

LOCAL GOVERNMENT ACT 2000

REGISTER OF URGENT
DECISIONS OF THE EXECUTIVE

NORTH DEVON COUNCIL CONSTITUTION
– Appendix 12



- 1) SUBJECT: Further Main Modification to the emerging North Devon and Torridge Local Plan
- 2) REQUESTED DECISION: Authorisation for public consultation on one further main modification to the emerging North Devon and Torridge Local Plan relating to the reduced capacity of an allocated site in Buckland Brewer (BBR04) from 10 homes to 5 homes to reflect the level of development granted previously.
- 3) STATEMENT OF THE REASONS FOR THE REQUEST AND WHY IT IS URGENT: The Inspector has identified a discrepancy in the local plan which she has determined could 'undermine its credibility'. She has requested 6 weeks consultation on one further main modification to remove the risk of being unsound and advises that, if undertaken promptly, consultation will not delay receipt of her final report. If authorisation to undertake this further consultation was to be sought through Executive and Full Council several months could be added to the timeframe for receipt of the Inspector's final report, which would result in a delay to the adoption of the Local Plan.
- 4) FINANCIAL IMPLICATIONS: (NOTE: Please state if there are any financial implications. If so, state if there are sufficient funds within the agreed budget. If there are not sufficient funds, please state how the decision will be financed)

Additional costs (to be split between NDC and Torridge DC) will include:
 - a formal notice/advert in the local press,
 - paper copies being sent to local libraries and community offices,
 - notification letters and emails being sent to interested parties.These minor costs can be met within existing service budgets.
- 5) ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:
 - (a) Modification of the agreed Housing Trajectory rather than Policy BBR04 (to overcome the identified discrepancy between the policy and trajectory) would require an alternative main modification to the Housing Trajectory to increase housing supply (by 5 units) as well as further modifications to the land supply totals for Local Centres and Northern Devon (Table 4.2) and supporting text (paragraph 4.22). This approach would require consultation on different main modifications, taking just as long and would be more likely to generate representations unrelated to the proposed modification of the capacity for this site.
 - (b) Not undertaking any main modifications increases the risks of the Inspector finding the Local Plan to be unsound from its 'credibility being undermined'.
- 6) A RECORD OF ANY CONFLICT OF INTEREST DECLARED: None

7) A NOTE OF ANY DISPENSATION IF GRANTED: None

8) THE CONSENT OF THE CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE WAS OBTAINED ON: 26 June 2018

9) LIST OF BACKGROUND PAPERS (but not including published works or those which disclose exempt or confidential information (as defined in rule 10 of appendix 15 (Access to Information Procedural Rules) and the advice of a political advisor):

- Correspondence from Programme Officer

10) CONSULTATION UNDERTAKEN:

The following have been consulted on this urgent decision:

Consultee	Consulted Yes/No	Date
Executive Member	Y	27/6/18
Ward Member(s)	N	~
Chief Executive	Y	27/6/18
Head of Service (name) Ken Miles	Y	27/6/18
Legal	Y	27/6/18
Finance	Y	27/6/18

11) APPROVED BY DECISION TAKER

**COUNCILLOR D. BRALEY MBE
LEADER
NORTH DEVON COUNCIL**

~~12) NOT APPROVED BY DECISION TAKER~~

13) DATE THAT DECISION WAS TAKEN: 28/6/18.

29.6.18.

GUIDANCE NOTES

NOTE: ALL REFERENCES TO SUB-PARAGRAPHS REFER TO APPENDIX 12 OF THE CONSTITUTION

PROCEDURE FOR DECISIONS WHICH MAY BE CONTRARY TO ADOPTED PLANS AND STRATEGIES (INCLUDING THE BUDGET):

1. The Chief Executive must notify the Leader/Deputy Leader/Other Executive Member.
2. The Leader/Deputy Leader/Other Executive Member must approve the use of the procedure and notify the Chief Executive of his approval together with his reasons.
3. The Chief Executive must notify the Chairman of the Overview and Scrutiny Committee or if unable to act the Chairman of Council or if absent the Vice-Chairman to seek his determination as to whether the conditions detailed in paragraph 1.1 (b) (i), (iii) or (iv) are satisfied.
4. The Chairman of the Overview and Scrutiny Committee or if unable to act the Chairman of Council or if absent the Vice-Chairman, must confirm to the Chief Executive in writing that the proposed decision is urgent and that either of the conditions identified in paragraph 1.1 (b) (iii) or (iv) have been satisfied, the Chief Executive shall advise the Leader, Deputy Leader or other member of the Executive that the decision may be taken by a person or body possessing a relevant power to make such a decision.
5. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).

PROCEDURE FOR DECISIONS WHICH ARE WITHIN THE ADOPTED PLANS AND STRATEGIES (AND CAN NOT BE INCLUDED IN THE FORWARD PLAN):

1. If the Chief Executive considers that the conditions in sub-paragraph 2.1 are satisfied, he must notify the Proper Officer of the need for the decision, the reasons why it was impracticable for it to be included in the Council's Forward Plan, and whether or not the decision is required to be taken within five working days.
2. On receiving the notification, under sub-paragraph 2.3 and where satisfied that no decision is required to be taken for five working days, the Proper Officer shall:
 - (a) notify in writing the Chairman of the Overview and Scrutiny Committee or if there is no such person, each Member of the Overview and Scrutiny Committee, with particulars of the proposed decision, the

reasons for its urgency and the reasons for it being impracticable to include in the Council's Forward Plan;

- (b) make available for public inspection at the Council offices a copy of the written notice given to the Chairman of the Overview and Scrutiny Committee about the decision.

3. Decisions to which sub paragraph 2.4 applies, shall not be made until after five working days have elapsed following publication of the proposed decision under 2.4 (b) of Appendix 12 in the Constitution.

4. Where it appears to the Chief Executive that an urgent decision-

- (a) meets the requirements of sub-paragraph 2.1 of Appendix 12 of the constitution; and
- (b) because of the urgency cannot be deferred for five working days,

he shall seek the agreement and confirmation in writing on both those points from-

- (c) the Proper Officer; and
- (d) the Chairman of the Overview and Scrutiny Committee or in his absence the Chairman of Council or if there is no Chairman the Vice-Chairman of Council;

and the person or body possessing a relevant power to make the decision may proceed to make it only when the necessary agreement and confirmation have been obtained.

5. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).