

Item 14: Judicial Review Update	Officer Presenting: Lead Legal Services Officer Author: Principal Planning Officer
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1 Purpose of Report/Recommendations

- 1.1 To update Members on receipt of correspondence indicating three potential Judicial Reviews in relation to decisions made on two planning applications and one enforcement case.

2 Background

- 2.1 Council has received two Pre Action Protocol Letters (PAPL) from Mr Gordon Duff indicating his intention to challenge the following two decisions to approve planning permission:

1) LA11/2020/0507/O Proposed site for dwelling and garage. Lands approx. 80m south of 21 Bigwood Road Ardmore Derry. PAPL received on 9th July 2021 (Appendix 25)

2) LA11/2020/0609/O Proposed 1.5 storey infill dwelling and detached garage. Site between No 27 & 31 Loughan Road, Donemana. PAPL received 20th August 2021. (Appendix 26)

- 2.2 Council has received correspondence indicating an application for leave for judicial review has been lodged on 5th August 2021 by Mr George Craig in relation to the serving of an enforcement notice on his lands to the east of 339 Longland Road, Claudy, that have been subject to the unauthorised use of land for the deposition of waste material making a material change in use of the said lands being development carried out without the grant of planning permission required. (Appendix 27)

3 Key Issues

- 3.1 In relation to LA11/2020/0507/O the decision to approve was taken by the Planning Committee on 9th June 2021. Officers have now responded to the PAPL of 9th July 2021, as indicated in the response contained within Appendix 28.
- 3.2 In relation to LA11/2020/0609/O the decision to approve was taken by the Planning Committee on 7th July 2021. The response to the PAPL is being currently prepared by the Officer team.
- 3.3 With regard to the challenge on the serving of the enforcement notice in LA11/2016/0077/CA Officers served the notice to retain control of the site as the unauthorised development was approaching the five year date for immunity. This is a complex case as Mr Craig is the landowner and the unauthorised development has been carried out by a third party. Council is awaiting direction from the courts and will update Members further as necessary.

4 Implications

Equality, Rural Needs, Climate Change and Data Protection

- 4.1 Not applicable

Financial, Legal, HR, Improvement and Other

- 4.2 There will be financial cost implications in all three cases.

5 Recommendations

- 5.1 That Members to note the update on the three cases that have been challenged.

Background Papers

Appendix 25: LA11/2020/0507/O -PAPL from Mr Gordon Duff 9th July 2021

Appendix 26: LA11/2020/0609/O – PAPL from Mr Gordon Duff 20th August 2021

Appendix 27: Order 53 Statement lodged by Mr George Craig on 5th August 2021

Appendix 28: DCSDC response to LA11/2020/0507/O PAPL from Mr Gordon Duff