



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

CO/3044/2019

**Before the Honourable Mrs Justice Lang**

**On 21 November 2019**

**In the matter of an application for Judicial Review**

**THE QUEEN**

**on the application of**

**ROYAL BOROUGH OF  
KENSINGTON AND CHELSEA**

**Claimant**

**-v-**

**MAYOR OF LONDON**

**Defendant**



**(1) QUEENSGATE BOW UK HOLDCO LIMITED  
(2) QUEENSGATE BOW PROPCO LIMITED  
(3) QUEENSGATE BOW OPCO LIMITED  
(4) SOCIETE GENERALE, LONDON BRANCH  
(5) SECRETARY OF STATE FOR HOUSING,  
COMMUNITIES AND LOCAL GOVERNMENT  
(6) CLAUDIA BRONDA  
(on behalf of the Ashburn Courtfield Gardens  
Residents Association)**

**Interested Parties**

**ORDER**

**UPON** the Claimant's application of 1 November 2019 for an order: (i) that the Defendant comply with the duty of candour; (ii) that the Defendant provide disclosure of documents; and (iii) that certain witnesses attend to give oral evidence and be cross-examined;

**AND UPON** considering the documents filed by the parties in respect of the application;

**AND UPON** hearing Mr C. Streeten of Counsel on behalf of the Claimant, Mr R. Taylor QC on behalf of the Defendant, Mr R. Warren QC on behalf of the First, Second and Third Interested Parties, and Mr Y. Vanderman of Counsel on behalf of the Fifth Interested Party;

**AND UPON** the Fourth and Sixth Interested Parties not appearing or being represented;

**IT IS ORDERED THAT:**

1. This claim is to be listed for a substantive hearing on a date to be fixed after 21 April 2020, having regard to the availability of counsel and those witnesses identified below at paragraph 2. **Time estimate: 4 days.**
2. The following persons are to attend to give oral evidence and be cross-examined at the substantive hearing:
  - a. Mr Simon Carpenter (witness for the Fifth Interested Party),
  - b. Mr Nicholas John Ray (witness for the Defendant), and
  - c. Ms Juliemma McLoughlin (witness for the Defendant).
3. The Claimant's renewed application for permission in respect of grounds 1,2 and 3 is to be listed on the same occasion as the substantive hearing.
4. All interlocutory applications are reserved to Lang J. and any such applications are to be copied via email to the clerk to Lang J. (sarah.ireland@justice.gov.uk), in addition to being filed at the Administrative Court Office.
5. The Fifth Interested Party, no later than 21 days after the date of this Order:
  - a. May file and serve a further witness statement of Mr Simon Carpenter; and
  - b. Must file and serve copies of all documents within the control of the Fifth Interested Party, whether held electronically or in physical copy, including all internal and external communications, attendance notes of telephone calls, logs, or any other records or notes, in respect of or in connection to the consideration and determination of the application for planning permission under reference PP/18/03461, including the Fifth Interested Party's consideration of whether or not to call in the application for his own consideration (subject to any claim to a right or duty to withhold disclosure of any documents, or any part thereof, which should be notified to the other parties and the Court);
  - c. Documents provided for inspection are not to be redacted other than in accordance with a specific order of the Court (save in respect of matters for which legal professional privilege is claimed). If the Fifth Interested Party wishes to redact documents on grounds other than legal professional privilege, an application should be made to Lang J. in the first instance.
6. The Defendant may, if so advised, file and serve a further witness statement or statements in response to the witness statement filed under paragraph 5(a) above, no later than 17 January 2020.

7. The Defendant, no later than 42 days after the date of this Order, do file and serve:
  - a. An itemised list, following the form set out in CPR 31.10 and Practice Direction 31, of all the documents in the Defendant's control, whether held electronically or in physical copy, that have come into existence between 1 December 2018 and 5 July 2019, in respect of or in connection to the consideration and determination of the application for planning permission reference PP/18/03461; and
  - b. A disclosure statement in compliance with the requirements of CPR 31.10 and which reflects the terms and extent of the disclosure ordered under paragraph 7(a) above.
8. The Claimant, no later than 14 days after service of the list referred to under paragraph 7 above, do notify the Defendant of:
  - a. Any document in the list that it wishes to inspect; and
  - b. Any application that it wishes to make to the Court, pursuant to CPR 31.19(5), to inspect a document in respect of which the Defendant has claimed a right or duty to withhold disclosure. In the event that no agreement can be reached in respect of inspection, the Claimant shall, if so advised, file and serve an application under CPR 31.19(5), with evidence in support, no later than 10 days of such notification.
9. The Defendant shall permit inspection of all documents requested, other than those documents, or parts thereof, for which it claims a right or duty to withhold disclosure, no later than 7 days after notification under paragraph 8 of this Order.
10. Documents provided for inspection are not to be redacted other than in accordance with a specific order of the Court (save in respect of matters for which legal professional privilege is claimed). If the Defendant wishes to redact documents on grounds other than legal professional privilege, an application should be made to Lang J. in the first instance.
11. The Claimant may apply to amend its Statement of Facts and Grounds, such an application, accompanied by a draft, to be filed and served no later than 14 days from the date on which the Claimant has been permitted inspection (under paragraph 9 above), or from the date that an application for disclosure of documents withheld by the Defendant has been determined (under paragraph 8b above), whichever is the later date. The Defendant is to file and serve any objections to the proposed amendments within 7 days of service thereof.
12. In the event that the Claimant files and serves an amended Statement of Facts and Grounds with the leave of the Court, the Defendant and the First, Second and Third Interested Parties may file and serve Amended Detailed Grounds for Contesting the Claim, within 14 days of service thereof.
13. The Claimant do file and serve an agreed hearing bundle, no later than 4 weeks

before the date of the substantive hearing.

14. The parties do file and serve skeleton arguments as follows:
  - a. The Claimant and the Fifth Interested Party (if so advised), no later than 21 days before the date of the substantive hearing;
  - b. The Defendant, and the First, Second and Third Interested Parties (if so advised), no later than 14 days before the date of the substantive hearing.
15. The Claimant do file and serve a joint bundle of authorities, no later than 5 days before the date of the substantive hearing.
16. The costs of this application be costs in the case.

**Dated**

***By the Court***

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Sent / Handed to the Claimant, Defendant and any Interested Party / the Claimant's, Defendant's, and any Interested Party's solicitors on (date):

Solicitors:  
Ref No: