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### EXECUTIVE DECISION RECORD

<b>A1 Service Area</b>	Planning
<b>A2 Title</b>	Forwarding the Denstone Neighbourhood Plan to Referendum
<b>A3 Decision Taken By</b>	Deputy Leader and Chief Officer
<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>	15 <sup>th</sup> December 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"/>

**B1** What is the Decision?

To agree and publish the attached decision statement, sending the Denstone Neighbourhood Plan (UNP) to Referendum on 2<sup>nd</sup> February 2017.

**B2 What are the reasons for the Decision?**

The Neighbourhood Plan subject of this report was examined by Ann Skippers in October/November 2016.

The examiner considered the Plan representations and the submission documents when examining whether the DNP met the basic conditions. Namely that the plan:

- Has appropriate regard to national policy
- Contributes to the achievement of sustainable development
- Is in general conformity with strategic policies in the development plan for the local area
- Is compatible with human rights requirements and
- Is compatible with European Union obligations

Under the terms of Neighbourhood Planning legislation the examiner is required to make one of three determinations:

- The Plan should go forward to referendum because it meets all the 'Basic Conditions'
- The Plan should proceed to Referendum if modified
- The Plan should not proceed to Referendum as it does not meet all the legal requirements

Mrs Skippers considered the plan met the Basic Conditions subject to a number of modifications.

It is the responsibility of the Local Authority to consider each of the recommended modifications made by the examiner and decide whether they meet the basic conditions, and make the changes to the plan as necessary.

The attached decision statement goes through each modification in turn and includes the Council's response. The Council has accepted the modifications, as we consider they meet the basic conditions. ESBC officers have worked closely with the Parish Council throughout the process and they are satisfied that their Plan is stronger as a result of the modifications.

Therefore, in accordance with the Regulations, the Denstone Neighbourhood Plan is recommended to proceed to Referendum on 2<sup>nd</sup> February 2017.


<b>B3</b> What are the contributions to Corporate Priorities?	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'.
<b>B4</b> What are the Human Rights considerations?	There are no Human Rights issues arising from this decision.

### 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>
	0	0	0

<b>Capital</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
	0	0	0

The finance section has been approved by the following member of the Financial Management Unit: Anya Murray	
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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)?	
<b>B6.2</b> Has it got the appropriate approvals under those provisions?	
<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> [

### 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.</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 send a neighbourhood development Plan to Referendum if it considers that (as amended) it meets the basic conditions, within 5 weeks of receiving the examination report (final day to publish the decision statement will be 28 <sup>th</sup> November 2016).	
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> The DNP has gone through a Strategic Environmental Assessment (SEA) screening opinion, which along with the final plan was sent to Historic England, Natural England and the Environment Agency. These three statutory consultees responded to the screening opinion and informed ESBC that, in their opinion, a full SEA was not required.
<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. <b>A decision which significantly affects communities living or working in an area comprising two or more wards.</b></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)