



**In the High Court of Justice
Queens Bench Division
Administrative Court**

CO Ref:

CO/1185/2007

In the matter of an application for Judicial Review

The Queen on the application of
Kings Cross Railway Lands Group
Versus
London Borough of Camden
On the application for an Protective Costs Order

Following consideration of the documents lodged by the Appellant

Order by the Honourable Mr Justice Collins

Observations:

1. I do not think that the need for a claim to raise issues of general public importance is limited to the legal issues. It is possible to imagine a case which is concerned with now established principles should apply to a particular decision which is challenged where that decision has a very wide effect and the way in which the matter should be approached can be of considerable importance for other cases. In this case, it is said that the approach in law was not even arguably wrong and that all that is in issue is whether members misunderstood or misapplied the advice which they were given. However, there are raised questions of the extent to which newly elected members of a council whose overall political control has changed can properly fail to follow previous decisions. Those may be in my view of general public importance.
2. It is said by the claimants that this case is an environmental judicial review. That is disputed. It is clear that this development, which will have a major impact on a significant area of London, has environmental effects. Its very size establishes that that is so. Whether that can mean that it is properly to be regarded as an environmental judicial review may be a matter of argument, but I am persuaded that on the facts it is at least analogous to such a claim and so the principles applicable should be applied. It is apparent that such a claim will be more likely to attract a PCO at the suit of an NGO which has an interest in ensuring that such a development is appropriate and lawful.
3. While the suggestion that the claimants have a private interest is not being pursued, I have the gravest doubt whether the limitation suggested in *Corner House* was correct. No doubt private interest is a relevant consideration which may in many cases mean that a PCO would not be appropriate, but I do not think it should be an absolute bar. I am satisfied that *Goodson* is wrong in this respect. In any event, since *Corner House* provides guidance and not rigid rules, that aspect can properly be reconsidered in individual cases.
4. I am persuaded in all the circumstances that it is proper to grant a PCO. The defendants accept that £10,000 is an appropriate figure.
5. The issues in this claim are relatively narrow and should not take up a great deal of court time. I appreciate that £10,000 is unlikely to be sufficient to cover the defendant's costs if they win, but I would hope that the amount spent would not be hugely in excess of that sum.
6. I will therefore order that there be a PCO in favour of the claimants in the sum of £10,000.
7. In the light of the claimant's solicitors' letter of 16 March, I will also as a reciprocal measure direct that the claimant's reasonable costs be limited to £20,000.

Signed: **Sir Andrew Collins**

22 MAR 2007

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