

EXECUTIVE DECISION RECORD

REF No 477.22

A1 Service Area	Planning
A2 Title	Biodiversity Guidance
A3 Decision Taken By	Leader
A4 Chief Officer	Please print name: Sal Khan Please sign name: Approval by email 251022
A5 Leader / Deputy Leader	Please print name: Councillor George Allen Please sign name: Approval by email 031122
A6 Date of Decision	20 th October 2022

Confidentiality

A7 Is this Decision confidential by containing exempt information as described in Schedule 12A of the Local Government Act 1972?	No
A7.1 If yes, please state relevant paragraph from Schedule 12A LGA 1972.	N/A

Scrutiny

A8 Which Scrutiny Committee should this decision be submitted to? *(Please tick as appropriate)*

Scrutiny (Community Regeneration, Environment and Health and Well Being)
Committee ✓

B1 What is the Decision?	To publish planning guidance on biodiversity
B2 What are the reasons for the Decision?	The 2021 Environment Act introduced new biodiversity requirements for planning applications. Whilst these are unlikely to come into effect until at least 2023, this guidance will act as a stepping stone to the new requirements, and help improve the quality of information submitted in the applications process.
B3 What are the contributions to Corporate Priorities?	Value for Money and Environment, Health and Wellbeing are both engaged, as the guidance will help to ensure that planning decisions are made on the basis of up to date national and local policy and guidance and high quality information is submitted in support of applications.
B4 What are the Human Rights considerations?	There are no Human Rights issues arising from this decision

Financial Implications

B5 What are the financial implications?	<p>There are no financial implications arising from the decision to publish this guidance. Currently the Borough Council appoints the Staffordshire County Council Ecologist to provide advice on certain applications, the cost of which is met within the existing budget. It is expected that this arrangement will continue in the short term.</p> <p>However, the biodiversity guidance makes reference to mandatory biodiversity net gain, expected to come into place towards the end of 2023 and it is expected the level of resource required will increase given advice will be required for more application types. Also, schemes to provide net gain may need specialist advice as to their suitability. This will be considered as part of the development of the Medium Term Financial Strategy.</p>
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The finance section has been approved by the following member of the Financial Management Unit:

Please print name: Anya Murray

Please sign name: [Approval by email 251022](#)

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Policy Framework

B6 Is the Decision wholly in accordance with the Council's policy framework?	Yes
B6.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	No
B6.2 Has it got the appropriate approvals under those provisions?	NA
B7 Is the Decision wholly in accordance with the Council's budget?	Yes
B7.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	NA
B7.2 Has it got the appropriate approvals under those provisions?	NA

Equalities Implications

B8 What are the Equalities implications: N/A The subject of this Report is not a policy, strategy, function or service that is new or being revised, it only represents guidance on policy which has already been adopted.
B8.1 Positive (Opportunities/Benefits): NA
B8.2 Negative (Threats): NA
B8.3 The subject of this decision is not a policy, strategy, function or service that is new or being revised. An equality impact assessment is not required
B8.4 [The equality impact assessment identified the following actions to be carried out:] N/A

Risk Assessment

B9 What are the Risk Assessment implications: The publication is a low-risk action.
B9.1 Positive (Opportunities/Benefits): The guidance is likely to improve the quality of information accompanying planning applications.
B9.2 Negative (Threats): None
B9.3 The risks do not need to be entered in the Risk Register

Legal Considerations

B10 What are the Legal Considerations: The publication of the finalised version of the guidance amounts to a low/ negligible legal risk

B10.1 There are no significant legal issues arising from this decision

This section has been approved by the following member of the Legal Team

Please print name: Sherrie Grant

Please sign name: [Approval by email 241022](#)

Sustainability Implications

B11 What are the Sustainability implications: Improving the quality of biodiversity information supplied with planning applications will help to improve decision making to ensure that schemes are as sustainable as possible. The guidance may also help to encourage applicants to improve the sustainability of their schemes.
B11.1 The proposal would result in an overall positive effect in terms of sustainability
B11.2 Positive (Opportunities/Benefits): Positive (Opportunities/Benefits): Ensuring biodiversity is fully considered in developments will have multiple benefits for climate change and species preservation.
B11.3 Negative (Threats): None

Health & Safety Implications

B12 What are the Health & Safety implications: None
B12.1 A Risk Assessment has not been carried out and entered into Safety Media for all significant hazards and risks because there are no significant hazards or risks arising from this decision
B12.2 NA
B12.3 NA
B12.3.1 Positive (Benefits) NA
B12.3.2 Negative (Threats) NA

Key Decision

B13 Is this a Key Decision? No

Note: A Key Executive Decision is one where:

1. **REVENUE** – Any contract or proposal with an annual payment or saving of more than £100,000
2. **CAPITAL** – Any capital project with a value in excess of £150,000
3. A decision which significantly affects communities living or working in an area comprising two or more wards.

B13.1 If this is a Key Decision, is this an urgent decision such that a delay caused by use of the Call-in Procedure would <u>seriously</u> prejudice the public interest?	NA
B13.2 If yes, has the Mayor or in his/her absence the Deputy Mayor or in his/her absence the Chair of the relevant Scrutiny Committee agreed that the decision will be exempt from Call-in?	NA

NOTE: If this decision is subject to the Call-in Procedure it will come into force, and may then be implemented, on the expiry of 3 working days after publication – unless 10 Members of the Council call in the decision.

Please send the original signed document to
monica.henchcliffe@eaststaffsbc.gov.uk