

Name and address of applicant's attorneys, or, if no attorneys acting, the address for service of the applicant.	Bruce Campbell & Co Attorneys at Law 4 th Floor, Bank of Nova Scotia Building George Town, Grand Cayman
Signed <i>Bruce Campbell & Co</i>	Dated 6.1.99

GROUND ON WHICH RELIEF IS SOUGHT

- 1) The applicant is the owner of the property at George Town South Block 6D Parcel 9. This property has a common boundary with George Town South Block 6D, Parcel 12 owned by the Second Defendant.

- 2) By an application for planning permission dated 22nd November 1996, the Second Defendant applied for planning permission to build two petroleum storage tanks on the property at George Town South Block 6D, Parcel 12 ("the Application").

- 3) The Second Defendant contended that it gave notice of the Application to the proprietors of adjoining properties including the Plaintiff by notices, which the Second Defendant contends were sent on 6th November 1996 but in respect of which no proof of posting has ever been produced. The notices incorrectly stated that the Application was for planning permission for the purposes of two 10,000 barrel petroleum storage tanks.

- 4) The Application was considered by the First Defendant at a meeting convened on 11th February 1997. The Plaintiff is unable to say whether the discrepancy between the Application itself and the description of the Application in the notices was brought to the attention of the First Defendant. In any event the Application was granted at

that meeting.

- 5) On 23rd April 1998 the Plaintiff obtained access to the planning department file in relation to the Application and learned for the first time that the First Defendant had granted planning permission for the erection of two 33,000 barrel tanks.
- 6) By a letter dated 24th April 1998 the Plaintiff brought the discrepancy between the Application itself and the description of the Application in the notices to the attention of the Chairman of the First Defendant.
- 7) At a meeting on 29th April 1998 the First Defendant revoked the planning permission on 11th February 1997.
- 8) By a Notice of Appeal dated 8th May 1998 the Second Defendant appealed against the decision of the First Defendant made on 29th April 1998.
- 9) The Second Defendant's appeal was heard on 6th October 1998 at which time the Development and Planning Law Appeal Tribunal ("the Appeal Tribunal") granted the appeal on the grounds that the First Defendant's decision of 29th April 1998 was contrary to the principles of natural justice. The Appeal Tribunal therefore remitted the matter to the First Defendant in order that it be dealt with in accordance with the principles of natural justice.
- 10) By letter dated 9th December 1998 the Plaintiff wrote to the First Defendant formally requesting, inter alia, that the First Defendant convene a meeting for the purposes of considering the revocation of the planning permission.
- 11) To date the First Defendant has not complied with the order of the Appeal Tribunal dated 6th October 1998.

REQUEST FOR A HEARING

The Plaintiff respectfully requests a hearing of its application.

Time Estimate of this application is 15 minutes.

This Application for leave to apply for judicial review is filed by Bruce Campbell & Co, attorneys at law for the Plaintiff herein, whose address for service is 4th Floor, Bank of Nova Scotia Building, George Town, Grand Cayman, Tel: 949 2648; Fax: 949 8613 (REF: JRM)