

**Cabinet Meeting: Monday, 06 October 2025**

**Question from: Clive Wilkinson**

**Question to: Councillor Durrans, Cabinet Member with responsibility for Public Services and Communities**

### **QUESTION**

Regarding the granting of an Environmental Permit for an incinerator in Sowerby Bridge.

In June a Claimant applied for a reconsideration of the judicial review application at an oral hearing following the refusal to grant permission on a review of the written application.

The date for the Renewal Hearing has now been set for Thursday 4 December 2025.

The Renewal Hearing allows the Claimant's barrister to present the case for permission to be granted.

The Council, as the Defendant to the Judicial Review, has stated it intends to attend the hearing to make representations opposing the grant of permission. They have instructed a leading barrister (Reuben Taylor KC) to attend on this occasion.

As the Council has no legal obligation to attend the Renewal Hearing, the fact they have chosen to do so demonstrates that despite any statements to the contrary, the Council are not taking a neutral stance in this matter but are once more actively supporting incineration on this site and using public money to do so. This is disappointing when so many in the community are against the proposal.

Could I ask who authorised the instruction of a barrister and why?

And also what is the likely cost going to be to the council tax payers of Calderdale?

### **Response**

The Renewal Hearing listed for 4<sup>th</sup> December 2025 not only allows the Claimant's barrister to present the case for permission to be granted but it also allows the Defendant's barrister to present reasons why permission should not be granted.

Similarly there is no legal obligation upon the Claimant's barrister to attend the hearing as the Court will have before it written submissions.

Presumably the Claimant's barrister will attend for the same reason the Council's barrister will attend – to assist the Judge with any questions she or he might have about those written submissions to ensure that full and appropriate consideration is

given to all aspects of this legal issue. The barrister instructed by the Council dealt with the response to the Claimant's application for a judicial review so is very familiar with the case.

The Council had a legal obligation to consider an application for an incinerator permit. Having granted that permit it would be wholly wrong for the Council not to participate fully in any assessment of whether it was correct that it did so.