

IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION  
PLANNING COURT

In the matter of an application for judicial review

Between:

THE KING (on the application of)

The Dedham Vale Society

Claimant

-and-

Secretary of State for Levelling Up, Housing and Communities

Defendant

Transport UK East Anglia Limited

Interested Party

Campaign for National Parks

Intervener

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CONSENT ORDER

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**UPON** the Claimant's application for judicial review having been granted permission to proceed on 16 September 2024

**AND UPON** the Intervener's application to intervene in the proceedings having been granted permission to intervene on 20 December 2024

**It is hereby ordered by consent that:**

1. The claim is allowed for the reasons outlined in the schedule to this order.
2. The Defendant's decision dated 29 May 2024 to issue a screening direction, which is the subject of this challenge, is quashed and is remitted to the Defendant for redetermination.
3. The Defendant shall pay the costs of the Claimant on the standard basis and up to the date of this order in the sum of £35,000.
4. There shall be no other orders as to costs between the parties and each party shall otherwise pay their own costs.

5. The hearing listed on 4-5 February 2025 shall be vacated.

**We hereby agree to an order in the above terms.**

**Dated the 24 day of January 2025**




.....  
Richard Buxton, Partner  
Richard Buxton Solicitors  
On behalf of the Claimant



.....  
Daniel Whittle, Senior Associate  
Burgess Salmon LLP  
On behalf of the Interested Party



.....  
Constance Kanish, Lawyer  
Government Legal Department  
On behalf of the Defendant



.....  
Carol Day, Senior Environmental Solicitor  
Leigh Day  
On behalf of the Intervener

## SCHEDULE

1. On 29 May 2024 the Defendant issued a negative Screening Direction pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 to the effect that the extension and associated infrastructure of an existing car park at Manningtree Railway Station, Essex would not be likely to have significant environmental effects. The site is wholly within the Dedham Vale National Landscape (previously Area of Outstanding Natural Beauty).
2. The Claimant's single ground of claim was that, in issuing the Screening Direction, the Defendant failed to apply s.85 (A1) of the Countryside and Rights of Way Act 2000 (as amended), which provides:

*'(A1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority ... must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.'*

3. Having considered the skeleton argument of the Claimant, together with the submissions of the Intervener, and the guidance on the statutory duty published by DEFRA on 16 December 2024, the Secretary of State accepts that the failure to apply the statutory duty to seek to further the purposes of the National Landscape when making the screening decision constitutes an error of law and the outcome might have been different had it been applied.
4. Although the Interested Party makes no concession about the substance of the claim or whether the decision might have been different were the statutory duty applied, in light of the Secretary of State's position it will not proceed with contesting the claim.
5. The claim therefore need not be determined by the Court.