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

**CO Ref: CO/ 8229/2011**

In the matter of an application for Judicial Review

The Queen on the application of

GREENPEACE LTD

versus

SECRETARY OF STATE FOR ENERGY AND CLIMATE CHANGE

**Application for permission to apply for Judicial Review**
**NOTIFICATION of the Judge's decision (CPR Part 54.11, 54.12)**

Following consideration of the documents lodged by the Claimant, the Acknowledgement of service filed by the Defendant and the correspondence about Dr Weightman's final report

Order by the Honourable Mr Justice OUSELEY

**Permission is hereby refused.**

Reasons: The case is not arguable for the reasons given in the AOS. The claim does not in reality recognise the role of the ONR and site licensing in dealing with flood protection, off –site supplies and communications. The potential for the 8 sites to be protected against flooding does not prevent a later decision by the ONR or by IPC on its advice that any one can not be protected, nor does it prevent a decision by IPC that the as yet undefined measures have planning implications which tell against a site. The claim that a comparative safety exercise was required ignores the fundamental judgment that all were potentially safe, and a decision that no examination of the degree of margin was required is not irrational. The consultation was lawful.

- The costs of preparing the Acknowledgment of Service are to be paid by the Claimant to the Defendant in the sum of £11813; if the application is renewed, it shall be determined at the renewal hearing. If it is not renewed but the claimant wishes to dispute the principle or amount, it shall put in written submissions within 14 days of the date of this order, with 7 days for the SSECC to reply, where after the decision shall be made on paper by the SJ.

*delete where not applicable

Signed D.W.O. Ouseley
5.12.11

Sent / Handed to the claimant, defendant and any interested party / the claimant's, defendant's, and any interested party's solicitors on (date): 12 DEC 2011
Solicitors: HARRISON GRANT
Ref No.

**Notes for the Claimant**
If you request the decision to be reconsidered at a hearing in open court, you must complete and serve the enclosed FORM within 7 days of the service of this order – CPR 54.12

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Notice of RENEWAL of claim for permission to apply for Judicial Review (C P R 54.12)

1. *This notice must be lodged in the Administrative Court Office and served upon the defendant (and interested parties who were served with the claim form) within 7 days of the service on the claimant or his solicitor of the notice that the claim for permission has been refused.*

2. *If this form has not been lodged within 7 days of service (para 1 above) please set out below the* ***reasons for delay:***

3. *Set out below the grounds for renewing the application:*

4. *Please supply*

   COUNSEL'S NAME:

   COUNSEL'TELEPHONE NUMBER:

Signed Dated

Claimant's Ref No. Tel.No. Fax No.

**To the Administrative Court Office, Royal Courts of Justice, Strand, London, WC2A 2LL**