IN THE COURT OF APPEAL (CIVIL DIVISION) **CASE No.20150340**
ON APPEAL FROM THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
PLANNING COURT

BETWEEN:

THE QUEEN

(On the application of

BLUE GREEN LONDON PLAN (as GRAHAM STEVENS))

Appellant

-and-

(1) SECRETARY OF STATE FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS
(2) SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT

Respondents

-and-

THAMES WATER UTILITIES LIMITED

1st Interested Party

-and-

SECRETARY OF STATE FOR ENERGY AND CLIMATE CHANGE

2nd Interested Party

APPLICATION FOR PERMISSION TO APPEAL THE REFUSAL OF PERMISSION TO APPLY FOR JUDICIAL REVIEW

MAGNA CARTA SKELETON ARGUMENT FOR COURT DECISION WITH INCOMPLETE BUNDLE 15 JUNE 2015

Introduction

1. On 15 January 2015 Mr justice Ouseley held the Secretaries of State (**"SsoS"**) made an error of law in changing the wording of the Planning Act for inviting public participation challenges, with

the effect of excluding the claimant, now appellant, from access to a hearing of Blue Green London Plan's substantive arguments for permission to apply for judicial review of the Secretaries of States's (**SsoS's**) 12 September 2014 decision granting development consent to a Thames Tideway Tunnel.

2. The Civil Appeals Office case management informed Blue Green London Plan by surface mail letter that, in the circumstances of the SoS for Energy and Climate Change (**"SoSDECC"**)'s wish not to assist with the bundle, the application will proceed with an incomplete bundle filed by the respondent. On receipt of the letter, dated 29 May 2015, on 5 June 2015, the appellant requested by email that a Judge take the decision. By telephone on 11 June the office confirmed that would be the case.

3. With permission, this skeleton argument humbly invites the court, in considering this '*one short but important point of statutory construction'* on paper, to celebrate the continuity of principle, established by the Magna Carta on this day 800 years ago, of clauses 12, 13, 40, into the Aarhus Convention, Environmental Impact Directive and European Convention on Human Rights for the right of access and participation in judicial procedure to present substantive arguments, including on best technical knowledge not entailing excessive cost ("BATKNEEC"), to the High Court to apply for permission for judicial review of the SsoS's decision. Alternatively, as per para 1 of the appellant's 13 March 2015 skeleton argument.

Clause 13, 14: 'no taxation without representation', clause 40: 'To no one will we sell, to no one will we deny or delay right or justice'.

4. It is helpful to consider the nature of the right being promised and denied in bad faith by the SsoS. The environmental right of a London IP, victim, with all Londoners, of daily life-shortening air pollution, being denied the right to present to the court vitally important expert information in the public interest to challenge a King John-like project to permanently deprive Londoners of air, water and land rights to be able to raise water taxes over 120 years. The unlawful refusal of the SsoS to consider representations of the environmental impact of denying vital expert information on global warming as a consequence, may be likened to King Canute trying to exercise power over natural environmental processes, which is manifestly absurd. The Appeal Court is requested to consider this context in finding whether the application for permission to apply for judicial review was lodged in time by an IP exercising a right for his access to justice.

5. One effect of sending it back to the High court will be to enable the use of the bundle already prepared so generously by the respondents to again be used.

6. Arguments made to the High Court are attached. In particular, arguments before Ouseley J for considering the all the circumstances under those of 16 December 2014 and 9 January 2015

Graham Stevens IP, LIP
Aarhus Convention claimant

15 June 2015