



Council 29 January 2018

Warth Park Judicial Review Outcome

Purpose of report

This report informs councillors of the end of legal action in relation to the application for permission to Judicially Review the Council's decision to grant planning permission for application 16/02119/FUL - Land end of Scalley Way, Raunds, Northamptonshire, otherwise known as Warth Park Extension.

1.0 Background

- 1.1 As councillors will be aware, Planning Management Committee approved application 16/02119/FUL at its meeting in March 2017. An application for permission to apply for Judicial Review of the decision was made in June 2017.
- 1.2 Judicial Review is a two stage process. The first stage is that the claimant must obtain permission to apply for judicial review from the Court. During the first stage if permission is refused on the papers the Claimant has a right to seek an oral hearing for a judge to reconsider their application. Only if permission is granted will a case move onto the second stage, the substantive hearing.
- 1.3 The Court refused permission at the first stage both on the (written representations and at an oral hearing. Subsequently an application was made to the Court of Appeal seeking to appeal the decision of the High Court.

2.0 Confirmation of end of legal proceedings.

- 2.1 Further to submission of the application to the Court of Appeal and following ongoing discussions between all of the parties, the claim was withdrawn and the Council's costs in respect of the litigation paid as part of the process. This means the legal proceedings have now concluded and the development can proceed in accordance with the permission.
- 2.2 Councillors will be aware, from the previous meeting in November 2017, of the complimentary comments made during the court hearings in relation to the officers' report and the weighting of material planning considerations given by councillors during the determination of the application.
- 2.3 As councillors will be aware, this council resolved in July 2017 that at the conclusion of the legal proceedings, a review of the processes by which planning applications are determined by the Planning Management Committee would be undertaken by the Planning Advisory Service (via its Making Defensible Planning Decisions review process). Unless advised otherwise, officers will now proceed with the organisation of that review in accordance with the resolution of Council.

3.0 Equality and diversity issues

- 3.1 There are no known negative equality and diversity issues arising from this paper.

4.0 Legal Implications

4.1 There are no known legal implications arising from the changes proposed in this report.

5.0 Risk Management

5.1 There are no known new risks arising from the information contained in this report.

6.0 Resource and Financial Implications

6.1 As noted in paragraph 2.1 the council's legal costs in respect of the litigation have been paid.

6.2 It is estimated that the cost of the review process will be a maximum of £2000 plus staff and councillor time.

7.0 Constitutional Implications

7.1 There are no proposed changes to the Constitution as a result of this report.

8.0 Customer Service Implications

8.1 There are no specific customer services implications arising from this report.

9.0 Corporate outcomes

9.1 The work reported here contributes to the corporate outcome of Effective Management

10.0 Recommendation

10.1 The Council is asked to note the outcome of the legal challenge.

(Reason: To ensure Councillors are aware of recent developments and potential financial risks in relation to this decision)

Legal	Power: Localism Act 2011				
	Other considerations:				
Background Papers:					
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Date: 16/1/18					
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