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IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY

I TE KŌTI MATUA O AOTEAROA
TĀMAKI MAKAURAU ROHE

CIV-2024-404-2326
[2025] NZHC 644

IN THE MATTER OF	An application for judicial review under the Judicial Review Procedure Act 2016 and Part 30 of the High Court Rules
BETWEEN	GREEN BAY EAST RESIDENTS SOCIETY INCORPORATED Applicant
AND	AUCKLAND COUNCIL First Respondent
	JRA GROUP LTD Second Respondent
	JRA CONSTRUCTION LTD Third Respondent

Hearing:	11 and 12 March 2025
Appearances:	P G Senior and E M Burns for the applicant L F Muldowney for the first respondent D Bullock and B Forbes for the second and third respondents
Judgment:	25 March 2025

JUDGMENT OF BLANCHARD J

This judgment was delivered by me on 25 March 2025 at 3.15 pm pursuant to Rule 11.5 of the High Court Rules

Registrar/Deputy Registrar

Solicitors:
FortyEight Shortland Barristers, Auckland
Nga Ratonga Ture / Legal Services, Auckland
LeeSalmonLong, Auckland

[1] JRA Group Ltd and JRA Construction Ltd (together, **JRA**) are carrying out a development at 15 Cleve Road, Green Bay, Auckland.

[2] The Green Bay East Residents Society Incorporated (**the Society**) alleges that Auckland Council made legal errors in deciding not to notify, and then deciding to grant, resource consents in relation to the development. The Society challenges those decisions by way of judicial review.

[3] The Council takes a neutral stance in relation to the application. It abides the decision of the Court. Counsel for the Council appeared at the hearing simply to make brief submissions to assist the Court on certain legal matters.

[4] The application is opposed by JRA. It says that the Council made no legal errors. Further, it says that, even if the Council did make legal errors, I should exercise the Court's discretion to refuse relief.

The decisions

[5] The development site is 812 m^2 of suburban land in Green Bay.

[6] U & N Global Ltd (**U & N**) owned the site before JRA. On 27 August 2021, U & N applied for resource consents to develop eight dwellings on the site. The application was accompanied by an assessment of environmental effects (**AEE**).

[7] On 13 October 2021, the Council sought further information from U & N under s 92 of the Resource Management Act 1991 (**RMA**). This was provided on 23 November 2021.

[8] On 20 December 2021, the Council determined the application for resource consents should be processed without notification and, on 22 December 2021, it granted the application.

[9] At the time the resource consents were granted, it was intended that the wastewater line for the site would pass through 1 Cliff View Drive, a property immediately to the west of the site. However, on 14 December 2022, the Council

granted U & N an engineering plan approval (**EPA**) to authorise the wastewater line taking a different route through 20 Cleve Road, a property across the road from the site.

[10] JRA purchased the site from U & N by an agreement of November 2023 which settled in January 2024.

[11] As the wastewater line was going to take a different route, the resource consents needed to be varied. On 4 June 2024, JRA applied to vary the consents.

[12] The Council determined the application to vary the consents should be processed without notification and, on 16 July 2024, it granted the application.

[13] On 9 October 2024, the Council granted JRA an amendment to the EPA to authorise the wastewater line route to pass through 1 Cliff View Drive but taking a different route.

[14] On 12 November 2024, the Council granted JRA a further amendment to the EPA to authorise the wastewater line to continue to pass through 1 Cliff View Drive but by different methodology.

[15] As a result of the further changes to the wastewater line, the resource consents need to be varied again. On 4 December 2024, JRA applied to vary the resource consents. This application has not yet been determined.

[16] The decisions that the Society seeks to challenge in this proceeding are:

(a) the December 2021 decisions to allow the resource consents application to proceed without notification and to grant the application for the consents; and

(b) the July 2024 decisions to allow the application to vary the consent to proceed without notification and to grant the application to vary the consents.

Notification under the RMA

[17] There are two kinds of notification required under the RMA. These are public notification,[1] and limited notification.[2]

[18] Public notification is required where the consent authority decides the adverse effects of a proposed activity on the environment are "more than minor".[3] When deciding whether the adverse effects are more than minor, the consent authority must disregard any effects on persons who own or occupy the land on which the activity will occur or any adjacent land.[4]

[19] Limited notification is required in respect of "affected persons".[5] A person is an affected person if the consent authority decides the activity's adverse effects on that person are "minor or more than minor (but not less than minor)".[6]

[20] The word "effect" is given a very broad definition in the RMA. It includes temporary effects as well as permanent ones.[7]

[21] The consent authority must not grant an application for resource consent if it should have been notified but was not.[8]

The grounds of judicial review

[22] The Society's judicial review application focuses particularly on the information, or lack thereof, that the Council had when it made the decisions not to notify.

[23] The Society alleges that the information before the Council was inadequate or non-existent in two key areas. The first area is the effects of building intensity. The Society says that the information before the Council on the effects of building intensity

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1 Resource Management Act 1991, s 95A.
2 Section 95B.
3 Section 95A(8)(b).
4 Section 95D(a).
5 Section 95B.
6 Section 95E(1).
7 Section 3(b).
8 Section 104(3)(d).

was inadequate. The second area is the effects of installing the wastewater line. The Society says that the Council had no information or, at least inadequate information, on the effects of installing the line.

[24] While the Society also pleaded *Wednesbury* unreasonableness, it did not seriously advance its position on this basis at the hearing.

Building intensity

[25] The Court is required to "carefully scrutinise" the material that the Council's non-notification decision was based on to determine whether the authority could reasonably have been satisfied that, in the circumstances, it was adequate.[9] The Society submits that, if the information available to the Council in this case is looked at in that way, it is plain that it is not adequate.

[26] The Council report that recommends that the resource consent applications did not need to be notified is 24 pages but the section that directly discusses the effects of building intensity is only around one page. The Society submits that the notification report's brief treatment of the issue is inadequate.

[27] The Society also points out that, although the AEE submitted by U & N is roughly 200 pages long, less than half a page directly discusses the effects of building intensity. Further, the Society says that, when the Council sought further information under s 92 of the RMA, the email sent by U & N's planner in response only provided around half a page of further information relevant to building intensity.

[28] I agree with JRA that this frames the information that was before the Council too narrowly. The relevant information before the Council was not limited to the information referred to by the Society. While the Society is correct that the parts of the AEE, the response to the s 92 request, and the notification report that directly discuss the effects of building intensity are relatively brief, extensive information relevant to building intensity is set out elsewhere in the documents. The material

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9 *Discount Brands Ltd v Westfield (New Zealand) Ltd* [2005] NZSC 17, [2005] 2 NZLR 597 at [116].

provided to the Council considers a wide range of matters that are relevant to building intensity.

[29] It is significant that JRA's expert planner, Cameron Sunde, has considered the material that was before the Council and concludes that it had sufficient information. The Society's expert planner, Peter Kensington, does not address this question in his evidence. Thus, there is no expert planner evidence that challenges Mr Sunde's opinion.

[30] The decision of the High Court in *Wallace v Auckland Council*[10] had a significant impact on the way that building intensity is assessed. The Court did not accept that building intensity "is principally concerned with matters of scale, location, form and appearance, even if those matters may be relevant to assessing the effects of building density."[11] Rather, the Court highlighted that building intensity includes "the density of buildings and the effects of the activities in those buildings, including the numbers of residents in those buildings" and that "the effects of building intensity include the effects of the numbers of buildings on site and the effects of the activities within those buildings, including their use and occupation by people."[12]

[31] Before *Wallace*, the Council's interpretation of "building intensity" primarily related to the bulk and scale of buildings. Following the decision, the Council began placing more emphasis on assessing the number of residents anticipated on site as part of a proposal.

[32] The notification report and the resource consent application decision were issued a few weeks after the *Wallace* decision. The Council's s 92 request asked U & N's planner to specifically address the decision and U & N's planner did so in the email in response that I have referred to.

[33] The Council planner adopted U & N's planner's approach to *Wallace* in the notification report. That approach involved assessing building intensity as follows. The site is 812 m^2 and could be subdivided into two lots of 400 m^2. Three dwellings

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10 *Wallace v Auckland Council* [2021] NZHC 3095, (2021) 23 ELRNZ 272.
11 At [158].
12 At [158] and [160].

could be built on each subdivided lot as a permitted activity. Thus, the "permitted baseline" for the site was six dwellings. (The permitted baseline is the existing environment overlaid with such relevant activity as is permitted as of right. Thus, if a permitted activity will create some adverse effects, those effects do not count in the assessment of effects. They are part of the permitted baseline in that they are deemed to be already affecting the environment. The consequence is that only other or further adverse effects emanating from the proposal are brought to account.[13]) The proposed development involves eight dwellings. This is only two additional dwellings above the permitted baseline, which would not create undesirable intensity effects.

[34] It is common ground that this approach to assessing building intensity was flawed. At the time of the application for resource consents, the property had not yet been subdivided into two properties. It therefore could not be treated as two lots of 400 m^2 for the purposes of determining the permitted baseline. Accordingly, the permitted baseline was three dwellings, and the Council was required to consider the effects of an additional five dwellings.

[35] However, as Taylor notes, "It is the 'unsupportability' or 'impermissibility' of the 'ultimate conclusion' that [matters], not any particular conclusion that went into the determination of the 'ultimate conclusion.'"[14] As Mr Sunde explains, there is another way of looking at the permitted baseline that the Council could legitimately have used to reach the same conclusion. Mr Sunde's alternative approach involves considering the number of bedrooms on the site. It was possible to put three six-bedroom dwellings on the site. Thus, the permitted baseline was 18 bedrooms. Under the proposed development, there were to be 18 bedrooms across eight dwellings. Thus, Mr Sunde concludes, "it is clear the number of residents proposed on site (and effects of use of the site by those people) is broadly similar to a reasonable permitted development."

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13 See *Arrigato Investments Ltd v Auckland Regional Council* [2002] 1 NZLR 323 (CA) at [29]; and Resource Management Act, ss 95D(b) and s 95E(2)(a).

14 Graham Taylor *Judicial Review: A New Zealand Perspective* (4th ed, Lexis Nexis, Wellington, 2018) at [15.05].

[36] It might be contended that it is unlikely that a developer would build three six-bedroom dwellings on the site. However, the permitted baseline is concerned with what is possible, rather than what is most likely to occur in practice.

[37] The Society also says that the Council planner mischaracterised the receiving environment in the notification report. (When assessing the effects of a proposed development, it is necessary to consider what is proposed in the context of the environment in which it is to occur. The environment is not merely what actually exists at the time. It "embraces the future state of the environment as it might be modified by the utilisation of rights to carry out permitted activity".[15]) The Society says that the planner mischaracterised the receiving environment because, having concluded (in the erroneous way I have discussed above) that the permitted baseline was six dwellings (two 400 m^2 sites with three dwellings on each), the notification report then said:

> Using this as a baseline for expected development in the zone, the provision of eight dwellings (an additional two dwellings) would not create undesirable intensity effects, and therefore this is considered to be generally anticipated within the zone.

[38] The Society submits this conclusion indicates that the planner wrongly considered the receiving environment to be properties that had been developed in the way that U & N was proposing to develop the site. The receiving environment cannot include future activities that require but have not yet been granted resource consent. An error of this kind was made in *Wallace*.[16]

[39] However, I do not see this as being material. As discussed above, it is common ground that the planner's approach was flawed because it did not use the correct permitted baseline. Therefore, the approach must be put to one side. The fact that the approach was also flawed for a second reason does not advance matters further. It remains the case that the approach must be put to one side, but also that (as Mr Sunde discusses) there is an alternative way that the Council could legitimately have reached the same conclusion.

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15 *Queenstown-Lakes District Council v Hawthorn Estate Ltd* (2006) 12 ELRNZ 299 (CA) at [84].
16 *Wallace v Auckland Council*, above n 10, at [138].

[40] Mr Kensington provides an opinion that the adverse effects of the development on the occupants of 13 Cleve Road (the property immediately to the north of the site) are at least minor. But his opinion about this issue is of little assistance because this is a judicial review, not an appeal.

[41] The task of the reviewing court is to assess whether, in light of the evidence before the decision-maker, the decision was available to the decision-maker.[17] It is not the Court's role to embark on a broad appraisal of the decision-maker's factual findings and review the merits of the Council's decision.[18]

[42] Mr Kensington's evidence does not directly address the question of whether the decision was available to the Council. He simply provides his view of the merits.

[43] In contrast, Mr Sunde's evidence reviews the process followed by the Council and information before it and concludes that the decision the Council reached was available. He considers that the Council followed an appropriate process overall and (as discussed above) that it had sufficient information to make its decisions. He does not agree with the Council on every point, but his overall assessment is that the decision reached was available.

[44] Mr Sunde considers that the Council planner should have been clearer in setting out each effect and clearly concluding a level of effect for each, and that if the planner had used a better structure and provided clearer conclusions throughout notification report, the result would have been a "more robust and clearer report". But this does not change his view that the assessment was undertaken sufficiently. His criticisms relate to the "form and tidiness" of the notification report. They are not criticisms of the decision or the basis on which it was reached.

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17 *Taylor v Chief Executive of the Department of Corrections* [2015] NZCA 477, [2015] NZAR 1648 at [33]; *Chief Executive Land Information New Zealand v Te Whanau O Rangiwhakaau Hapu Charitable Trust* [2013] NZCA 33, [2013] NZAR 539 at [117].

18 *O'Keeffe v New Plymouth District Council* [2021] NZCA 55, (2021) 22 ELRNZ 506 at [59]; *CD (CA27/2015) v Immigration and Protection Tribunal* [2015] NZCA 379, [2015] NZAR 1494 at [22]; *Taylor v Chief Executive of the Department of Corrections*, above n 17, at [33]; *Chief Executive Land Information New Zealand v Te Whanau O Rangiwhakaahu Hapu Charitable Trust* [2013] NZCA 33, NZAR 539 at [117]; and *Attorney-General v Tamil X* [2010] NZSC 107, [2011] 1 NZLR 721 at [45].

[45] My conclusion is that the Council had sufficient information to make its decision regarding the effects of building intensity and the Council did not otherwise fall into material legal error.

Wastewater line

[46] As discussed above, the proposed route of the wastewater line has changed several times. Originally, it was to pass through 1 Cliff View Drive. This is the route that it was to take under the resource consents granted in December 2021. I will call this Route A.

[47] Then in December 2022, it was proposed that the wastewater line should instead pass through 20 Cleve Road. This was the route that it was to take under the varied resource consents granted in July 2024. I will call this Route B.

[48] The current proposal would again see the wastewater line passing through 1 Cliff View Drive but by a different route. This route is not yet the subject of any resource consents. An application has been made to vary the resource consents again, but the application has not yet been determined. I will call this Route C.

[49] The Society's challenge is in relation to the resource consents and varied resource consents granted to allow Routes A and B to be used. But JRA does not intend to use these routes. To provide certainty about this, JRA has provided an undertaking to the Court that it will not use Routes A and B. JRA intends to use Route C but, as the Council is yet to make any decision in respect of the application to further vary the resource consents so Route C can be used, at this stage, there is nothing for the Society to challenge.

[50] However, even though it appears to be moot, the Society insists that I rule in relation to the wastewater issue.

[51] The Society submits that the Council had no information or, at least inadequate information, relating to the effects of installing the wastewater line. It says this is the case in relation to both Routes A and B.

[52] The Society is correct that the AEEs that U & N filed to obtain the original resource consents and that JRA filed to vary them contain little to no information that relates in any way to the effects of the wastewater line. The same is true of the Council's notification report and resource consent decisions.

[53] However, it does not follow that anything is amiss. The installation of wastewater lines like the ones in this case is a permitted activity. As such, it was unnecessary for the AEEs to address the effects of the line, or for the Council to have regard to its effects, in reaching its decisions regarding notification of the resource consents.

[54] The Society disputes that the installation of wastewater lines like the ones here is a permitted activity. However, installation of wastewater lines of this kind is generally a permitted activity under Chapter E26 of the Auckland Unitary Plan, and the Society has not pointed to any particular reason why it would not be a permitted activity in this case. In the circumstances, it is reasonable for the Court to proceed on the basis that the installation of lines of the type here is a permitted activity.

[55] The Society also disputes the conclusion that, if installation of wastewater lines like the ones in this case is a permitted activity, the Council does not need to consider the effects of the line. It argues the effects of the permitted activity must still be considered because all elements of a proposed activity must be considered "holistically."[19] The Society is correct that, when the Council is deciding whether to notify, it needs to consider the proposal as a whole. Thus, if a proposal generally involves permitted activities but in one respect the proposal does not comply with the conditions for permitted activity status, the proposal as a whole must be treated as not having that status.[20] Also, if a proposal is subject to two separate resource consent applications and one must be notified and the other does not need to be notified, if the matters in the two applications overlap, both should be notified.[21] However, in my view, it does not follow from these propositions that the Council is required to consider

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19 *Marlborough District Council v Zindia Ltd* [2019] NZHC 2765, (2019) 21 ELRNZ 364 at [67].
20 *Aley v North Shore City Council* [1999] 1 NZLR 365 (HC) at 377–378.
21 *Bayley v Manukau City Council* [1999] 1 NZLR 568 (CA) at 579–580.

the effects of the installation of the wastewater line. It does not need to consider them because the effects are part of the permitted baseline.[22]

[56] My conclusion is that the Council was not required to have any information relating to the effects of installing the wastewater line, and therefore it made no legal error.

Relief

[57] I have not accepted that the Council made any material legal errors. However, I consider below whether, had I found material errors, I would have granted relief.

[58] In considering whether to exercise its discretion not to quash an unlawful decision or grant another remedy, the Court can take into account the needs of good administration, any delay or other disentitling conduct of the applicant, the effect on third parties, the commercial community or industry, and the utility of granting relief.[23]

[59] Unlike in many jurisdictions overseas, New Zealand does not have a limitation period for judicial review applications. However, the Court will only entertain applications that are made reasonably promptly.[24] What has been held to be reasonable depends on several factors. The delay that is permitted can range from a few days to a few years. The effect of delay on third parties is likely to be critical. If third parties would adversely be affected, then a remedy will probably be refused.[25]

[60] JRA argues that I should decline relief because the Society and/or its members delayed bringing judicial review proceedings and, if relief is granted, it will cause prejudice to JRA, a third party.

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22 See *Arrigato Investments Ltd v Auckland Regional Council*, above n 13, at [29]; and Resource Management Act, ss 95D(b) and s 95E(2)(a).

23 *Air Nelson Ltd v Minister of Transport* [2008] NZCA 26, [2008] NZAR 139 at [59].

24 *Speargrass Holdings Ltd v Van Brandenburg* [2019] NZCA 564 at [77]–[78], citing *Fraser v Robertson* [1991] 3 NZLR 257 (CA) at 260.

25 Taylor, above n 14, at [5.36]; *Te Iwi o Ngāti Tukorehe Trust v Horowhenua District Council* [2024] NZHC 2083, (2024) 26 ELRNZ 56 at [119]; *Speargrass Holdings Ltd v Van* Brandenburg, above n 24, at [76]–[83]; *Mills v Far North District Council* [2018] NZHC 2082, (2018) 20 ELRNZ 453 at [200]–[201] and [206]; *Skyline Enterprises Ltd v Queenstown Lakes District Council* (2009) 16 ELRNZ 31 (HC) at [88]; and *Vining v Nelson City Council* [2000] ELHNZ 472 (HC) at [41].

[61] The Society commenced these proceedings on 16 September 2024.

[62] The Society was not incorporated until September 2024. It could not have brought proceedings before this time. However, its members could have. Prior to the incorporation of the Society, there was an unincorporated residents group called the "Neighbours of 15 Cleve Road". The Society has substantially the same membership as the unincorporated residents group.

[63] As noted above, U & N obtained the resource consents in December 2021. Ken Allington, who described himself as the spokesperson for the "Neighbours of 15 Cleve Road", became aware of the resource consents soon after, in January 2022. He, along with several other neighbours, were concerned about the consents. But around two years and eight months would pass from this time until judicial review proceedings were brought.

[64] As discussed above, JRA agreed to buy the site from U & N in November 2023. The agreement was conditional on due diligence. During the condition period, Joseph Allen, a director of JRA, met with some of the owners of neighbouring properties to try to find out if there were any issues with developing the site in accordance with the consents. The meetings came about because Mr Allen knocked on the doors of some neighbouring properties. The meetings were with Christian and Emma Brown (the owners of 13 Cleve Road), Tomasz Malarczyk (the owner of 20 Cleve Road), and Ron and Jan Tetley (the owners of 1 Cliff View Drive). From these meetings during the due diligence period, Mr Allen learned that some of the neighbours were concerned about the development.

[65] The key meeting was with Mr and Ms Brown at their home on 13 December 2023. Exactly what occurred at the meeting is disputed. Mr and Ms Brown and Mr Allen were cross-examined about what was discussed.

[66] There are two main differences between the Browns' account of the meeting and Mr Allen's. First, the Browns say that Mr Brown raised concerns regarding the lawfulness of the consents and discussed a list of errors he considered the Council had made. Mr Allen denies there was any discussion of legal matters of this kind.

[67] Second, Mr Brown says that, when he was taking Mr Allen to the door at the end of the meeting, he commented that there was a risk that a neighbour or neighbours might bring judicial review proceedings. The Society says that, because of this comment, JRA was "on notice" of judicial review proceedings. Ms Brown was not present at the time of the alleged comment. Mr Allen denies the comment was made.

[68] Mr Brown is a senior lawyer at Auckland Council. This makes it more likely that he would have discussed the lawfulness of the consent and related matters. However, the meeting was an unplanned one from the Browns' point of view. Mr Allen appeared at their door one evening. Further, as Ms Brown acknowledged in cross-examination, the meeting had an informal tone. The main focus of the meeting seems to have been two specific concerns that the Browns had regarding the design of the development. Mr Allen suggested possible solutions that the Browns indicated they were interested in him pursuing. Even on Mr Brown's account, he only thought to mention judicial review as he was showing Mr Allen to the door. Finally, the point of Mr Allen meeting with neighbours during the due diligence period was to find out whether there were any issues with developing the site in accordance with the resource consents, and based on that, whether JRA should proceed with the purchase. If the meeting went the way that the Browns say, it seems unlikely that JRA would have proceeded with the purchase.

[69] For these reasons, I prefer Mr Allen's evidence on these points. Further, even if Mr Brown did comment as Mr Allen was on his way out the door that there was a risk that a neighbour or neighbours might bring judicial review proceedings, I do not accept this means that JRA was "on notice" of judicial review proceedings.

[70] As noted above, JRA settled the purchase of the site in January 2024.

[71] Mr Allen and Mr Malarczyk exchanged emails in January and February 2024. Mr Malarczyk said the neighbours had concerns and suggested a meeting. Judicial review was not mentioned.

[72] On 12 March 2024, Mr Allen gave notice to the neighbours that JRA was commencing demolition, and that construction was expected to take around nine months. The work commenced the following day.

[73] On 25 March 2024, Mr Brown met with the neighbours. The tone of the meeting was not amicable. The neighbours wanted the development to be redesigned. There was no mention of judicial review at the meeting.

[74] On 2 April 2024, Mr Allington sent Mr Allen a letter on behalf of the neighbours that said that the resource consents were legally flawed and should have been notified to the neighbours. The letter set out the reasons for these views. It also said that the neighbours reserved the right to issue proceedings challenging the lawfulness of the resource consents. The letter was sent by email. Mr Allen says he did not find it in his junk folder until 7 June 2024. This letter, for the first time, put JRA on notice of judicial review proceedings. However, despite the threat, judicial review proceedings were not in fact filed for a further five months.

[75] When the Society commenced proceedings in September 2024, it did not apply for interim relief.

[76] JRA anticipated that the development would be complete within nine months, that is, in late 2024 or early 2025. The work has taken longer than expected but the development is now weeks away from completion.

[77] In my view, it is clear that the delay in this case has been too long. The delay by the members of the Society in bringing judicial review proceedings created a real risk of substantial prejudice to a third party, namely, the developer of the site, initially U & N and then JRA. That risk came to fruition when JRA purchased the property, carried out demolition and commenced construction of the development. By the time of Mr Allington's letter putting JRA on notice of judicial review proceedings, the work was underway, with demolition having occurred. From this time, JRA knew there was a real risk of judicial review proceedings, but it could not reasonably be expected to put the development on hold and wait to see whether judicial review proceedings eventuated. When judicial review proceedings were finally filed, JRA was well

through construction of the development and thus, despite the escalation, again it could not reasonably be expected to put the development on hold.

[78] In view of the substantial third-party prejudice that JRA would suffer if I were to grant relief, had I found that there were material legal errors, I would have declined to do so.

Result

[79] The application for judicial review is declined.

[80] If the parties cannot agree on costs, I direct that:

(a) JRA is to file a memorandum of no more than three pages within 20 working days; and

(b) the Society is to file a memorandum of no more than three pages within a further 10 working days.

[81] I will then decide costs on the papers.

Blanchard J