



request-546292-1d6b2b1d@whatdotheyknow.com

Dear Ms Mullen

Freedom of Information Request 667001

Thank you for your recent request received 22 January 2019. Your request was actioned under the Freedom of Information Act 2000 in which you requested the following information –

*Dear Liverpool City Council,
Please supply the following information
Quotes from Judgment by Mr Justice Kerry [Old Bailey - 18/01/2019]*

Question 1

*14.' In February 2017, the LPA's interim head of planning produced a report on the developer's application (no 16F/2049) to build the 51 new dwellings '
[1] Please state who was Interim Head of Planning at this time*

Question 2

Please supply the specific legal information [wrongly] used by Mayor Anderson, Cllr Ann O'Byrne, the Interim Head of Planning and LCC/ Redrow barristers to evidence their statement that 'Harthill was NOT part of Calderstones park [refuted by Judge Kerr]

Question 3

Please state the total legal costs incurred by Liverpool City Council in relation to LOGS CIC V Liverpool City Council/Redrow. Please include the percentage of LOGS CIC legal fees that have to be paid by LCC.

Response:

Liverpool City Council would advise as follows –

1. Mr Andy Barr, Assistant Director - Assistant Director, Highways & Planning
2. Advice was obtained from Paul Tucker QC as to the correct legal treatment of the application site in the Case Officer's report to Planning Committee. This advice drew upon the following sources and was followed in the production of the report;
 - Liverpool Local Plan & Proposals map – this information is already in the public domain and is available at – <https://liverpool.gov.uk/council/strategies-plans-and-policies/environment-and-planning/plan-making-in-liverpool/current-local-plan-documents/unitary-development-plan/>
 - Collins English Dictionary
 - R(Cherkley Valley) v Mole Valley DC [2014] EWCA Civ 567 – this information is already in the public domain and is available at – http://www.molevalley.gov.uk/media/pdf/m/g/R_Cherkley_Campaign_Ltd_v_Mole_Valley_DC_Anwr-07May14.pdf

3. The total legal spend by the Council on the Harthill planning applications and associated litigation is £36,574. The Council has also been ordered to pay the Claimant's costs (subject to a cap of £35,000) and has made an interim payment of £30,000 towards these. The payment of the Claimant's fees has been set by Court as 70% of 85% of the Claimant's costs subject to a cap of £35,000.

This concludes our response.

The City Council will consider appeals, referrals or complaints in respect of your Freedom of Information Act 2000 and you must submit these in writing to Informationrequests@liverpool.gov.uk within 28 days of receiving your response. The matter will be dealt with by an officer who was not previously involved with the response and we will look to provide a response within 40 days.

If you remain dissatisfied you may also apply to the Information Commissioner for a decision about whether the request for information has been dealt with in accordance with the Freedom of Information Act 2000.

The Information Commissioner's website is www.ico.gov.uk and the postal address and telephone numbers are:- Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK95AF. Telephone 0303 123 1113. Email – mail@ico.gsi.gov.uk (they advise that their email is not secure)

I trust this information satisfies your enquiry.

Yours sincerely

A Lewis

Angela Lewis
Information Team