. All four cases concern applications for permission to bring judicial review proceedings against the development consent order for the Thames Tideway Tunnel. Three claimants complain about the decision to have a tunnel at all, whilst Southwark object to the direction of drilling of part of the tunnel and the effect that would have on a work site.
2. The Blue-Green Economy application for permission was referred by Lewis J to an oral application. He refused the other three applications and those applications have been renewed. The Stevens and Southwark challenges were refused as being brought outside the non-extendable statutory six week time period, and Percival was refused on arguability.

The hearing

3. The Court will reach its own conclusions on structuring the hearing. However if the timing issue is resolved against Mr Stevens and Southwark then there is no need to hear further argument. The Court is invited therefore to consider timing on Stevens and Southwark before arguability on those two cases.

4. The cases are simply listed for permission. The Secretaries of State consider it would not be appropriate to deal with any cases on a rolled-up basis on 15th/16th January.

Documents

5. The documentation for the hearing consists of:
- (i) One bundle containing the papers (claim form, acknowledgments, order and skeletons) in the Percival, Blue-Green Economy and Stevens cases, organised into separate sections (Permission Hearing Bundle – BLP folder);
 - (ii) The Southwark claim bundle (three volumes) with the acknowledgments of service, further submissions/order, Council's skeleton and its authorities;
 - (iii) A bundle of further documentary evidence submitted by the Interested Party, with a short, formal witness statement from Ian Fletcher (BLP folder);
 - (iv) Bundles of legislation and authorities and common documents in the non-Southwark cases plus Defendant's authorities on Southwark (authorities vol 1 and 3; legislation vol 2& 3, common documents vol 3);
 - (v) The Secretaries of State and Thames Water's skeletons on Southwark are outside the bundles.
6. The key documents are at these places:
- (i) Decision letter: BLP authorities volume 3 tab 60 and Southwark vol 1, tab 5
 - (ii) Examining Authority's report: Southwark vol 1, tab 5
 - (iii) Development Consent Order: BLP authorities volume 3 tab 59 and Southwark vol 2, tab 7
 - (iv) National Policy Statement: BLP authorities volume 3 tab 58 and Southwark vol 2, tab 12

RICHARD HARWOOD QC

DAVID BLUNDELL
14 January 2015

THIRTY NINE ESSEX STREET

LANDMARK CHAMBERS