



**In the High Court of Justice
Queen's Bench Division
Administrative Court**

CO Ref: CO/ 3983/2011

HEARD

Claimant

and

**BROADLAND DISTRICT COUNCIL
SOUTH NORFOLK DISTRICT COUNCIL
NORWICH CITY COUNCIL**

Defendants


Order by Mr Justice OUSELEY

1. I have approved the Order in the form submitted with two amendments: 1 paragraph 8 is deleted since it would not be right for an order to be made in respect of the Secretary of State, a non party, let alone without notice, and without any evidence that it could be necessary. The Order therefore reflects the expectation that he will do what statute already requires him to do. 2 paragraph 9 is consequently amended by the deletion of "thereafter" and the insertion of "after that examination" after "consider".

2. I have not altered the Schedule from that submitted by the Defendants. I am grateful to Counsel for their co-operation and hard work on this.

(a) I do not accept Mr Harwood's submission on the housing totals point in item 33. It seems to me that the Defendants' proposals do not prevent full argument on the NEG. If further changes are required by modification, so be it. The removal of the totals would put uncertainty over what was required in other areas as a minimum. The meaning of the Defendant's proposed reading of the totals, given the deletion of some components seems to me clear.

(b) I did deal with the business park in the hearing on 29 February. But I accept the arguments, if new, that this is not a NEG dependant proposal, and it does not have to be in the NEG. It may be relevant to whether there should be a NEG, but that is not the point.



Signed

Mr Justice Ouseley 25 April 2012



Sent to the claimant, defendant and any interested party / the claimants, defendants, and any interested party's solicitors on (date):