

**"BEFORE DEPUTY MASTER
KNAPMAN
ON THE PAPERS"**

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

Claim No: CO/3374/2010

BETWEEN:-

MRS MAUREEN COMBER

Claimant

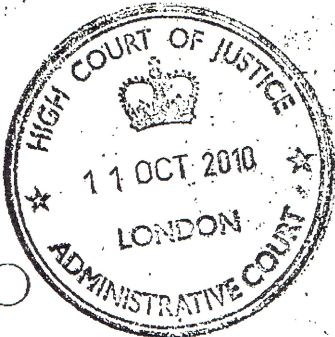
-and-

SECRETARY OF STATE FOR
ENVIRONMENT, FOOD &
RURAL AFFAIRS

Defendant

HAMPSHIRE COUNTY
COUNCIL

Interested Party



CONSENT ORDER

FOR THE REASON GIVEN IN THE STATEMENT OF REASONS ATTACHED TO THIS ORDER BY CONSENT IT IS ORDERED THAT:

1. The Order Decision dated 11 December 2009 is quashed.
2. The Secretary of State for Environment Food and Rural Affairs consider the matter under section 7(2) to Schedule 15 of the Wildlife and Countryside Act 1981.
3. The parties to make submissions on the terms of ending the proceedings and the court to decide the final order in this claim. The parties submissions to be filed with the court and served on the other side by 21 July 2010.
4. The parties to make submissions on the issue of costs by 21 July 2010.

Signed



GODWINS

12 St Thomas Street

Winchester

Hampshire



Defra

Ergon House

17 Smith Square

London WC2R 0BH

13 SEP 2010

ADMINISTRATIVE COURT OFFICE
C/O NICK HOUSE
DEPUTY MASTER OF THE CROWN
OFFICE

By the Court

SO23 9HF

London SW1P 3JR

Solicitors for Claimant

First Defendant

Ref: NS/LW/24440/2

Ref: LEX11381/JHS

Cc

Hampshire County Council
Chief Executive's Department
The Castle, Winchester
Hampshire SO 23 8UJ

Second Defendant

Ref: IA/CG

STATEMENT OF REASONS

At paragraph 36 and 37 of the decision dated 11 December 2009 the Inspector on behalf of the Secretary of State does not correctly apply the test set out in section 31 of the Highways Act 1980. This constitutes a misdirection in law.

The Interested Party consents to an
Order being made in these terms
and for the reasons given

K Gardner

Kevin Gardner LLB
Head of Legal Services
Hampshire County Council
The Castle
Winchester SO23 8UJ
SOLICITOR FOR THE
INTERESTED PARTY