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completion by DS
officers

EXECUTIVE DECISION RECORD

A1 Service Area	Planning
A2 Title	Forwarding the Winhill Neighbourhood Plan to Referendum
A3 Decision Taken By	Deputy Leader and Chief Officer
A4 Chief Officer	Please print name: Sal Khan Please sign 
A5 Leader / Deputy Leader	Please print name: Gill Jackson Please 
A6 Date of Decision	28 th November 2017

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.	

Scrutiny

A8 Which Scrutiny Committee should this decision be submitted to?	(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>B1 What is the Decision?</p>	<p>To agree and publish the attached decision statement, sending the Winshill Neighbourhood Plan (WNP) to Referendum on 25th January 2018.</p>
<p>B2 What are the reasons for the Decision?</p>	<p>The Parish Council consulted on a pre-submission version of their draft Neighbourhood Development Plan between 13th October 2015 and 3rd December 2015, fulfilling all the obligations set out in Regulation 14.</p> <p>The Parish Council submitted their Neighbourhood Development Plan to East Staffordshire Borough Council in June 2017 in accordance with Regulation 15.</p> <p>The Borough Council publicised the submitted Neighbourhood Development Plan and its supporting documents for 6 weeks between 16th June and 28th July 2017 in accordance with Regulation 16.</p> <p>Terry Heselton was appointed to examine the Neighbourhood Development Plan, and the Examination took place in August and September 2017.</p> <p>The Examiner concluded he was satisfied that the Neighbourhood Development Plan was capable of meeting the legal requirements set out in the Localism Act 2011, including meeting the Basic Conditions, subject to the modifications set out in his report.</p> <p>Schedule 4B s.12 to the Town and Country Planning Act 1990 requires that a local authority must consider each of the recommendations made in the Examiner's report and decide what action to take in response to each recommendation. If the authority is satisfied that, subject to the modifications made, the draft Neighbourhood Development Plan meets the legal requirements and Basic Conditions as set</p>

out in legislation, a referendum must be held on the making of the Neighbourhood Development Plan by the Borough Council. (If the local authority is not satisfied that the Neighbourhood Development Plan meets the Basic Conditions and legal requirements then it must refuse the proposal.) A referendum must take place and a majority of residents must vote in favour of the Neighbourhood Development Plan before it can be 'made'.

The Basic Conditions are:

1. Has regard to national policy and guidance from the Secretary of State
2. Contributes to sustainable development
3. Is in general conformity with the strategic policy of the development plan for the area or any part of that area
4. Does not breach or is otherwise compatible with EU obligations – this includes the SEA Directive of 2001/42/EC
5. The making of the Neighbourhood Plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species regulations 2010(d) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats &c) regulations 2007 9(e) (either alone or in combination with other plans or projects).

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 decision statement goes through each modification in turn and includes the Council's response. The Council has accepted the modifications, as it is considered 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 Winshill Neighbourhood Plan is recommended to proceed to Referendum on 25 th January 2018.
B3 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'.
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?	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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Revenue	2017/18	2018/19	2019/20
	/	/	/

Capital	2017/18	2018/19	2019/20
	/	/	/

The finance section has been approved by the following member of the Financial Management Unit:	A-J. MURRAY
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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)?	
B6.2 Has it got the appropriate approvals under those provisions?	
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)?	Yes/No/NA (please delete as appropriate)
B7.2 Has it got the appropriate approvals under those provisions?	Yes/No (please delete as appropriate)

Equalities Implications

B8 What are the Equalities implications:
B8.1 Positive (Opportunities/Benefits):
B8.2 Negative (Threats):
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 [

Risk Assessment

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

Legal Considerations

B10 What are the Legal Considerations:	
B10.1 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	
This section has been approved by the following member of the Legal Team:	[ANGELA WALKFIELD]

Sustainability Implications

B11 What are the Sustainability implications:
B11.1 The WNP 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.
B11.2 Positive (Opportunities/Benefits):
B11.3 Negative (Threats):

Health & Safety Implications

B12 What are the Health & Safety implications:
B12.1 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.
B12.2 [
B12.3
B12.3.1 Positive (Benefits)
B12.3.2 Negative (Threats)

Key Decision

B13 Is this a Key Decision?	No
<p>Note: A Key Executive Decision is one where:</p> <ol style="list-style-type: none"> 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 andrea.davies@eaststaffsbc.gov.uk