

King's Cross development: campaigners launch High Court challenge

Leigh Day & Co, solicitors for the King's Cross Think Again campaign, on Tuesday launched judicial review proceedings in the High Court seeking to have the recently granted King's Cross Central development planning permission quashed.

The lawyers hope that the matter will be dealt with urgently by the Court and that the case could be heard within the next two or three months.

The main ground is that councillors were wrongly advised at the Camden Development Control meeting which gave final consent to the outline scheme last November. Members of the Committee were effectively told they could not reconsider the provisional consent given by their predecessors in March 2006. That advice was wrong, counsel for the campaign will argue.

A second key issue concerns the obligation of planning officers to return an application to the Committee for reconsideration if there has been a material change in planning circumstances since their decision.

One such change is a new definition of affordable housing in the Government's Planning Policy Statement 3, which was published after the November meeting but before Camden issued decision notices to the developer on 22 December. A new definition of 'intermediate housing' would actually reduce the percentage of affordable housing in the current scheme, a key issue for Councillors and campaigners alike.

'This was raised by our solicitors early in December,' explains Michael Edwards, co-chair of the King's Cross Railway Lands Group which is leading the campaign. 'But despite knowing how important affordable housing was to Councillors, the officers did not refer the matter back to them.'

The campaign's legal team has recently been augmented by the addition of leading QC, John Hobson, and his colleague, Paul Stinchcombe. Alex Goodman, the barrister who helped prepare the campaigners' initial case, has also been briefed. Leigh Day & Co, the well-known solicitors based in Clerkenwell, have replaced EarthRights, the firm which led the legal challenge in its early stages.

'We are very encouraged by the fact that our lawyers feel the case is so strong they are willing to act for us on a conditional fee basis,' said Michael Edwards. 'We are also having to ask the High Court for a Protective Costs Order to limit the amount we would have to pay if we lose. Without the conditional fee agreement and costs protection we could not bring the legal challenge.'

Richard Stein, of Leigh Day & Co, said: 'This case raises extremely important questions, not just about the proper development of one of Europe's biggest regeneration projects but also the democratic operation of planning authorities, as well as the ability of public interest groups to access environmental justice in the courts.'

If the judicial review succeeds, the planning application would have to go back to committee for full reconsideration. Matters of concern could be revisited by

Councillors who, on the basis of the previous legal advice, felt barred from doing so. Particular concerns for the campaign include:

- The inadequate energy and environmental standards proposed for the scheme, which could instead be making an exemplary contribution to reducing global warming
- Demolition of key heritage buildings, such as Stanley North and Culross Buildings, without adequate grounds
- The need for a better balance between big corporate office blocks and smaller, more diverse, enterprises and housing.

‘We hope the High Court will recognise the importance of this case in terms of public interest,’ added Michael Edwards. ‘None of the campaign groups have anything to gain personally, but we, and the people of King’s Cross, have everything to gain from a revised and improved development.’

13 February 2007.

More details, contacts and the full legal case for Judicial Review are at www.kxrlg.org.uk