

## **TUTBURY PARISH COUNCIL**

A meeting of the Parish Council was held in the Charity Office, Duke Street, Tutbury on Monday 9 July 2012.

Those present were Cllrs P Steadman (Chairman), Mrs S Adams, Ms M Guest, T Spencer-Smith, W Crossley, A Allen, F Crossley, D Morris, G Wright and Borough Cllr S Smith. In attendance S Powell (Clerk).

### **42/1.0 APOLOGIES**

1.1 There were no apologies

### **43/2.0 CONSIDERATION OF OPTIONS FOR A JUDICIAL REVIEW IN RESPECT OF THE DEVELOPMENT AT BURTON ROAD**

- 2.1 The chairman welcomed to the meeting Roger Bell a former planning officer; he went on to review recent events, discussions and explained the Council's position on the matters in hand.
- 2.2 The clerk informed members that he had discussed the possibility and implications of a judicial review with Mr Stanion of Marrons Solicitors Leicester. The cost for a review of papers and an initial opinion by Mr Stanion was in the region of £750 - £1,000.
- 2.3 A discussion of the situation that had led to the Council seeking legal redress was conducted. Cllr Mrs Adams posed the question, what did the Council want to achieve, to censure the Borough Council or to change the planning decision?
- 2.4 Cllr W Crossley stated that significant matters had emerged since the planning decision had been taken that merited scrutiny. Roger Bell explained the policy background to the Borough Council's decision and referred to other cases that might be relevant. He was also concerned about the lapse of time since the planning committee meeting as there were strict time limits attached to the initiation of a judicial review.
- 2.5 The discussion covered many of the Council's concerns about the decision and it became apparent that there were a number of matters that might make it unsafe. Whether or not these concerns together were sufficient in legal terms to successfully challenge the decision was not clear.
- 2.6 Cllr Ms Guest felt that the time had come to move on and talk to the developer about obtaining community benefits from the development. The difficulty with this approach was that it might be viewed as inconsistent with the pursuit of a case for judicial review.
- 2.7 The chairman proposed and it was agreed, that the Council engage Marrons solicitors to give an initial view on the strength of the Council's position and options arising from it to initiate a judicial review.

### **44/3.0 DATE OF NEXT MEETING**

3.1 The meeting closed at 9.15pm; the date for the next meeting was set for 30 July 2012 at 7.30pm