

EXECUTIVE DECISION RECORD
Cabinet Member

REF No: 243.24

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: approval via email 10 th October 2024
A5 Leader / Deputy Leader	Please print name: Cllr L Walker Please sign name: approval via email 10 th October 2024
A6 Date of Decision	10 th October, 2024

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? No

(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 (Regeneration Development and Market Hall) Committee

B1 What is the Decision?	The Decision is that 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.
B2 What are the reasons for the Decision?	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 and proposed changes to national planning policy and guidance to date and expected changes to the plan making process following the Levelling up and Regeneration Act. The assessment has considered a range of factors including appeal decisions, delivery of the Local Plan, consistency with revised national planning policy and expected plan making processes and as set out in the Levelling Up and Regeneration Act. 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 and regular reporting on further changes to the planning system. The website also requires updating to reflect this.
B2 Alternative options considered and rejected?	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.
B3 What are the contributions to Corporate Priorities?	This paper supports PES17, 'Delivering a high quality planning service – Complete the annual review of the Local Plan
B4 What are the Human Rights considerations?	There are no Human Rights issues arising from this decision.

Financial Implications

<p>B5 What are the financial implications?</p>	<p>There are no financial issues arising from this report and all evidence base reports referred to have been fulfilled by the current Local Plan budget</p>
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Revenue	2023/24	2024/25	2025/26

Capital	2023/24	2024/25	2025/26

<p>The finance section has been approved by the following member of the Financial Management Unit:</p>	<p>Please print name: Lloyd Haynes</p> <p>Please sign name: approval via email 9th October 2024</p>
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Policy Framework

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

Equalities Implications

<p>B8 What are the Equalities implications: The Report is not a policy, strategy, function or service that is new or being revised. An equality and health impact assessment is not required.</p>
<p>B8.1 Positive (Opportunities/Benefits): N/A</p>

B8 What are the Equalities implications: The Report is not a policy, strategy, function or service that is new or being revised. An equality and health impact assessment is not required.

B8.2 Negative (Threats): N/A

Risk Assessment

B9 What are the Risk Assessment implications:

B9.1 Positive (Opportunities/Benefits): The Authority are not wasting resources by trying to prepare a Local Plan in an unrealistic timescale and in accordance with Regulations which it is known will be superseded in the short term.

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

The East Staffordshire Borough Council Local Plan 2012 - 2031 was adopted by Full Council on 15th October 2015. The Local Plan (hereby referred to as 'The Plan') forms part of the Council's statutory development plan and sets the spatial strategy for the Borough. The Plan was prepared in accordance with relevant legislation and was ratified by an Independent Inspector.

Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 stipulates that a local authority must complete a review its Local Plan within 5 years of the date of adoption.

The first Local Plan review was undertaken during 2020 in accordance with Regulation 10A. At an Extraordinary Council meeting on 19th October 2020. It was agreed that the update to the Local Plan be delayed for a maximum of 5 years, but that an annual assessment takes place.

This report forms part of the annual assessment for 2024. Appropriate considerations (key area assessments) have been detailed by officers in support of their latest recommendation/assessment regarding the Local Plan. This recommendation is also supported by evidence such as predicted land supply, appeals information and Local Plan tracker information.

This section has been approved by the following member of the Legal Team

B10 What are the Legal Considerations:

Please print name: John Teasdale

Please sign name: approval via email 9th October 2024

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.

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