

IN THE HIGH COURT OF JUSTICE

CO/6882/2010

QUEEN'S BENCH DIVISION, ADMINISTRATIVE COURT

Before the Honourable Mr Justice Collins

B E T W E E N :

- (1) SAVE HISTORIC NEWMARKET LIMITED
(2) TATTERSALLS LIMITED
(3) UNEX GROUP HOLDINGS LIMITED
(4) JOCKEY CLUB ESTATES LIMITED
(5) NEWMARKET TRAINERS' FEDERATION
(6) GODOLPHIN MANAGEMENT COMPANY LIMITED
(7) DARLEY STUD MANAGEMENT COMPANY LIMITED



20/4/11.

Claimants

- and -

- (1) FOREST HEATH DISTRICT COUNCIL
(2) SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT

Defendants

- and -

THE EARL OF DERBY

Interested Party



ORDER

UPON HEARING Counsel for the Claimants, the First Defendant and the Interested Party and upon considering their further written representations as to the terms of relief

IT IS ORDERED THAT:

1. The Claimants' claim is allowed.
2. The policies and text of the Forest Heath Core Strategy 2001-2026 (adopted by the First Defendant on 12 May 2010) that are listed in the Annex to this Order are hereby quashed.
3. The First Defendant shall pay 90% of the Claimants' costs of the claim (to be subject to a detailed assessment if not agreed), save for the costs of the interim hearing on 15 September 2010.
4. The Claimants shall pay the First Defendant's costs of the interim hearing on 15 September 2010 insofar as they relate to opposing the application for interim relief (to be the subject of detailed assessment if not agreed).

By the Court

DATED: __ April 2011

ANNEX TO THE ORDER

1. The following policies and text in the Forest Heath Core Strategy 2001-2026 are quashed:

Page	Policy / Paragraph	Extent to which quashed
29-32	<p>Policy CS1</p> <p>Under the heading "Newmarket"</p> <p>Under the heading "Brandon"</p> <p>Under the heading "Mildenhall"</p> <p>Under the heading "Lakenheath"</p> <p>Under the heading "Red Lodge"</p>	<p>(1) In paragraph 2, the words: "part of this provision will be accommodated within the urban extension to the north east of Newmarket"</p> <p>(2) The whole of paragraph 7 (beginning "Greenfield land will be allocated...")</p> <p>(3) The whole of paragraph 6</p> <p>(4) The whole of paragraph 5</p> <p>(5) The whole of paragraph 4</p> <p>(6) The second sentence of paragraph 4 only (beginning "Land will be allocated...")</p>
34	Figure 1	The symbol indicating the broad location for residential growth (on the NE side of Newmarket) and the references to it.
53-56	Section 3.6: "Overall Housing Provision"	In its entirety
57-58	Policy CS7	In its entirety except for subparagraph (1).

77	Paragraph 3.12.2	The words: "this is especially important when considering the sustainable urban extensions to Newmarket, Mildenhall and Brandon."
79	Policy CS13(f)	The words: "particularly Newmarket, Mildenhall and Brandon where large scale urban extensions are planned"