



MELTON PARISH COUNCIL

MPC(18)07.05

TO CONSIDER DELEGATION TO PLANNING & TRANSPORT COMMITTEE OF A DECISION IN RELATION TO SUPPORT FINANCIALLY THE BRINGING OF JUDICIAL REVIEW PROCEEDINGS IN RESPECT OF THE MELTON HILL PLANNING APPLICATION

Background and summary

At its meeting on 8 November 2017, Full Council agreed to allocate £1k from the Council's reserves to support a potential judicial review application to challenge the decision to grant approval to the planning application for the Melton Hill site. However this was subject to preliminary legal advice being received which indicated that such a challenge would have a fair chance of success.

Report

On 13 October 2017, Suffolk Coastal District Council's Planning Committee agreed to support the controversial scheme set out in the planning application but approval was deferred pending:

- Submission of a scheme to deliver affordable housing on the site and its approval at a subsequent meeting of the Committee
- A decision by the Secretary of State as to whether he wishes to exercise his power of "call in".

Currently the Secretary of State has declined to call the application in, but the formal approval has not yet been determined by the Planning Committee. Residents opposed to the scheme have made a first stage complaint to Suffolk Coastal as to the way the matter was handled, and, not receiving a satisfactory response, have now made a second stage complaint. It is likely that a formal complaint to the Local Government Ombudsman will follow.

However given the Ombudsman's limited powers residents are considering mounting a legal challenge in respect of the way that the decision was made (failure to take into account all material considerations etc.). This would be by way of judicial review to the High Court and can only be made once a formal determination has been made by the SCDC Planning Committee. The timescale of submitting an application for judicial review is tight, and with Full Council meeting only once every two months, if a timely decision on whether or not MPC is to support such a challenge in the light of preliminary legal advice received is to be made, then either it needs to be delegated to Planning and Transport Committee or a special meeting of Full Council will need to be called once preliminary legal advice is available.

Recommendations

Full Council is requested to decide whether (1) to delegate the decision on helping to fund a judicial review application in respect of the Melton Hill planning decision to Planning and Transport Committee, or (2) to retain the decision-making by Full Council and agree to hold a special meeting if the challenge by residents goes ahead and the preliminary advice is favourable.

William Grosvenor

Clerk to the Council

8 January 2018