

Please ask for: Stephen McGinnes
Tel No: 01622 602310
Our Ref:
Your Ref:
Date: 07 September 2021

BY EMAIL TO:

Dear

I am writing to advise you that regrettably an error has been made in the processing of the above application.

On 19 August, testing was carried out on a change to the computer systems that sits behind the Public Access site viewed by applicants and residents. During this testing a 'dummy' decision notice was incorrectly published on the public access site. I must emphasise that the 'dummy' decision was aimed at reviewing the format and appearance of the decision notice, and in no way reflected a considered decision on your application which was yet to be determined by a planning officer or the council's planning committee.

As soon as the mistake was discovered, the notices were temporarily removed from the Public Access site, (before the notifications to interested parties were sent out) while the matter was referred to senior officers in the council and to take advice on how to deal with the situation.

As part of the ongoing investigation into what happened, legal advice has been received indicating that these decision notices – albeit published in error – need to be formally quashed through a legal process before a further decision, having undergone proper consideration and process can be published.

The most expedient lawful way for us to deal with these erroneous decisions so that we can re-make them correctly is through the council requesting a judicial review.

There is a statutory duty to publish planning decisions on the planning register. Unfortunately, this will unavoidably mean that we will need to republish the erroneous decision notice, including the unfortunate and inappropriate comments on them, pending the outcome of the judicial review proceedings.

Councils judicially reviewing their own planning decisions is not uncommon and can be a relatively straightforward process, providing the process is not contested. It is likely that

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these will be settled promptly by way of consent order, which the judge will be asked to approve and which will be the basis for him to quash the decisions. The process is expected to take around 2-3 months, and we will of course be covering the costs involved ourselves.

Once the council has gone through this legal process and the erroneous decisions are quashed, the council will proceed to determine the application properly and issue the correct decision notice as quickly as possible.

I can only apologise for this error and the delay in the processing of this application that this has caused.

We will keep you informed of the process and if you have any queries regarding this matter then please do not hesitate to contact either myself or Caroline Pieri Planning Support Manager at caroline.pieri@midkent.gov.uk .

Yours Sincerely

A handwritten signature in black ink, appearing to read "S. McGinnes".

Stephen McGinnes
Director of Mid Kent Services