

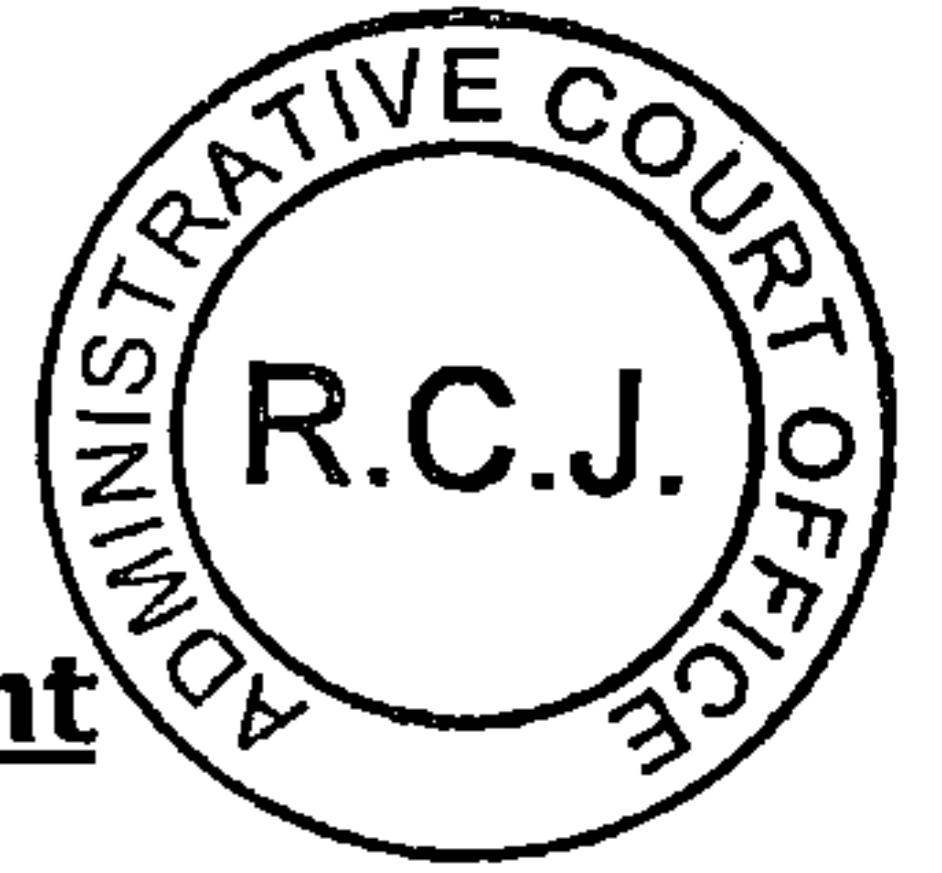
**IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
PLANNING COURT**

CO/3114/2021

BEFORE THE HONOURABLE MR JUSTICE HOLGATE  
BETWEEN:

R (o.a.o. CAROL SPRINGGAY)

Claimant



- and -

BRIGHTON & HOVE CITY COUNCIL

Defendant

- and -

HUTCHISON 3G UK LTD

Interested Party



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**CONSENT ORDER**

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Before

sitting in the Planning Court, Queen's Bench Division, High Court of Justice, The Strand, London WC2A 2LL

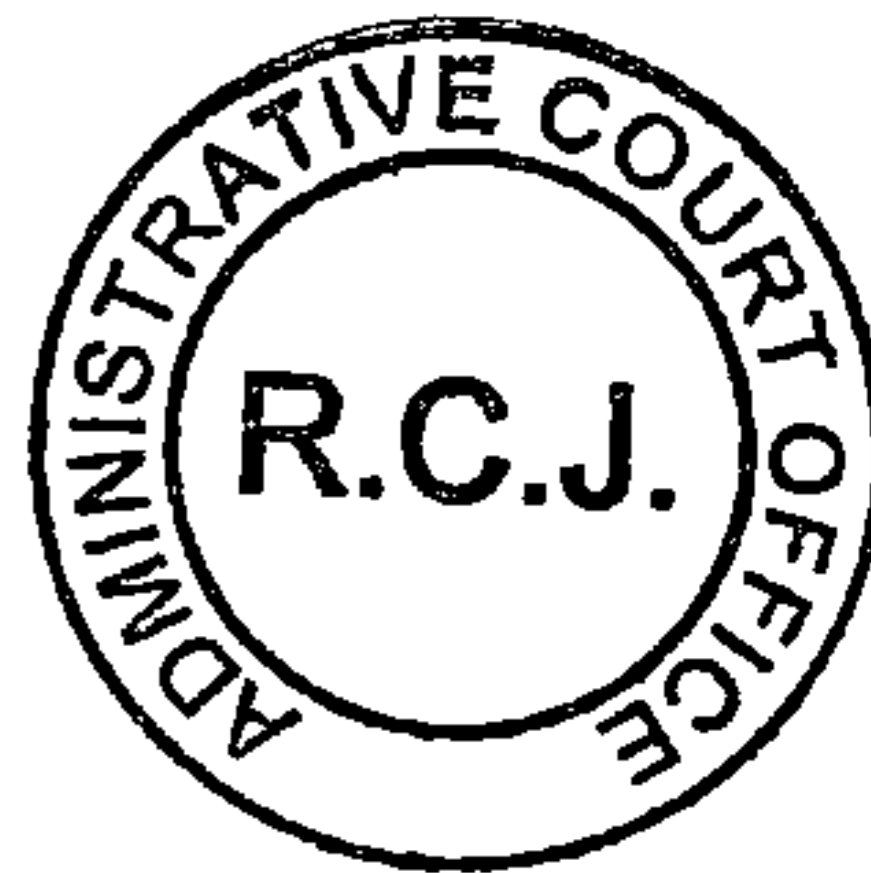
**UPON** reading the Statement of Facts and Grounds for judicial review claim and supporting evidence and the Defendant confirming that they will not be defending the claim

**AND UPON** reading the Statement of Reasons justifying the making of this Order as agreed between the parties

**IT IS ORDERED** that:-

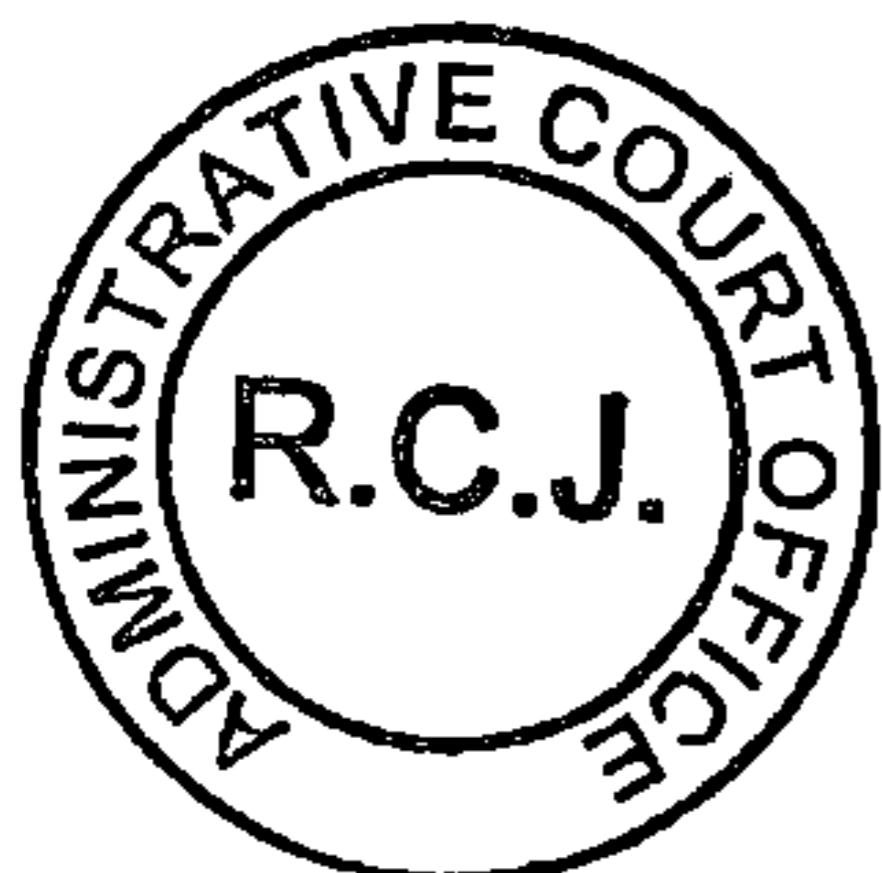
1. The application for permission for judicial review is granted;
2. The claim for judicial review is allowed on the basis set out in paragraph 2 of the Statement of Reasons;
3. The Defendant's decision notice of 30 July 2021 granting prior approval under reference BH2021/01639 for the Installation of a 15m Phase 8 Monopole with wraparound cabinet at base and installation of 3no ancillary cabinets on land south of 91 Fishersgate Terrace, Portslade is quashed;
4. The Defendant shall pay the Claimant's costs of and incidental to the instant claim to the issue and service of proceedings in the agreed sum of £13,340 VAT inclusive.

*DH*



Dated this *2nd* day of *November* 2021

BY THE COURT



*David Holgate*

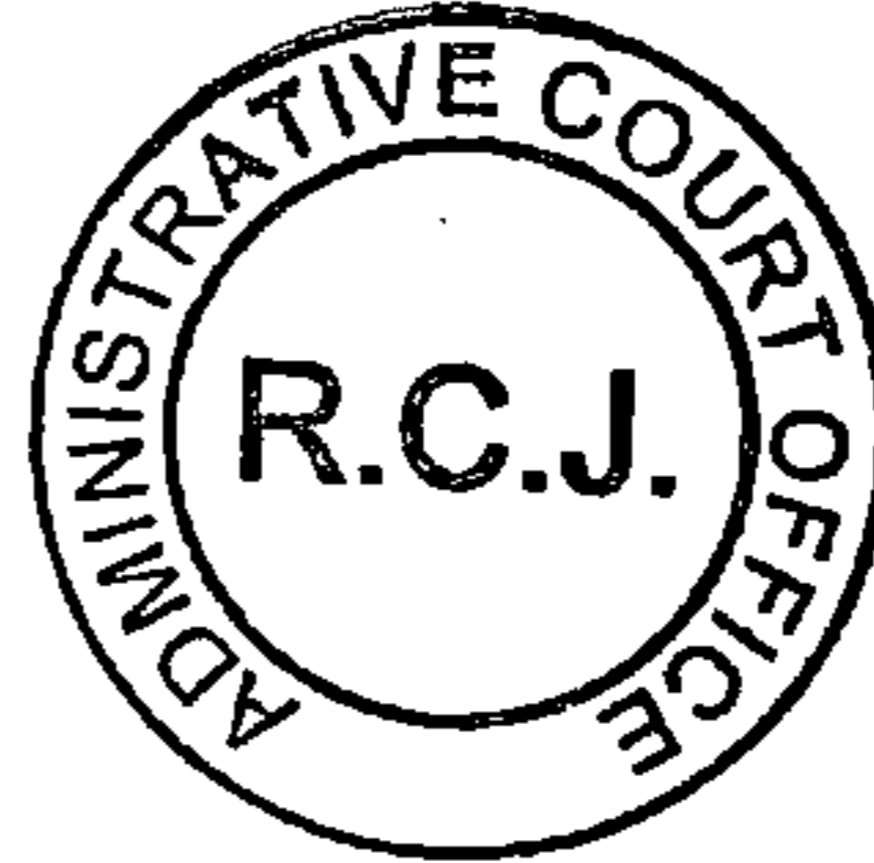


**We the parties consent to an order in the above terms**

Signed: *Harrison Grant*

Dated: 6 October 2021

**Harrison Grant, Solicitors for the Claimant  
115 Castlehaven Road  
London NW1 8SJ**



Ref: AG

Tel: 020 7267 7407

Email: [alicegoodenough@hglaw.co.uk](mailto:alicegoodenough@hglaw.co.uk)

For and on behalf of the Claimant

Signed:

*Hilary Woodward*

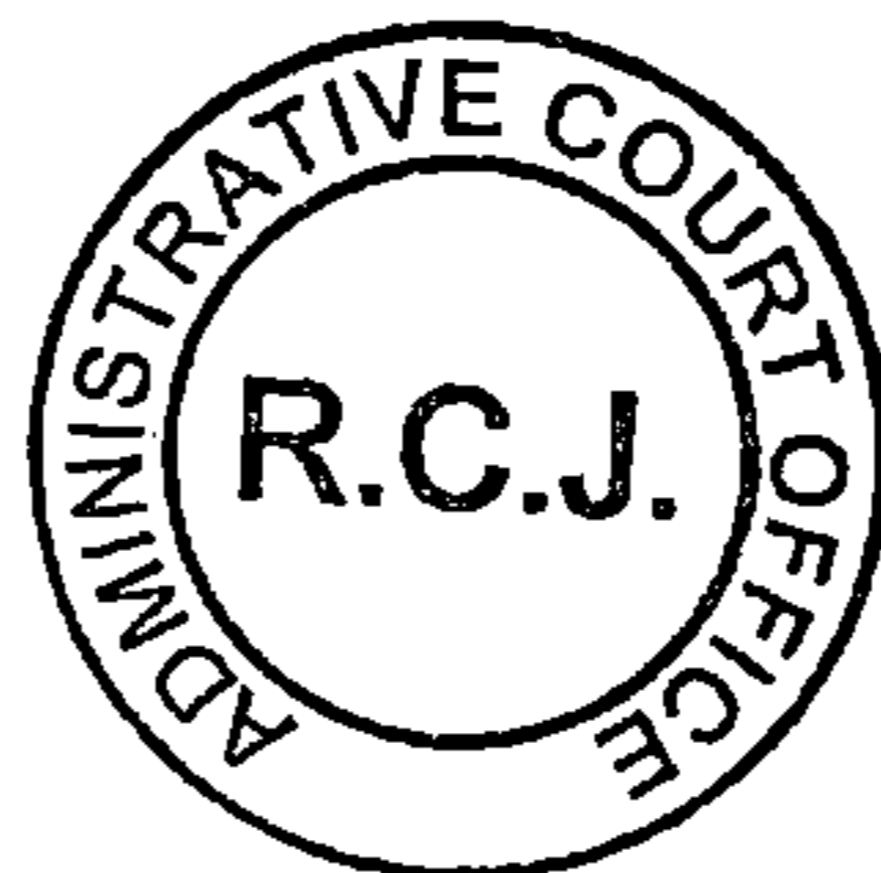
Position:

*Senior Solicitor*

Dated:

*6 October 2021*

**Solicitor for the Defendant Council  
Brighton & Hove City Council  
Room G101  
Hove Town Hall,  
Norton Road,  
Hove  
BN3 3BQ**



Ref: Hilary Woodward HKW/EC713473

Tel: 01273291514

Email: [hilary.woodward@brighton-hove.gov.uk](mailto:hilary.woodward@brighton-hove.gov.uk)

For and on behalf of the Defendant

Signed:

Dated:

**Sarah Key**  
**Hutchison 3G UK Ltd**  
**Star House**  
**20 Grenfell Road**  
**Maidenhead**  
**SL6 1EH**

For and on behalf of the Interested Party

### Statement of Reasons

1. The Claimant has brought judicial review proceedings seeking the quashing of the Defendant's decision notice of 30 July 2021 granting prior approval under reference BH2021/01639 for the Installation of a 15m Phase 8 Monopole with wrapround cabinet at base and installation of 3no ancillary cabinets on land south of 91 Fishersgate Terrace, Portslade.
2. The grounds for judicial review are:
  - (i) the Council unlawfully determined that the highway safety implications of the cabinets and the concerns expressed by the Council's highways team were not a relevant consideration;
  - (ii) the Council failed to address the health impacts of this particular proposal and to obtain adequate evidence of the assessment of the proximity to the school and the amended proposal; and
  - (iii) the Council failed to consider whether the facility could be sited on an existing building or structure, the Interested Party having failed to provide any evidence on that matter.
3. For these reasons the decision was unlawful and should be quashed.
4. The Defendant in its acknowledgment of service has stated that it does not intend to contest the claim and would agree to the decision being quashed.
5. The Interested Party has not responded to the claim.
6. The Defendant's decision notice of 30 July 2021 should therefore be quashed for the reasons set out above.
7. In the light of the above, it is requested that the Court make the Consent Order without the need for attendance by the parties.

*James*  
*David H. Gale.*  
*2/11/2021*

