

Please leave blank for completion by DS officers

EXECUTIVE DECISION RECORD

A1 Service Area	Planning
A2 Title	Cannock Chase SAC Guidance to Mitigate
A3 Decision Taken By	Deputy Leader and Chief Officer
A4 Chief Officer	Please print name: Sal Khan Please sign r
A5 Leader / Deputy Leader	Please print name: Cllr Jacqui Jones Please
A6 Date of Decision	25 th A

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 publish the Cannock Chase SAC Guidance to mitigate</p>
<p>B2 What are the reasons for the Decision?</p>	<p>East Staffordshire Borough Council has a duty as a Competent Authority under the Conservation of Habitats and Species Regulations 2010 (Habitat Regulations) to ensure that Local Plans and planning application decisions comply with the Habitats Regulations</p> <p>East Staffordshire has been on the Cannock Chase SAC Partnership since 2007 and a Memorandum of Understanding setting out the terms of reference and roles and responsibilities was signed in 2016. Evidence commissioned by the SAC Partnership suggests that the planned level of growth as set out in Local Plans within a 15 kilometre radius of the SAC is likely to have a significant effect on the designated site. The greater part of this effect would arise from development within a 0-8km zone as it has been determined through research that this zone would contribute the most visitors to the SAC. The effect of increased visitor numbers consists of additional damage from site use and vehicle emissions. In granting planning permissions the Local Planning Authorities must comply with their duty under the Habitats Regulations as Competent Authorities to ensure appropriate mitigation is delivered prior to developments being built and new visits generated.</p> <p>Therefore SAC partners have agreed to formally support the evidence base reports and acknowledge a 15km Zone of Influence, with financial contributions being sought in the 0-8km zone only. Contributions in this zone would mitigate all planned development within the 15km Zone of Influence. For larger unknown and unplanned proposals in this zone, additional impacts should be investigated further on a case by case basis.</p> <p>The Local Plan includes a policy relating to European Sites and requires with specific regard to developments likely to impact Cannock Chase SAC that they mitigate any adverse impacts through financial contributions.</p>

	<p>The Cannock Chase SAC Guidance has been prepared to set out where mitigation will be sought, and the level of contribution.</p> <p>The guidance has been prepared in partnership and is consistent with other relevant local planning authority guidance.</p>
B3 What are the contributions to Corporate Priorities?	<p>The duty forms part of the planning framework used for decision making on planning applications. It is therefore of relevance to the Corporate Plan priority of 'Protecting and Strengthening Communities – love where you live'.</p> <p>The Corporate Plan includes a target (PSC25) of publishing the guidance by April 2018.</p>
B4 What are the Human Rights considerations?	<p>There are no Human Rights issues arising from this decision.</p>

Financial Implications

B5 What are the financial implications?	<p>The £230 to be collected for every new dwelling in the applicable area is in order to fulfil a habitat regulation directive requirement and is separate from our existing Section 106 calculations.</p> <p>Stafford Borough Council are the hosting authority for the two Cannock Chase Officers who are now in post and beginning to implement the mitigation strategy in line with this directive. These payments have been calculated to mitigate the expected cost caused by our developments and no expenditure is intended to be incurred by ESBC. The £230 is intended to be fixed for the foreseeable future but could vary should there be a change to the level of mitigation works required.</p> <p>The monies collected will be given to Stafford Borough Council on a quarterly basis</p>
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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:

ANYA MURRAY

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 Competent Authorities have a duty under the Conservation of Habitats and Species Regulations 2010 (Habitat Regulations) to ensure that planning application decisions comply with the Habitats Regulations. The guidance note includes a unilateral undertaking template which will be used by applicants and will require a signatory from the legal team in every case prior to a planning application being determined. The provision of mitigation measures in terms of a financial contribution is required to fulfil the habitat regulations, not to make the planning application satisfactory in planning terms and is therefore not limited to the pooling restriction for S106 agreements.	
This section has been approved by the following member of the Legal Team:	[ANGELA WALKER]

Sustainability Implications

B11 What are the Sustainability implications: None

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.

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