



**In the High Court of Justice  
King's Bench Division  
Planning Court**

AC-2023-LON-002495

**In the matter of an application for judicial review**

**THE KING**

**on the application of**

**SAVE STONEHENGE WORLD HERITAGE SITE LTD First Claimant**

**- and -**

**ANDREW RHIND-TUTT Second Claimant**

**-and-**

**SECRETARY OF STATE FOR TRANSPORT Defendant**

**-and-**

**NATIONAL HIGHWAYS LTD First Interested Party**

**-and-**

**HISTORIC ENGLAND Second Interested Party**

**ORDER by the Honourable Mr Justice Holgate**

**FURTHER** to the Order of 29 November 2023 which directed a hearing in the claim which has been fixed for 12-15 December 2023 (“the Hearing”) whereby the Court ordered that any request for a direction under s.85A Courts Act 2003 (“a transmission direction request”) by any person not taking part in the proceedings (“an applicant”) for permission to watch and listen to the proceedings on 12-15 December 2023 (“the Hearing”) remotely to be made by 10.00am on Monday 11 December 2023 (“the deadline”) specifying the information required to be provided with any such request

**AND UPON** the Court having received transmission direction requests from the applicants identified in the Schedule to this Order by the deadline, which provided all the required information including a statement by each applicant in the following terms:

“I agree and undertake to the Court that, if permitted to attend the Hearing remotely, I will not make a recording, capture images, and/or broadcast any part of the proceedings. I understand that to do so may be an offence and/or contempt of court, punishable by imprisonment and/or a fine. I will abide by any directions given to me by the Court during the Hearing.

I agree and undertake to the Court that I will not provide the link that I am given to access the Hearing to any other person.”

**AND UPON** the Court having received a number of further transmission direction requests which did not comply with the Order of 29 November 2023 in that the relevant request did not provide the required information and/or came after the deadline

**WITHOUT A HEARING IT IS ORDERED that:**

- 1 Pursuant to ss.85A(2) and (3)(b) Courts Act 2003 the Court directs that the applicants identified in the Schedule to this order are permitted to attend the Hearing remotely (via CVP). The Court will contact them at the email addresses specified with details of how to join. **The link to join the hearing must not be shared by any applicant with any other person without the express permission of the Court.**
- 2 The applicants identified in the Schedule must, as a condition of continued access, conduct themselves appropriately during the Hearing and, in particular, in accordance with any instructions of the Judge for persons observing the proceedings (remembering that they will be treated as if they were physically present in the courtroom).
- 3 It is prohibited, and may amount to a contempt of court, for any person to make or attempt to make any unauthorised recording, or to make or attempt to make any unauthorised transmission, of any image or sound of the proceedings transmitted electronically during these proceedings. This is prohibited by s.85B Courts Act 2003, s.41 Criminal Justice Act 1925, s.9 Contempt of Court Act 1981, and by this Order, pursuant to the Court's inherent jurisdiction.
- 4 The transmission direction requests submitted to the Court by persons not identified in the Schedule to this Order are refused because of non-compliance with the Order of 29 November 2023.

**REASONS**

- 1 Each of the applicants identified in the Schedule has provided the required information and statement required by the 29 November 2023 Order. I am satisfied that it is in the interests of justice to make a transmission direction in relation to each of these applicants, having regard to the need for open justice and the desirability of the applicant being able to observe the proceedings without having to attend the court.
- 2 I have refused applications where the relevant applicant did not comply with the Order – for example by not providing the required statement.

**Schedule – Applicants who supplied the required information by the deadline**

1. Kate Freeman
2. Tom Pilgrim
3. Lorien Cadier
4. Sonia Davey
5. John David Adams
6. Daniel Wimberley
7. Catherine Fearnley
8. Linda Jean Plummer
9. Suzanne Victoria Keene
10. Ralph Hayward
11. Rebecca Lush
12. Steve Dettmar
13. Maria Elena Carter
14. Stella Nancy Maddock
15. Paul Cadier
16. Sam Tobin
17. Mark Bush
18. Andrew Boswell
19. Gavin Nix
20. Steven Jolly
21. Derek Parody

Signed Sir David Holgate

Dated 11 December 2023

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**For completion by the Administrative Court Office**

Sent / Handed to

**either** the Claimant, and the Defendant [and the Interested Party]  
**or** the Claimant's, and the Defendant's [and the Interested Party's] solicitors

Date:

Solicitors:  
Ref No.