



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

CO/3929/2019

Before the Honourable Mrs Justice Lang

On 11 May 2020

In the matter of an application for judicial review

THE QUEEN

on the application of

LOCHAILORT INVESTMENTS LIMITED

Claimant

-v-

MENDIP DISTRICT COUNCIL

Defendant

NORTON ST PHILIP PARISH COUNCIL

Interested Party

RULING ON INTERIM RELIEF AND COSTS

1. The basis upon which Steyn J. made her interim order of 11 October 2019¹ has been superseded by the conclusions in my judgment on the substantive claim, which differ from her interim view of the merits, and also by my final order dismissing the claim. It follows that the interim order should now be discharged.
2. However, the Claimant has expressed a wish to appeal to the Court of Appeal. Although I appreciate the reasons why the Defendant is anxious to proceed with implementing the NSP NP, I consider it would be inappropriate to proceed with a referendum on the NSP NP until the outcome of any such appeal is known.
3. Following my refusal of permission to appeal (for the reasons set out in the permission to appeal form), the Claimant has the right to apply to the Court of Appeal for permission to appeal.
4. Therefore, in my order I have restrained the Defendant from holding a referendum on the Norton St Philip Neighbourhood Plan until:

¹ The date on which the order was sealed

- a. **Either**, 21 days after the date of the handing down of the judgment of the High Court, if the Claimant has not by then filed an application for permission to appeal to the Court of Appeal;
 - b. **Or**, if the Claimant files an application for permission to appeal to the Court of Appeal, the date of the determination of the permission application by the Court of Appeal.
5. Thus, unless the Court of Appeal grants permission to appeal and grants a further injunction restraining the Defendant from holding a referendum prior to the determination of the appeal, the injunction in my order will be discharged without the need for any further order, pursuant to either sub-paragraph (a) or (b) in paragraph 4 above. In my view, this achieves a workable and fair solution for both parties. As the Defendant is a responsible public authority, I do not consider that a penal notice is required.
6. I do not consider that a summary assessment is appropriate in this case. The case did not conclude in a day (judgment was reserved). The parties are in dispute over the costs, which are likely to be substantial given the broad scope of the claim. Therefore, I consider it is appropriate to order a detailed assessment, in the event that the parties are unable to reach agreement.

Mrs Justice Lang

11 May 2020