

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

PLANNING COURT

IN THE MATTER OF AN APPLICATION FOR PLANNING STATUTORY REVIEW
UNDER S.113 PLANNING AND COMPULSORY PURCHASE ACT 2004

Mr Justice Waksman

BETWEEN

MARK JOPLING

Claimant

-and-



(1) RICHMOND-UPON-THAMES LONDON BOROUGH COUNCIL
(2) SECRETARY OF STATE FOR HOUSING, COMMUNITIES AND LOCAL
GOVERNMENT

Defendants

-and-

QUANTUM TEDDINGTON LLP

Interested Party

ORDER

UPON the handing-down of judgment in this matter

AND UPON HEARING Counsel for the Claimant, the Second Defendant and the Interested Party, the First Defendant not appearing (but observing);

IT IS ORDERED THAT:

1. The application pursuant to s.113 Planning and Compulsory Purchase Act 2004 is hereby allowed;

2. The amendments made following the inspector's recommended main modification to paragraph 5.2.8 of the Local Plan (Publication Version) are quashed in the adopted version and paragraph 5.2.8 of the Local Plan (Publication Version) (unamended) is remitted;
3. The inspector's proposed change to paragraph 5.2.8 of the Local Plan (Publication Version), together with an explanation of its effect in terms of it representing the proposed removal of the Local Green Space (LGS) designation from Udney Park Playing Fields ("UPPF"), and together with any sustainability appraisal of the proposed change, shall be published by the First Defendant as a proposed Main Modification of paragraph 5.2.8 of the Local Plan (Publication Version), within two weeks of this Order (ie by Friday 22 February) and advertised inviting representations from the public for the period of 6 weeks immediately thereafter.
4. The Second Defendant shall appoint an independent examiner (the "Independent Examiner") to consider, following the public consultation pursuant to paragraph 3 above, whether or not to recommend the above proposed Main Modification to the LGS designation of UPPF, having regard to any representations made pursuant to the above public consultation and any responses to the proposed Main Modification from the First Defendant.
5. The Court takes the view that it is possible and desirable for the Independent Examiner's recommendation and reasons to be issued by around 15th May 2019 or at least a reasonable time before the Planning Enquiry presently set for 24 June. If the Independent Examiner's recommendation and reasons are not issued timeously before the Planning Enquiry, the Court is of the view (but does not so order) that the Planning Enquiry be adjourned.
6. Upon receipt of that recommendation, the First Defendant shall make any necessary amendments to the adopted Local Plan, and any consequential amendments to its Policies Map, in order to reinstate the Local Plan (Publication Version) of paragraph 5.2.8 and to reflect the Proposed Map Changes (Publication Version) (in terms of the

designation of UPPF as LGS), subject to any main modification recommended by the Independent Examiner, and adopt these accordingly.

7. The Interested Party shall pay the Claimant's costs of these proceedings in the agreed sum of £33,125 (including VAT), to be paid within 14 days.

DATED this 8th day of February 2019

By the Court