



Department for
Communities and
Local Government

Mrs Charlotte Dyer
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Our Ref:
APP/Q2371/W/15/3134386
APP/Q2371/W/15/3130923

6 October 2016

Dear Mrs Dyer

LOCAL GOVERNMENT ACT 1972, SECTION 250(5)
TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78)

**APPEAL A: APPEAL MADE BY CUADRILLA BOWLAND LIMITED
EXPLORATION SITE ON AGRICULTURAL LAND THAT FORMS PART OF
PLUMPTON HALL FARM, WEST OF THE FARM BULIDINGS, NORTH OF
PRESTON NEW ROAD, OFF PRESTON NEW ROAD, PRESTON, LANCASHIRE
APPLICATION REF: LCC/2014/0096**

**APPEAL B: APPEAL MADE BY CUADRILLA BOWLAND LIMITED
MONITORING SITE LOCATIONS IN A 4KM RADIUS OF THE PROPOSED
PRESTON NEW ROAD EXPLORATION SITE, NEAR LITTLE PLUMPTON,
PRESTON, LANCASHIRE
APPLICATION REF: LCC/2014/0097**

APPLICATIONS FOR AN AWARD OF COSTS

1. I am directed by the Secretary of State to refer to the enclosed letter notifying you of his decision on the above named appeals.
2. This letter deals with your client's two applications for a full award of costs against Lancashire County Council. The application as submitted and the response of the Lancashire County Council are recorded in the Inspector's costs report, a copy of which is enclosed.

3. In planning inquiries, the parties are normally expected to meet their own expenses, and costs are awarded only on grounds of unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process. The application for costs has been considered in the light of the Planning Practice Guidance, the Inspector's costs report, the parties' submissions on costs, the inquiry papers and all the relevant circumstances.

Appeal A

4. The Inspector's conclusions and recommendation with respect to the application are stated at paragraphs 43-59 and 72. She recommended that your client's application for a full award of costs be refused.
5. Having considered all the available evidence, and having particular regard to the Planning Practice Guidance, the Secretary of State agrees with the Inspector's conclusions in her report and accepts her recommendation. Accordingly, he has decided that a full award of costs against Lancashire County Council, on grounds of 'unreasonable behaviour', is not justified in the particular circumstances. The application is therefore refused.

Appeal B

6. The Inspector's conclusions and recommendation with respect to the application are stated at paragraphs 60-71 and 73. The Inspector recommended that a full award of costs is justified on the basis of unreasonable behaviour resulting in unnecessary or wasted expense.
7. Having considered all the available evidence, and having particular regard to the Planning Practice Guidance, the Secretary of State agrees with the Inspector's conclusions in her report and accepts her recommendations. Accordingly, he has decided that a full award of costs, as specified by the Inspector at paragraph 73 is warranted on grounds of unreasonable behaviour on the part of Lancashire County Council.
8. Accordingly, the Secretary of State, in exercise of his powers under section 250(5) of the Local Government Act 1972 and sections 78 and 320 of the Town and Country Planning Act 1990, HEREBY ORDERS that Lancashire County Council shall pay to Cuadrilla Bowland Limited its costs of the inquiry proceedings, limited solely to the unnecessary or wasted expense incurred in respect of Appeal B, such costs to be taxed in default of agreement as to the amount thereof.
9. You are invited to submit to Lancashire County Council details of those costs, with a view to reaching agreement on the amount. Guidance on how the amount is to be settled where the parties cannot agree on a sum is at paragraph 44 of the Planning Practice Guidance on appeals, at <http://tinyurl.com/ja46o7n>

Right to challenge the decision

10. This decision on your application for an award of costs can be challenged under section 288 of the Town and Country Planning Act 1990 if permission of the High Court is granted. The procedure to follow is identical to that for challenging the

substantive decision on this case and any such application must be made within six weeks from the day after the date of the costs decision.

11. A copy of this letter has been sent to Lancashire County Council.

Yours sincerely,

Maria Stasiak

Authorised by the Secretary of State to sign in that behalf