

## WRITTEN STATEMENT OF AN EXECUTIVE DECISION BY A CABINET MEMBER

### SECTION A

DATE OF DECISION:

PORTFOLIO AREA:

Planning and Housing/Environmental Health

SUBJECT TITLE:

Representation to a Notice of Appeal made under the Environmental Permitting (England and Wales) Regulations 2016

### SECTION B – IDENTITY OF THE “DECISION-MAKER”

Name of Cabinet Member:

Councillor North

Title:

Leader

Under Delegated Powers as set out at (2) (e) of section “Functions retained by the Leader and Delegations to the Deputy Leader and Portfolio Holders” of the Constitution.

### SECTION C – SUMMARY

The Council as interested party has been invited by the Environment Agency to make representations under an appeal brought under the Environmental Permitting (England and Wales) Regulations 2016. Authorisation of such representations is a matter for Cabinet as designated under the ‘local choice’ functions being ‘the discharge of any function relating to the control of pollution or the management of air quality’. Representations are to be submitted by 17<sup>th</sup> December 2018. The next meeting of the Cabinet is on the 16<sup>th</sup> January 2019. So there is no convenient meeting of the Cabinet to which this decision could be brought.

### SECTION D – THE DECISION

Having considered the invitation to make representations, the appeal notice and draft representations the report the decision-maker made the following decision:

That the proposed representations be submitted in response to the Environment Agency’s invitation to the Council as an interested party.

It is considered that the aforementioned documents contain exempt information within the meaning of Paragraphs 1 and 3 of Schedule 12A of the Local Government Act 1972 as amended as they disclose information relating to an individual and information of the business affairs of a particular person. It is further considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information as the representations are provided in order for determination of the appeal.

**SECTION E – REASONS FOR THE DECISION**

The decision-maker's reasons for making the decision recorded in Section D:

If the representations are not made in the given time-scale, the Council's opportunity to respond will be lost. Given the site to which the application relates and the nature of the Council's (as Local Planning Authority) involvement with that site, it is in the interests of the Council and its residents for the representations to be made.

**SECTION F – DETAILS OF ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

The alternative option is not to make the representations. This option was considered and rejected.

**SECTION G – OTHER RELEVANT MATTERS CONCERNING THE DECISION**

None

**SECTION H – BACKGROUND PAPERS**

Environment Agency letter, appeal notice and draft response.

**SECTION I – Conflict of any Interest declared and Dispensation Granted**

None

I certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and is a true and accurate record or minute of that decision.

Officers present – if any: Paul Jackson 13.12.18 Dated:

Cabinet Member signature [Signature] 13.12.18