

Motion – Consideration of Judicial Review of 21/05743/OUT Hencote

This council is deeply disappointed that application 21/05743/OUT at Hencote, comprising of over 180 accommodation units, was overturned on appeal by the Planning Inspectorate (PI). Shrewsbury Town Council (STC) has been united in its opposition to 21/05743/OUT. Shrewsbury faces the loss of one of its most treasured green spaces, valued by residents and ramblers alike. It is also next to a site of Special Scientific Interest, threatening biodiversity. The combination of open space and vibrant communities gives Shrewsbury its unique identity, this decision is a major blow to that.

STC believes that in ultimately making this decision, both the Planning Inspectorate and Shropshire Council (SC) may have breached the rules of procedure in regards to Planning Law. As such STC is minded to initiate a Judicial review (JR) on SC and the PI. STC will seek legal advice on the process and substance of the JR, and will delegate a final decision on initiating a Judicial Review, plus any other related processes, to a special meeting of STC's Finance and General Purposes Committee (F and GP) on 11 April 2023. This JR is proposed on the basis of the following five points, debated at STC's Planning Committee on 14 March.

1. Possible Insufficient notification of Planning Proposals by SC.
2. Possible pre-determination of planning.
3. Possible breach of The Wheatcroft Principles (by both PI and SC)
4. Lack of calling for, and therefore cross examination of Shropshire Council's Landscape Consultants at the Public Enquiry for 21/05743/OUT.
5. Any other points STC identifies following legal advice.

Considering a JR, and initiating it subject to a final decision at F and GP on 11 April 2023, will require the use of some public funds and officer time, so these direct and indirect cost will need to be considered by STC Members and Group Leaders. This motion considers a JR on SC and the PI relating to 21/05743/OUT an appropriate use of public funds and officer time. This is because the loss of such heritage without public scrutiny and proper legal process must not happen again, or other Shrewsbury communities will be disenfranchised in the making of future decisions where their heritage and green space is under threat.