

ANNEX

1. How many judicial review claims of decisions to award planning permission/consent were received in (a) 2016, (b) 2017, and (c) 2018

Year	Number of claims
2016	1
2017	1
2018	0

2. What were the planning application numbers/references of the decisions that were subject to judicial review claims?

Year	Application Numbers
2016	DPEA reference – PPA-410-2004 Planning Authority Reference – 15/00076
2017	DPEA reference – PPA-190-2062 Planning Authority Reference – 16/0752/AMCPP
2018	N/A

3. Of the judicial review claims received, how many proceeded to a substantive hearing?

Year	Number proceeded to hearing
2016	1
2017	1
2018	N/A

4. Of the judicial review claims, how many resulted in either a Consent Order or planning decision being withdrawn?

Year	Consent Order issued/Decision withdrawn
2016	1
2017	1
2018	N/A

5. Of the successful claims, how many resulted in either a quashing order being issued?

Year	Quashing Order issued
2016	1
2017	1
2018	N/A

6. How much was spent by DPEA on carrying out judicial reviews in 2016, 2017 and 2018?

Year	Average spent*
2016	£58,190.03
2017	£149,432.20
2018	£147,581.75

**the figures given above relate to total expenditure on all case types which resulted in challenges to the Court of Session during the years specified*

7. For each of the claims detailed above, please provide details on the reasons why a judicial review claim was made:

Application/Reference number	Reason(s)
PPA-410-2004 15/00076	<ol style="list-style-type: none"> 1. Whether, in terms of section 239(1) of the 1997 Act the decision was within the powers of the 1997 Act 2. Whether in allowing the appeal all relevant requirements of the 1997 Act and any rules made thereunder were complied with 3. Whether the Respondents failed to comply with the Habitats Regulations 4. Whether the Respondents took into account irrelevant considerations et separatim left out of account material considerations 5. Whether the Respondents had a proper basis for fact for their conclusions 6. Whether the Respondents provided proper, adequate and intelligible reasons for their decision
PPA-190-2062	1. Whether, in terms of section 239 of

16/0752/AMCPP

the 1997 Act, the decision was within the powers of the 1997 Act

2. Whether the Reporter appointed by the Respondent took into account irrelevant considerations and accordingly erred in law
3. Whether the Reporter appointed by the Respondent acted irrationally et separatim unreasonably and accordingly erred in law
4. Whether the Reporter gave proper, adequate and intelligible reason for his Decision
5. Whether the Reporter misinterpreted condition 29 and accordingly erred in law