



COURT 1
Appeal No.

C1/2010/1224



FRIDAY 25TH MARCH 2011
Order No. 21693
IN THE COURT OF APPEAL

ON APPEAL FROM THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
CO148022009

BEFORE THE CHANCELLOR OF THE HIGH COURT
LORD JUSTICE TOULSON
And LORD JUSTICE SULLIVAN

IN THE MATTER OF A CLAIM FOR JUDICIAL REVIEW

B E T W E E N

THE QUEEN ON THE APPLICATION OF SAVE BRITAIN'S HERITAGE
Claimant/
APPELLANT

- and -

1) SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT
2) LANCASTER CITY COUNCIL

Defendants/
RESPONDENTS

- and -

MITCHELLS OF LANCASTER (BREWERS) LIMITED

Interested Party

ON READING the Appellant's Notice sealed on the 21st May 2010 filed on behalf of the Appellant on appeal from the order of His Honour Judge Pelling QC dated 7th May 2010

AND ON HEARING Mr Richard Harwood and Mr Andrew Deakin counsel for the Appellant, and Mr James Maurici counsel for the First Respondent

IT IS ORDERED that

1. the Claimant/Appellant's appeal be allowed
2. a declaration be made that:
"Demolition of buildings is capable of constituting a project falling within Annex II of the EIA Directive"
3. a declaration be made that:
"Paragraph 2(1)(a)-(d) of the Town and Country Planning (Demolition – Description of Buildings) Direction 1995 is unlawful and should not be given effect"
4. the decision of the Second Defendant/Respondent disclosed by a



letter dated 2nd December 2009 that the demolition of Mitchell's Brewery does not constitute development and that details do not need to be submitted for prior approval be quashed

5. the First Defendant/Respondent do pay the Claimant/Appellant's costs of these proceedings both here and below in the sum of £60,000.
6. permission to appeal be refused

By the Court

Hearing date: 9th March 2011
Judgment date: 25th March 2011

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- and -

MITCHELLS OF LANCASTER (BREWERS) LIMITED

ORDER

Copies to:

Queen's Bench Division
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Royal Courts of Justice
Strand
London WC2A 2LL

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19b Victoria Street
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CB1 1JP
Ref: SR/SAVE BREWERY

Treasury Solicitors
DX 123242
Kingsway
Ref: LT93917K/EZM/1D
*

* This order was drawn by Mr D Fallon (Associate) to whom all enquiries regarding this order should be made. When communicating with the Court please address correspondence to Mr D Fallon, Civil Appeals Office, Room E307, Royal Courts of Justice, Strand, London WC2A 2LL (DX 44450 Strand) and quote the Court of Appeal reference number. The Associate's telephone number is 020 7073 4831