



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

CO Ref:

CO/1555/2016

In the matter of an application for Judicial Review

The Queen on the application of

Brad Duncan
Christina Hill
Mark Lawson



versus

Transport for London

Defendant

London Borough of Islington

Interested party

**Application for permission to apply for Judicial Review
NOTIFICATION of the Judge's decision (CPR Part 54.11, 54.12)**

Following consideration of the documents lodged by the Claimant and the Acknowledgement of service and Summary Grounds of Defence (SGoR) filed by the Defendant

Order by the **Honourable Mr Justice Warby**

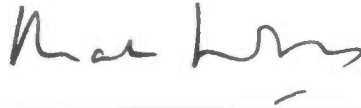
1. Permission is hereby refused.
2. The costs of preparing the Acknowledgment of Service are to be paid by the claimant to the defendant, unless
 - (1) Within 7 days of service of this order the claimants serve form 86B seeking a reconsideration or
 - (2) within 14 days of service of this order any of the claimants notify the court and the defendant, in writing, that he or she objects to paying costs
3. If either condition (1) or (2) above is met the defendant must within 7 days after receipt of form 86B or notice of objection as the case may be set out in writing the sum applied for and give reasons; the claimant has 14 days in which to object to the sum claimed, giving reasons; the defendant has a further 14 days to respond to both the court and the claimant, and the claimant has the right to reply within a further 7 days. The claim for costs will be dealt with at the renewal hearing or, if none is sought, put before a judge to be determined on the papers.

Reasons

1. The first ground is unarguable for the reasons given in ¶¶15-20 of the SGoR. In short, no solid factual basis is advanced for a case that the data collection was conducted otherwise than in accordance with (proper) industry practice, or that there was anything untoward about conducting modelling on the basis of data collected 12 months earlier.
2. There is no arguable case that the defendant created any legitimate expectation that the relocation of the Vorley Road bus stands would be the subject of any public consultation above and beyond the "November 2014 consultation". The wording of the FAQ document of 2015 is not apt to create any such expectation.

3. The ultra vires (excess of powers/authority) argument has no prospect of success. It may be arguable that the defendant cannot lawfully subordinate its decision-making to the wishes of the Interested Party, but I see no evidential basis for asserting that this is what has happened. It is clearly arguable that the defendant has taken account, in exercising its powers, of the desirability of releasing land for development, and of the desire of the Interested Party that this should happen in this instance. But I can see no arguable basis for contending that it is not entitled to do that.

Signed



27 April 2016

Sent / Handed to the claimant, defendant and any interested party / the claimant's, defendant's, and any interested party's solicitors on (date):

Solicitors: TFL
Ref No. MF.

17 MAY 2016

Notes for the Claimant

If you request the decision to be reconsidered at a hearing in open court under CPR 54.12, you must complete and serve the enclosed FORM (86B) within 7 days of the service of this order. A fee is payable on submission of Form 86B. **For details of the current fee please refer to the Administrative Court fees table at <http://www.justice.gov.uk/courts/rcj-rolls-building/administrative-court>.** Failure to pay the fee or submit a certified application for fee remission may result in the claim being struck out. To form to make an application for remission of a court fee can be obtained from the Justice website http://hmctsformfinder.justic.gov.uk/HMCTS/Form_Finder.do