

CO/12660/2012

~~DATED the [] day of August 2013~~

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

IN THE MATTER OF AN APPLICATION UNDER SECTION 288 OF THE TOWN
AND COUNTRY PLANNING ACT 1990



EUROPA OIL AND GAS LIMITED

Claimant

AND

(1) SECRETARY OF STATE FOR COMMUNITIES AND LOCAL
GOVERNMENT

(2) SURREY COUNTY COUNCIL

(3) LEITH HILL ACTION GROUP

Defendants



~~draft~~ ORDER

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UPON HEARING Andrew Newcombe Q.C. and Mark Westmoreland Smith of Counsel on behalf of the Claimant, Charles Banner of Counsel on behalf of the First Defendant and Stephen Whale of Counsel for the Third Defendant on 23 and 24 July 2013

IT IS ORDERED that:

- (1) The application is allowed.
- (2) The Inspector's decision by letter dated 26 September 2012 to dismiss the Claimant's appeal against the Second Defendant's refusal of planning permission is quashed.

- (3) The First Defendant to pay the Claimant's costs as agreed or subject to detailed assessment.
- (4) The Third Defendant's application for leave to appeal against the following aspects of the judgment:
 - (i) The conclusion that the term mineral extraction includes exploration; and
 - (ii) The conclusion that the Inspector's decision would not inevitably have been the same had he concluded that mineral extraction includes exploration is granted.
- (5) The Appellant's notice to be filed within 42 days of the date of the judgment (being 25 July 2013) or 21 days from receipt of the transcript whichever is the later.

By the Court