

# Her Majesty's Court of Appeal

0 1 APR 2014

COURT 67 Application No.

C1/2013/3763

## THURSDAY 27TH MARCH 2014

# IN THE COURT OF APPEAL

ON APPEAL FROM THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT
CO/5020/2013

**BEFORE** LORD JUSTICE SULLIVAN

IN THE MATTER OF A CLAIM FOR JUDICIAL REVIEW

BETWEEN

THE QUEEN ON THE APPLICATION OF AN TAISCE (THE NATIONAL TRUST FOR IRELAND)

Claimant/
APPLICANT

- and -

SECRETARY OF STATE FOR ENERGY AND CLIMATE CHANGE

Defendant/
RESPONDENT

- and -

- 1. NNB GENERATION COMPANY LIMITED
- 2. MINISTER FOR ENVIROMENT, COMMUNITY & LOCAL GOVERNMENT, IRELAND
- 3. THE ATTORNEY GENERAL, IRELAND

Interested Parties/ 2<sup>nd</sup>, 3<sup>rd</sup>, & 4<sup>th</sup> RESPONDENTS

**ON READING** the Appellant's Notice sealed on the 24th December 2014 filed on behalf of the Applicant applying for permission to appeal the decision to refuse permission to claim for judicial review against the order of Mrs Justice Patterson dated 20th December 2013 and a protective costs order

AND ON HEARING Mr David Wolfe QC on behalf of the Applicant

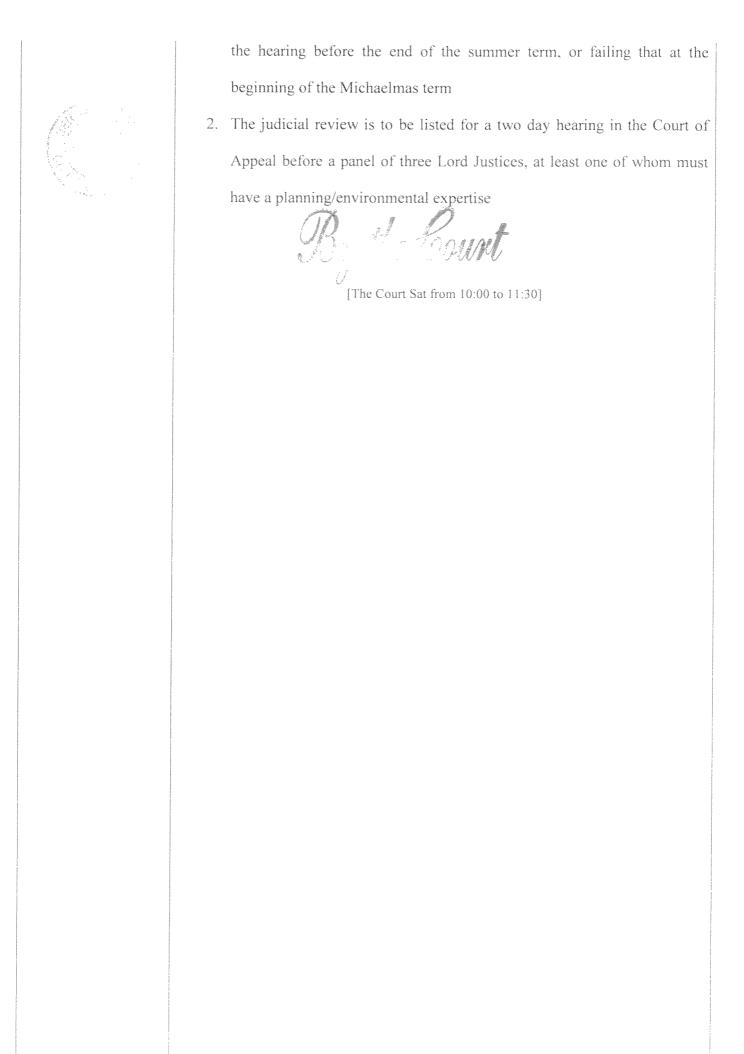
### IT IS ORDERED that

- 1. The application for permission to apply for judicial review is granted
- 2. The Applicant's costs liability for the claim is capped at £10,000
- 3. The Respondent's costs liability for the claimant's costs of the claim is capped at £50,000

## AND IT IS FURTHER DIRECTED that,

1. The appeal is to be expedited and every endeavour should be made to list





# THURSDAY 27TH MARCH 2014 IN THE COURT OF APPEAL

ON APPEAL FROM
THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

IN THE MATTER OF A CLAIM FOR JUDICIAL REVIEW

THE QUEEN ON THE APPLICATION OF AN TAISCE (THE NATIONAL TRUST FOR IRELAND)

- and -

SECRETARY OF STATE FOR ENERGY AND CLIMATE CHAN

- and -
- 1. NNB GENERATION COMPANY LIMITED
- 2. MINISTER FOR ENVIROMENT, COMMUNITY & LOCAL GOVERNMENT, IRELAND
- 3. THE ATTORNEY GENERAL, IRELAND

#### ORDER

#### Copies to:

Queen's Bench Division - Administrative Court Room C317 Royal Courts of Justice Strand London WC2A 2LL

Herbert Smith Freehills LLP Exchange House Primrose Street London EC2A 2EG Ref: NUSRAT ZAR

Leigh Day Solicitors DX 53326 Clerkenwell Ref: RS/ AN TAISCE

Treasury Solicitors DX 123242 Kingsway 6 Ref: DAN DREWETT

Recorded Control 2016 to TRANSPORT CONTROL RISER CO.

<sup>\*</sup> This order was drawn by Ms M Rosiak (Associate) to whom all enquiries regarding this order should be made. When communicating with the Court please address correspondence to Ms M Rosiak, Civil Appeals Office, Room E307, Royal Courts of Justice. Strand, London WC2A 2LL (DX 44450 Strand) and quote the Court of Appeal reference number. The Associate's telephone number is 020 7947 7945