



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	LOWLANDS AREA PLANNING SUB-COMMITTEE – 20 JUNE 2024
Subject	URGENT DECISION
Wards affected	Witney wards; South Leigh
Accountable member	Andy Graham, Leader of the Council. Email: andy.graham@westoxon.gov.uk
Accountable officer	Giles Hughes, Chief Executive Officer Email: democratic.services@westoxon.gov.uk
Report author	Andrew Brown, Democratic Services Business Manager Email: democratic.services@westoxon.gov.uk
Summary/Purpose	For the Sub-Committee to note a decision taken by the Chief Executive where the matter was urgent and could not reasonably await the next meeting of the Sub-Committee.
Annexes	Annex A – Officer report Annex B – Decision notice
Recommendation(s)	That the Lowlands Area Planning Sub-Committee resolves to: I. Note the urgent decision set out in Annex B.
Corporate priorities	<ul style="list-style-type: none">• Putting Residents First• A Good Quality of Life for All• A Better Environment for People and Wildlife• Responding to the Climate and Ecological Emergency• Working Together for West Oxfordshire
Key Decision	NO
Exempt	NO
Consultees/ Consultation	<ul style="list-style-type: none">• Director of Governance• Director of Finance

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| | <ul style="list-style-type: none">• Leader of the Council• Executive Member for Planning and Sustainable Development• Chair of Development Control Committee• Chair of Lowlands Area Planning Sub-Committee |
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1. EXECUTIVE SUMMARY

- 1.1 This report is to formally notify the Lowlands Area Planning Sub-Committee of a decision taken by the Chief Executive under urgency powers. The decision was taken to agree to no longer defend the refusal reasons that were applied when the East Witney application was determined by the Lowlands Area Planning Sub-Committee. The site is allocated for development in the adopted Local Plan

2. BACKGROUND

- 2.1 The Council's Constitution (Part 3C) includes the following provision for matters of urgency:

The Chief Executive in consultation with the Chief Finance Officer and the Monitoring Officer, may take a decision in relation to any function of the Council, Executive or of a Committee or Sub-Committee where the matter is urgent and cannot reasonably await the next meeting of that body. In doing so, the Officer shall also consult with the Leader of the Council, or in their absence, the Deputy Leader of the Council and the Chair, or in their absence the Vice-Chair, of any relevant Committee or Sub-Committee, as the case may be.

Any decision under the above provisions shall be recorded on an Officer Decision Notice, and published, unless exempt or confidential. The decision shall be reported to Council, the Executive or the appropriate Committee or Sub-Committee, such report to include the reasons that the powers needed to be used.

3. URGENT DECISION

- 3.1 The urgent decision taken by the Chief Executive, including the reasons for it and why it was treated as urgent, are set out in the officer report attached at Annex A and the decision notice attached at Annex B.

4. ALTERNATIVE OPTIONS

5. As set out in the officer report (Annex A), the Council could have decided to continue with the appeal. However, the reputational and financial consequences of fighting a much-weakened case when the Council had largely secured the key elements it was looking for meant that this option was not preferred.

6. FINANCIAL IMPLICATIONS

- 6.1 As set out in the officer report (Annex A), the effect of the urgent decision was to save the Council costs of c. £40,000 and negate the risk of an award of costs (unknown but potentially in the region of £150,000 to £200,000).

7. LEGAL IMPLICATIONS

- 7.1 The legal implications are included in the officer report (Annex A).

8. RISK ASSESSMENT

8.1 There were risks in seeking to defend the refusal reasons at appeal, as set out in the officer report (Annex A) and the decision notice (Annex B).

9. EQUALITIES IMPACT

9.1 There are no equalities impacts.

10. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

10.1 As set out in the officer report (Annex A), the scheme secures substantial ecological and landscape mitigation which has been enhanced post the refusal and can be locked in by way of the legal agreement and conditions.

11. BACKGROUND PAPERS

11.1 None.

(END)