

COUNSEL AND PLANNING ADVICE: TEMPLE LAKE APPEALS**1. Purpose of report**

To seek authorisation for the appointment of Ian Dove QC and David Tyldesley, planning consultant to act on behalf of the Council at the forthcoming Temple Lake Inquiry. This is in accordance with the Council's key objective and aim of providing high quality services.

2. Background

Members will be aware of the development at Temple Lake, Nuthall and the circumstances, which led to two refusals of permission for revised schemes and the making of a modification order in respect of the original consent for the dwelling. Both of the refusals are subject to appeal and there are objections to the proposed modification order. As a consequence the Secretary of State has now determined that all three matters will be dealt with at a public inquiry (week commencing 8 October 2007) and the final decision made by her following receipt of the inspector's report.

3. Proposal

During the course of this case the Council has been advised by Ian Dove QC in matters relating to the legal aspects of the view held by others that the original permission in 2003 is not valid. At the Development Control Committee in December 2006 David Tyldesley, who proposed the modification order accepted by members, dealt with these matters and the relevant application. It is recommended that the independent advice which this Council has received in dealing with this highly contentious issue is maintained. It is therefore considered appropriate to continue the services of both Ian Dove and David Tyldesley in this case. Both have agreed in principle to act for the Council and diary dates booked accordingly. Quotations for the cost of their services are being sought.

4. Financial implications

The cost of appointing Ian Dove QC and David Tyldesley (Planning Consultant) to act on behalf of the Council at the forthcoming Temple Lake inquiry is estimated to be up to £15,000. No budgetary provision for this cost is currently in place and therefore a further allocation of funds is required. A sum of £115,000 is available in revenue contingencies.

Recommendation

The cabinet is asked to RESOLVE that a supplementary revenue estimate of up to £15,000 be approved to cover the costs of retaining advocacy and Planning Consultant assistance on behalf of the Council at the forthcoming Temple Lake inquiry, with funding to be provided from within the Council's revenue contingencies.

Background papers - Nil