



Please leave blank for completion by DS officers

**EXECUTIVE DECISION RECORD**

<b>A1 Service Area</b>	Planning
<b>A2 Title</b>	Making the Stapenhill Neighbourhood Plan
<b>A3 Decision Taken By</b>	Deputy Leader and Chief Officer ( <i>please delete as appropriate</i> )
<b>A4 Chief Officer</b>	Please print name: Sal Khan  Please sign name: 
<b>A5 Leader / Deputy Leader</b>	Please print name: Cllr Julia Jessel  Please sign name: 
<b>A6 Date of Decision</b>	22 <sup>nd</sup> September 2016

**Confidentiality**

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

**Scrutiny**

<b>A8 Which Scrutiny Committee should this decision be submitted to?</b>	(Please tick as appropriate) ✓
Scrutiny (Promoting Local Economic Growth) Committee	<input type="checkbox"/>
Scrutiny (Value for Money Council Services) Committee	<input type="checkbox"/>
Scrutiny (Protecting and Strengthening Communities) Committee	<input checked="" type="checkbox"/>
Scrutiny (East Staffordshire Health) Committee	<input type="checkbox"/>

<p><b>B1</b> What is the Decision?</p>	<p>To officially 'make' or adopt the Stapenhill, Neighbourhood Plan, after the successful Referendum on 15<sup>th</sup> September 2016.</p>
<p><b>B2</b> What are the reasons for the Decision?</p>	<p>The Stapenhill Neighbourhood Plans were subject to Referendum on Thursday 15<sup>th</sup> September 2016. In the referendum the question asked was:</p> <p><b><i>Do you want East Staffordshire Borough Council to use the Neighbourhood Plan for Stapenhill to help it decide planning applications in the neighbourhood area?</i></b></p> <p>The result of the Referendum in the Parish was as follows:</p> <p><b>596 votes (9.94% turnout)</b></p> <p><b>546 Yes</b></p> <p><b>48 No</b></p> <p><b>2 rejected</b></p> <p>The Referendum result was a 'yes' vote of more than 50% therefore in accordance with section 38A(4) of the 2004 Act (and Regulation 19 of the Neighbourhood Planning regulations 2012) the local planning authority must publish a decision statement setting out the decision (please see the separate 'decision statement') and the reasons for making that decision. The LPA must also send a copy of the decision statement to the qualifying body and any person who asked to be notified of the decision.</p> <p>Regulation 20 of the neighbourhood planning regulations states that the LPA must publish the neighbourhood plan on their website and details of where a copy can be inspected.</p> <p>The front page of the NP has been updated to reflect the status of the plan.</p>
<p><b>B3</b> What are the contributions to Corporate Priorities?</p>	<p>Neighbourhood Plans will form part of the statutory development plan for the borough when 'made' and as such will form part of the planning framework used for decision making on planning applications made in the Neighbourhood Plan areas. It is therefore of relevance to the Corporate Plan priority of 'Protecting and Strengthening Communities – love where you live'.</p>

<b>B4</b> What are the Human Rights considerations?	There are no Human Rights issues arising from this decision.
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### Financial Implications

<b>B5</b> What are the financial implications?	There are no financial issues arising from this decision. All Neighbourhood Planning expenses are paid for using DCLG Neighbourhood Planning grant funding.
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<b>Revenue</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>

<b>Capital</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>

The finance section has been approved by the following member of the Financial Management Unit:	Steve Guy
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### Policy Framework

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

### Equalities Implications

<b>B8</b> What are the Equalities implications:
<b>B8.1</b> Positive (Opportunities/Benefits):
<b>B8.2</b> Negative (Threats):
<b>B8.3</b> 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.
<b>B8.4</b> [The equality impact assessment identified the following actions to be carried out:]

### Risk Assessment

<b>B9</b> What are the Risk Assessment implications:
<b>B9.1</b> Positive (Opportunities/Benefits):
<b>B9.2</b> Negative (Threats):
<b>B9.3</b> The risks do not need to be entered in the Risk Register.

### Legal Considerations

<b>B10</b> What are the Legal Considerations:	
<b>B10.1</b> ESBC has a legal obligation (via the 2004 Act and NP regulations) to take the decision to 'make' a Neighbourhood Plan should it get over 50% 'yes' votes at referendum.	
This section has been approved by the following member of the Legal Team:	Angela Wakefield

## Sustainability Implications

<b>B11</b> What are the Sustainability implications:
<b>B11.1</b> There are no sustainability issues, as the Plan has passed examination and therefore meets national policy on sustainable development.
<b>B11.2</b> Positive (Opportunities/Benefits):
<b>B11.3</b> Negative (Threats):

## Health & Safety Implications

<b>B12</b> What are the Health & Safety implications:
<b>B12.1</b> [A Risk Assessment has not been carried out and entered into Harriet for all significant hazards and risks because there are no significant hazards or risks arising from this decision.
<b>B12.2</b>
<b>B12.3</b>
<b>B12.3.1</b> Positive (Benefits)
<b>B12.3.2</b> Negative (Threats)

## Key Decision

<b>B13</b> Is this a Key Decision?	No
<b>Note: A Key Executive Decision is one where:</b> <ol style="list-style-type: none"> <li>1. <b>REVENUE</b> – Any contract or proposal with an annual payment or saving of more than £100,000</li> <li>2. <b>CAPITAL</b> – Any capital project with a value in excess of £150,000</li> <li>3. A decision which significantly affects communities living or working in an area comprising two or more wards.</li> </ol>	
<b>B13.1</b> If this is a Key Decision, is this an urgent decision such that a delay caused by use of the Call-in Procedure would seriously prejudice the public interest?	Yes/No/NA <i>(please delete as appropriate)</i>
<b>B13.2</b> 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?	Yes/No/NA <i>(please delete as appropriate)</i>

**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 [andrea.davies@eaststaffsbc.gov.uk](mailto:andrea.davies@eaststaffsbc.gov.uk)

# East Staffordshire Borough Council

## Stapenhill Neighbourhood Development Plan

### Decision Statement published pursuant to the Localism Act 2011 Schedule 38A(9) and Regulation 19 of the Neighbourhood Planning (General) Regulations 2012

East Staffordshire Borough Council on 22<sup>nd</sup> September 2016 decided to make the Stapenhill Neighbourhood Development Plan under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended). The Stapenhill Neighbourhood Development Plan now forms part of the Development Plan for East Staffordshire.

#### Decision and reasons

The decision of the Council on 22<sup>nd</sup> September 2016 and its reasons for its decision are as follows:

“To make the Stapenhill Neighbourhood Development Plan...with immediate effect with the consequence that it becomes part of the Development Plan for East Staffordshire.”

#### Reasons for decision:

The Stapenhill Neighbourhood Plan meets the Basic Conditions and its promotion process is compliant with legal and procedural requirements. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to make the Neighbourhood Plan if more than half of those voting in the referendum upon the plan have voted in favour of the Plan being used to help to decide planning applications in the area. The Plan was endorsed by more than the required threshold in the referendum on 15<sup>th</sup> September 2016.

This decision statement can be viewed on the East Staffordshire Borough Council website:

<http://www.eaststaffsbc.gov.uk/planning/planning-policy/neighbourhood-plans/stapenhill>

Hard copies can be viewed at ESBC Customer Service centre in Burton

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