

Supplementary notice of intended proceedings on application 26/02109/FUL (Pre-Action Protocol for Judicial Review, Annex A): the Council is asked to defer the determination listed for Wednesday 7 October 2026 until the matters in section 6 are corrected

Sent: Monday 5 October 2026, [REDACTED] Christ's Lane Action Group, [REDACTED] (ground 6.4). Please reply to [REDACTED] from the Legal Practice's own address and not from the mailbox.

What we ask. Defer the determination of application 26/02109/FUL, listed as item 6 for Wednesday 7 October 2026. Decide the application only on a report that corrects the matters in section 6, and the errors in the 2025 decision on the same drawings that the Court's reasoned judgment identifies, after that report has been open to the public for five clear working days. Reply in the form of Annex B to the Protocol by 5 pm on Tuesday 6 October 2026. This notice supplements our notice of 29 September 2026, which has had no reply by either date it gave. It adds five grounds and withdraws none. The reply, or its absence, goes before the Court on Tuesday 20 October 2026. We ask that this notice is placed on the register when received, and the reply with it.

Dear Vanessa Blane, Dear Dominic Bush, Dear Stephen Kelly,

1. Proposed claim for judicial review

1.1 To: the Council, by Vanessa Blane (Senior Planning Lawyer, 3C Shared Services), Vanessa.Blane@3csharedservices.org, and legal@3csharedservices.org, the Legal Practice's address for service. Copies: Stephen Kelly (Joint Director of Planning and Economic Development); Dominic Bush (case officer); PlanningComments@greatercambridgeplanning.org, for the register.

1.2 The proposed claim is for judicial review of any grant of planning permission on application 26/02109/FUL made on the report and papers described in section 6. We are the Claimant in R (Christ's Lane Action Group) v Cambridge City Council, Christ's College Cambridge interested party, AC-2025-LON-004656. Kimblin J's order signed on 6 March and served on 9 March 2026 granted permission on all four grounds. The consent order signed on 28 April 2026 agrees the quashing of the decision on application 25/02161/FUL on all four grounds and awaits the Court's seal. The hearing is listed for Tuesday 20 October 2026. Our notice of 29 September asked the Council to confirm by 5 pm on 30 September that it would defer the decision so that the errors it set out could be corrected, and to reply in full by 5 pm on 2 October. Neither has come, and no interim reply has been sent (Protocol, paragraphs 20 and 21).

2. The claimant's details

2.1 As in the notice of 29 September, section 2: Christ's Lane Action Group, an unincorporated association of residents of Christ's Lane and its neighbourhood, c/o Christ's Lane, Cambridge

CB1 1NP, residents@christs-lane.com. We conduct the claim ourselves, as litigants in person; counsel is instructed as advocate only and does not conduct the litigation, as we told the Court on 10 March 2026 and the Council's lawyer on 23 and 29 September 2026.

3. The defendant's reference details

3.1 As in section 3 of the notice of 29 September, and the following:

- (a) the officer report for item 6, document s73709, with Appendix 1 (document s73711);
- (b) the public reports pack for the meeting of 7 October 2026;
- (c) the Council's weekly responses of 1, 22 and 29 September 2026;
- (d) the Council's email to the Administrative Court of 29 September 2026 at 11.27 am and the order of Sir Peter Lane of that day (register document 9541595);
- (e) the email from SPOCChristsLane@greatercambridgeplanning.org to the fourteen members of the Committee of 2 October 2026 at 4.44 pm;
- (f) the Council's response to us of 26 August 2026;
- (g) our letter of today to Councillor Katie Porrer, Chair of the Planning Committee, and the Joint Director of Planning ("the letter to Councillor Porrer"), served with this notice, whose points 1 to 8 and Annexes 1 to 9 carry the facts and their sources.

4. The details of the matter being challenged

4.1 The Council's determination of application 26/02109/FUL (Christ's College Library, Andrew's Street, Cambridge) at the Planning Committee of Wednesday 7 October 2026. The report for that item misstates the Court record, refers to none of our seventeen documents of 25 September 2026, misdescribes the register and lists no background papers. Our correspondence with the Council, its officers and its members has been blocked since 20 August 2026.

5. The details of any Interested Parties

5.1 The applicant, The Master, Fellows and Scholars of Christ's College, Cambridge, was an Interested Party. This notice concerns a decision not yet taken; it is sent to the Council and placed on the register. Any letter before claim following a grant will go to the College's solicitors under paragraph 17 of the Protocol.

6. The additional grounds

The facts and their sources are in the letter to Councillor Porrer; each ground names the point that carries them.

6.1 The report misstates the Court record, says a Court order is attached that is not, and lists no background papers. On 28 April 2026 the Council signed a statement of matters in which it "accepts that the Decision Notice should be quashed" on all four grounds. On 29 September 2026 at 11.27 am it told the Court that a consent order "signed by a Judge and sealed

by the Court” had the effect of “thereby quashing the decision under challenge on 25 August 2026”. The Court’s order of that afternoon kept the hearing listed. The report tells members: “The planning permission still stands until such time as the Court determines otherwise.” It has not been corrected. Paragraph 1.5 says Kimblin J’s order is at Appendix 1; Appendix 1 is the Statement of Facts and Grounds alone. The report contains no list of background papers, which section 100D(1)(a) of the Local Government Act 1972 requires in every copy open to inspection. Paragraphs 1.1 to 1.15 and 10.13 to 10.14 are based on the Court documents it leaves out (the letter to Councillor Porrer, point 2). The grounds are two. Breach of section 100D(1)(a): the absence of the list was the first breach found in *R (Joicey) v Northumberland CC* [2014] EWHC 3657 (Admin) at [43]. A report that misleads members by omission on the status of the permission the Committee is asked to duplicate: *R (Mansell) v Tonbridge and Malling BC* [2017] EWCA Civ 1314 at [42].

6.2 Our seventeen documents were not considered in the report, and a “reference” to them in an amendment sheet the day before the vote is neither consideration nor timely publication. We sent the seventeen documents on Friday 25 September 2026, setting out the Council’s policy violations. The report file was created on Monday 28 September and refers to none of them. The Council says they will be “referenced within the amendment/ update sheet circulated prior to the meeting”. The three specialist officers we asked for their advice again have not answered (the letter to Councillor Porrer, points 1 and 3). The ground: failure to have regard to material considerations under section 70(2) of the Town and Country Planning Act 1990. The committee is not “properly informed of the various factors which have to be weighed on each side of the balance” (*R (Midcounties Co-operative Ltd) v Forest of Dean DC* [2015] EWHC 1251 (Admin) at [101]). For the sheet, section 100B(3) of the 1972 Act as read in *Joicey* at [43] and [47]: “In practice whether the publication of the information is timely will turn on factors such as its character (easily digested/technical), the audience (sophisticated/ ordinary members of the public) and its bearing on the decision (tangential/ central).” Relief follows unless the Council shows the decision “would inevitably have been the same had it complied with its statutory obligation to disclose information in a timely fashion” (*Joicey* at [51]).

6.3 The register shows 113 of our 152 documents, the seventeen among them, under dates before their upload, and the report tells members the dates are right. The Council’s document numbers rise in the order documents are created. Sorted by number, 113 of our 152 documents are shown under a date earlier than the date shown against a low numbered document, so each went up after its shown date. Two of the College’s 108 are so shown. The Council’s own files carry creation stamps later than the shown dates. The report says at page 88: “Officers are of the view that all representations are uploaded against dates that reflect when they were uploaded.” That is not accurate, and demonstrably so (the letter to Councillor Porrer, point 6). The grounds are two. Breach of the Statement of Community Involvement’s promise at paragraph 4.19 that representations “will be added to the application file and made publicly available online alongside the planning application documents”: *Joicey* at [45]; *R (Majed) v Camden LBC* [2009] EWCA Civ 1029 at [14]. A material misstatement to members on the state of the public file: *Mansell* at [42].

6.4 Our emails to the Council’s lawyers, officers and members are blocked by one mailbox, which held our letter to the members for two working days, against the Council’s own written position of 26 August 2026. Every email we have sent the Council

that its weekly responses log carries “Recipient: Single Point of Contact (SPOC)”. Our letter to the fourteen members of 30 September at 9.27 am was not received by members; it reached them as the mailbox’s forward at 4.44 pm on Friday 2 October, under a note that our emails “are automatically diverted”. Our letters to three specialist officers and to Democratic Services have had no reply. Our Court service on the Legal Practice’s address was logged by the mailbox and not acknowledged. The Council’s email to the Court of 29 September at 11.27 am was not copied to us, the party conducting the claim. We had told the Senior Planning Lawyer in writing on 23 September and at 10.12 am on 29 September that we conduct the claim as litigants in person. CPR 39.8 requires the copy (the letter to Councillor Porrer, points 3 and 4). The Council’s response of 26 August 2026 states that “CLAG retains the right to communicate as it wishes with elected members” and that the arrangement “does not affect the service and timescales of correspondence in AC-2025-LON-004656”. The grounds are four. Unfairness in the determination: the objector’s representations to the decision makers were held by the officers whose report they criticise. Departure from a published position without good reason: *R (Lumba) v Secretary of State for the Home Department* [2011] UKSC 12 at [26]. Frustration of a clear promise, which the Council must justify: *Paponette v Attorney General of Trinidad and Tobago* [2010] UKPC 32 at [37] and [38]. Breach of the Statement of Community Involvement’s promise of “consultation methods that are consistent to all” (paragraph 1.3).

6.5 A decision notice issued before the judgment, or after it without the resolution being referred back, is the error in Kides; the Council has not answered our notice of 29 September on this. On the 2025 application the resolution of 29 October 2025 was followed by the notice of 7 November; the same interval from 7 October 2026 ends on 16 October, before the hearing. The officer about to issue a notice who becomes aware of a new material consideration must “refer the matter back to committee for reconsideration in the light of the new consideration. If he fails to do so, the authority will be in breach of its statutory duty.” (*R (Kides) v South Cambridgeshire DC* [2002] EWCA Civ 1370 at [125]); “It is not for the delegated officer to decide what is a material consideration within the meaning of section 70(2).” (at [127]). The report itself says it was written “to avoid any error of law” on the four grounds the Council has “conceded in writing”, before the Court has defined them (the letter to Councillor Porrer, points 7 and 8). The ground, for a notice issued after the judgment without referral back: breach of section 70(2) as held in *Kides*. For a notice issued before the hearing: the record that the Council issued it with this notice, its signed statement of matters and the Court’s order of 29 September 2026 on its file.

7. The details of the action that the defendant is expected to take

7.1 The determination of application 26/02109/FUL, listed as item 6 for 7 October 20: deferred. The item to return on a report that corrects the matters in section 6, and the errors in the 2025 decision that the Court’s judgment identifies, after that report has been open to the public for five clear working days.

7.2 Failing that, by 12 noon on Monday 5 October 2026: the steps and answers asked for in the letter to Councillor Porrer (its list “What we ask for”, items 2 to 6); and those asked for in our letter of today to the Chief Executive and the Monitoring Officer (its records (a) to (g) and its steps (1) to (4)).

7.3 In either case, by 5 pm on Tuesday 6 October 2026, a written statement that no decision notice will issue on any resolution to grant before the Court has given judgment. The statement to add that any resolution will be referred back to the Committee in the light of the judgment.

8. The details of any information sought

8.1 The information listed in the letter to Councillor Porrer (“What we ask for”, item in the letter to the Chief Executive and the Monitoring Officer (its records (a) to (g)). Each answer, and each absence of an answer, is a fact the decision of 7 October 2026 will be read against.

9. The details of any documents that are considered relevant and necessary

9.1 The following:

- (a) the list of background papers for the report under section 100D(1)(a);
- (b) the Council’s audit record for the register entries of our 152 documents (receipt, creation, number, publication, entered date, and the instruction for each);
- (c) the server records for the pack and for document s73709;
- (d) the instruction or rule by which our emails are diverted, and the mail logs for our email of 30 September 2026 at 9.27 am;
- (e) the amendment sheet, when published, with the time of publication.

10. The address for reply and service of court documents

10.1 Christ’s Lane Action Group, c/o Christ’s Lane, Cambridge CB1 1NP; residents@christs-lane.com; and the address of [REDACTED] from which this notice is sent. Please copy the reply to PlanningComments@greatercambridgeplanning.org for the register.

11. Proposed reply date

11.1 5 pm on Tuesday 6 October 2026, in the form of Annex B to the Protocol. The Protocol provides 14 days and permits a shorter period in a particular case; the Council’s own meeting is no 14 days, and the Council has had the notice of 29 September for six days without a reply. The reply, or its absence, will be placed before the Court on 20 October 2026 and relied on in any claim.

Yours faithfully,

[REDACTED]
for Christ’s Lane Action Group