



**EXECUTIVE DECISION RECORD
Cabinet Member**

REF No: 86/23

A1 Service Area	Planning Policy
A2 Title	Regulation 10a Review of The Local Plan
A3 Decision Taken By	Cabinet Member
A4 Chief Officer	Please print name: Tom Deery Please sign name: Signed via email 31/10/2023
A5 Cabinet Member	Please print name: Cllr R Hawkins Please sign name: Signed via e-mail 30/10/2023
A6 Date of Decision	31/10/2023

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.	

Conflict of Interest

Are there any conflicts of interest to declare? Yes/No *(please delete as appropriate)*

(If “Yes” please contact the Chief Executive before making the Decision. A note of dispensation should be attached).



Scrutiny/Audit

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

Scrutiny (Value for Money Council) Committee

Scrutiny (Regeneration Development and Market Hall) Committee

Scrutiny (Health and Wellbeing) Committee

Scrutiny (Climate Change and Environment) Committee

Audit Committee

B1 What is the Decision?	The ESBC Local Plan 2015 is in date and is fully effective for decision making. There is no requirement to update the local plan at this time
<p>B2 What are the reasons for the Decision?</p> <p>B2 Alternative options considered and rejected?</p>	<p>This EDR relates to a report which reviews the Council’s Local Plan in line with policy SP6 of the Local Plan and Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2017 as amended, in light of changes to national planning policy and guidance to date and expected changes to the plan making process following the enactment of the Levelling up and Regeneration Bill. The assessment has considered a range of factors including appeal decisions, delivery of the Local Plan, consistency with revised national planning policy and progress of the Levelling Up and Regeneration Bill. The assessment concludes that the Local Plan can still be regarded as being up to date however recommends continued progress on a number of evidence base documents.</p> <p>At this stage the only options to consider are whether to start the Local Plan review the plan or not. Any future Local Plan will consider a range of options associated with future development including scale and location.</p>
B3 What are the contributions to Corporate Priorities?	This paper supports RAD19, ‘Monitor performance of the Local Plan’.
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?

The main financial issues arising from this decision are as follows:

The report relating to this EDR recommends that the ESBC 2015 Local Plan is up to date following a review in accordance with the regulations.

In order to implement the Levelling Up and Regeneration Bill, this report further identifies additional work will be required to establish an evidence base. The current approved Medium Term Financial Strategy makes provision for a future review of the Local Plan, with £0.433m included directly within the budgets and £0.492m held within a specific earmarked reserve.

The current Local Plan and any future evolution of it, influences household and business growth in the borough. Household and business growth then impact on tax collection and demand for services, which have financial implications for the MTFS.

The Local Plan also sets the context of planning agreements which in certain circumstances can include a requirement for developers to assist the Council in funding additional infrastructure.

Therefore it appears prudent to await the royal assent of the Levelling Up and Regeneration Bill and changes to National Planning Policy framework, which are likely to take place by early 2024, to consider when to trigger plan making under the new system.

	Any external costs to either prepare the evidence base for the Local Plan, or update the Local Plan directly will be funded from the 2023/24 revenue budget of £0.286m set aside for this purpose (the £0.286m budget is the first year portion of the full £0.433m budget spread across three years)
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Revenue	2023/24	2024/25	2025/26
	286,789	0	146,670

Capital	2023/24	2024/25	2025/26

The finance section has been approved by the following member of the Financial Management Unit:	Please print name: James Hopwood Please sign name: Approval by email 1/11/23
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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)?	NA
B6.2 Has it got the appropriate approvals under those provisions?	Yes
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?	

Equalities Implications

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

Risk Assessment

B9 What are the Risk Assessment implications:
B9.1 Positive (Opportunities/Benefits):
B9.2 Negative (Threats) There is a risk that by not taking the appropriate action and announcing that the Local Plan is still considered up to date for decision making that the Authority could be in position of 'planning by appeal'
B9.3 The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

Legal Considerations

B10 What are the Legal Considerations:
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 e-mail 27/10/2023

Sustainability Implications

B11 What are the Sustainability implications:
B11.1 There are no implications in the context of this decision and associated report. Future decisions on the Local Plan could have an impact on climate change, which would be considered in those reports, and through the sustainability appraisal of a future local plan. It is expected that any new Local Plan will set out through new policies how planning can achieve the pathway to net zero in line with national strategy and the East Staffordshire Climate Change Action Plan.
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 Safety Media for all significant hazards and risks because there are no significant hazards or risks arising from this decision.

B12 What are the Health & Safety implications:

Key Decision

B13 Is this a Key Decision? Yes

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?	No
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

The questions contained in this questionnaire are not to be altered in any way. If you have any queries regarding the contents of this document, please contact Andrea Davies Ext 1306 or refer to Part 3 Section 6 of the Constitution.