



COURT 72
Appeal No.

C1/2012/2689

MONDAY 20TH MAY 2013

IN THE COURT OF APPEAL

ON APPEAL FROM THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

CO8992011

BEFORE LORD JUSTICE MAURICE KAY Vice President of the Court of Appeal, Civil
Division
LADY JUSTICE BLACK
AND LADY JUSTICE RAFFERTY

IN THE MATTER OF a claim for judicial review

B E T W E E N

THE QUEEN (ON THE APPLICATION OF)

(1) TRIAL RIDERS FELLOWSHIP

FIRST CLAIMANT/
APPELLANT

- and -

(2) DAVID LEONARD TILBURY

SECOND CLAIMANT

- and -

DORSET COUNTY COUNCIL,

DEFENDANT/ FIRST
RESPONDENT

- and -

(1) SECRETARY OF STATE FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS

FIRST INTERESTED
PARTY/ SECOND
RESPONDENT

- and -

(2) MR GRAHAM PLUMBE

SECOND INTERESTED
PARTY/ THIRD
RESPONDENT

UPON HEARING Counsel for the Appellant, Leading Counsel for the First Respondent and the Third Respondent in person

1. The appeal is allowed on Ground 1.
2. Permission to appeal is refused on Ground 2.
3. The order of Mr Justice Supperstone dated 2 October 2012 is set aside.
4. The claim for judicial review of the decision of the First Defendant dated 2 November 2010 is allowed.



5. It is declared that the five applications dated 14/7/04 (ref. T338), 25/9/04 (ref. T339), 21/12/04 (ref. T350), 21/12/04 (ref. 353) and 21/12/04 (ref. T354) under section 53(5) Wildlife and Countryside Act 1981 were made in accordance with paragraph 1 Schedule 14 Wildlife and Countryside Act 1981.
6. The First Defendant will proceed to determine such applications in accordance with the provisions of Schedule 14 Wildlife and Countryside Act 1981.
7. The First Defendant will by 4.00pm 3 June 2013:
 - 7.1. Repay to the Appellant the sum of £5,000 paid to the First Respondent pursuant to the order of Mr Justice Supperstone dated 2 October 2012;
 - 7.2. Pay the Appellant's costs of the proceedings in the Court below in the agreed sum of £15,000 (inclusive of VAT).
 - 7.3. Pay the Appellant's costs of the appeal in the agreed sum of £10,000 (inclusive of VAT).
8. Permission to appeal to the Supreme Court is refused.



By the Court