

Glasgow and the Clyde Valley Strategic Development Planning Authority

**To: Glasgow and the Clyde Valley Strategic Development Planning Authority
Joint Committee**

On: 12th March 2018

**Report by
Stuart Tait, Manager**

Clydeplan Strategic Development Plan (July 2017) Legal Challenge Update

1. Summary

- 1.1 The purpose of this report is to update the Joint Committee on the legal challenge to the Clydeplan Strategic Development Plan (July 2017).

2. Recommendations

- 2.1 It is recommended that the Joint Committee note the report and agree the costs be met from the Authority's earmarked balances.

3. Appeal

- 3.1 The appeal was lodged at the Court of Session on Thursday 26th October 2017 with Clydeplan's citation being served on Friday 3rd November 2017. The citation was circulated to Joint Committee members by email on 3rd November 2017.
- 3.2 The appeal is against the Scottish Ministers with Clydeplan cited as an *'interested body'*.
- 3.3 The appeal sets out 6 questions of law for the opinion of the court, namely;
- did the Scottish Ministers act outwith their powers under the Town and Country Planning (Scotland) Act 1997?
 - did the Scottish Ministers act unreasonably, perversely and irrationally in approving Clydeplan?
 - did the Scottish Ministers fail to give proper, adequate and intelligible reasons for their decision?
 - in approving Clydeplan, did the Scottish Ministers err in law?
 - were the Scottish Ministers materially misled?
 - should Clydeplan be quashed?

4. Court of Session

- 4.1 The appeal was heard over one and a half days on the 6th and 7th of February in Court 1 of the Court of Session by three Law Lords, Lord Carloway, Lord President of the Court of Session, Lord Menzies and Lord Brodie.

- 4.2 At the hearing the Law Lords indicated they would be issuing their decision in a 'few weeks' however at the time of writing the Court had yet to issue its decision.
- 4.3 To date the cost of supporting the legal challenge has been £21,503 including VAT which can be met from the Authorities earmarked balances.
- 4.4 Further legal advice may be required depending on the outcome of the Court of Session judgment.