

CS/17/21

Development Management Committee
12 July 2017

Record of decision taken by Head of Planning, Transportation and Environment not to pursue refusal reason 2 at the forthcoming Public Inquiry in relation to the partial refusal of planning application DCC/3848/2017 for a resource recovery park at Deep Moor Landfill Site, High Bullen, Torrington

Report of the County Solicitor

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that the record of the decision taken by the Head of Planning, Transportation and Environment, as attached Appendix I, be noted.

Attached is the Record of the Decision taken by the Head of Service following consultation with the County Solicitor and discussion with the Chairman of the Committee and local member for Torrington Rural.

Jan Shadbolt
County Solicitor

Electoral Division: Torrington Rural

Local Government Act 1972: List of Background Papers

Contact for enquiries: Gerry Rufolo

Room No: G31, County Hall, Topsham Road, Exeter

Tel No: 01392 382299

Background Paper	Date	File Ref.
------------------	------	-----------

None

ah200617dma
sc/cr/ROD PTE Deep Moor Landfill Site High Bullen Torrington
01 200617

**Appendix I
To CSo/17/21**

RECORD OF DECISION TAKEN BY AN OFFICER

This form must be completed by or on behalf of the relevant Officer immediately after any decision has been made and sent to the County Solicitor for recording and publication in accordance with statutory requirements

<p>Summary of Matter or Issue Requiring Decision</p>	<p>To act on the advice given by the County Solicitor regarding the lack of substantive evidence to warrant defence of the second reason for refusal in the Deep Moor decision in the current planning appeal.</p>
<p>Decision Taken (i.e. approved/not approved together with any caveats)</p>	<p>To advise the Planning Inspectorate, the Appellant and the Rule 6 Parties that the County Council will not be pursuing the second reason for refusal (relating to impacts from visual intrusion, noise and vibration and odours) by providing any evidence on it at the forthcoming inquiry concerning Deep Moor, and to confirm this position in the Council's Statement of Case.</p>
<p>Summary of Reason(s) for Decision Taken (alternatively, attach copy of any report or other document setting out reasons)</p>	<p>See attached report of the review of the second reason for refusal.</p>
<p>Summary of Alternatives or Options considered and rejected (alternatively, attach copy of any report or other document setting out alternatives/options)</p>	<p>The alternative option of defending the second reason for refusal at the inquiry is considered to be unsustainable in the light of the expert advice summarised in the attached report, and would place the Council at risk of having costs awarded against it if it is found to have acted unreasonably in pursuing the reason.</p>
<p>Details of any personal interest or conflict of interest and dispensation granted to the Officer involved in or consulted upon this decision</p>	<p>None. This decision has been discussed with the Chairman of the Development Management Committee and the local member for Torrington Rural.</p>
<p>Contact for enquiries/further information</p>	<p>Andy Hill, 01392 383510 / andy.hill@devon.gov.uk</p>
<p>A summary of this decision will be reported to the Council's Cabinet (available on the Council's website at http://www.devon.gov.uk/dcc/committee/mingifs.html) and any supporting documentation considered by the individual taking this decision and relevant to the matter shall also be made available for inspection by the public</p>	

<p>Signature of Officer</p>		<p>Date: 19/6/17</p>
-----------------------------	---	----------------------