

Case Name: *White v Plymouth City Council* [2024] EWHC 2854 (Admin) (13 November 2024)

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Commentary:

This judgment addresses a claim that the Defendant Council acted in contempt of court by (a) breaching an injunction which prevented it removing trees from specified land (Ground 2); and (b) in advance of the issuing of the said injunction, acting in such a way that it interfered with the administration of justice by impeding the claimant's ability to challenge the Council's decision to remove the trees (Ground 1).

The Claimant was unsuccessful on both grounds, but the case raises an issue of wider importance in that it establishes that applicants for interim injunctive relief may benefit from costs protection provided by the Aarhus Convention. Rule 46.24 of the Civil Procedure Rules requires that an eligible claim must be brought by way of judicial review or statutory review, but no such claim had been made at the time that the application for the injunction was made.

Sheldon J found that "a claim "brought by judicial review" must be read as including an application for contempt that arises from the breach of an order made in, or in anticipation and contemplation of, judicial review proceedings." The Claimant had duly made the application for judicial review after obtaining the injunction, albeit that the claim was dismissed as it had by the time of the hearing become academic.

Case summary prepared by Aline Hyde