

Ward: [Insert details]

South Downs National Park Authority Scheme of Delegation

Report by the Executive Head of Planning, Regeneration and Wellbeing

1.0 Summary

- 1.1 This report seeks authority to enter into an Agency Agreement with the South Downs National Park Authority (SDNPA) under S.101 of the Local Government Act 1972 to enable Worthing Borough Council to continue to determine planning applications on behalf of the Park Authority. The current agreement and scheme of delegation expired on 31st March 2014.

2.0 Background

- 2.1 On 12 November 2009, the Secretary of State for the Environment, Food and Rural Affairs announced the creation of a new National Park for the South Downs and confirmed its boundary. The South Downs National Park designation came into force on 31 March 2010. A National Park Authority Establishment Team was set up to help lead the way for a National Park Authority (NPA) to sit from April 2010 with full powers in April 2011, when it became the Planning Authority for the South Downs National Park.
- 2.2 Due to the size of the South Downs National Park and the number of planning applications received within it, it was considered that a scheme of delegation should be drawn up whereby a significant number of planning applications would be delegated to the relevant Local Authorities to be determined on behalf of the NPA. The principle of offering this scheme of delegation to local authorities was approved by the shadow NPA on 15 June 2010.
- 2.3 Adur and Worthing Full Councils resolved to enter into an agreement with the South Downs National Park in July 2011. The agreement was for 3 years expiring on 31st March 2014. The delegation arrangements have worked well albeit there are a few applications within the South Downs National Park. Generally Adur and Worthing Councils have determined approximately 20 applications per annum since the Agency Agreement was set up.

3.0 Proposals

- 3.1 The scheme of delegation is very similar to before in that all minor applications (approximately 4000 per annum across the SDNP) would be dealt with by Adur and

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Worthing and all major applications (approximately 150 per annum across the SDNP) would be dealt with by the NPA. The national definition of a major planning application is detailed in the GDPO and is as follows:

- A residential development comprising 10 or more dwellings, or where the site is 0.5 hectare or more; or
- Any other use where the proposed floorspace is 1,000 square metres or more, or the site area is 1 hectare or more.

A minor planning application is defined as any type of planning application that does not fall within the definition of a 'major planning application'.

However, the SDNPA can also 'call-in' any non-major application it considers likely to be of significance to the SDNP and it may also delegate major applications that it doesn't consider to be of significance to the SDNP.

- 3.2 In practice the scheme of delegation that has operated for the last 3 years has worked well and Planning Officers have worked well with the SDNP Link Officer in resolving any 'sensitive' applications within the boundaries of the park. Examples of 'call-in' applications include the renewal of various temporary permissions at the Cement Works and the conversion of a barn to a function room at Hill Barn Golf Course.
- 3.3 It is considered, therefore, that there are no objections to entering into a new agreement with the SDNP and to extend the current arrangements. It should be noted, however, that some authorities have withdrawn from the Agency Agreement notably Arun District Council although Arun were dealing with considerably more SDNP applications than Adur and Worthing.
- 3.4 The SDNP has also submitted a Service Level Agreement which sets out a series of performance management measures and procedures. This includes reference to pre-application charging procedures and timescales for determining planning applications. The measures are reasonable and in many instances accord with the procedures adopted across Adur and Worthing.

4.0 Legal

- 4.1 S101 of the Local Government Act 1972 permits the Council to enter into an agreement with the SDNP under which the Council agree to undertake certain functions on their behalf. The authority to enter into an agreement of this nature rests with Full Council.

5.0 Financial implications

- 5.1 Under the Agency Agreement the Council's costs for providing planning functions for the SDNP can be recovered. Monitoring of the financial arrangements over the last few years has indicated that full cost recovery has generally been secured. There is some doubt about whether all of the Officer time originally involved with resolving various administrative and IT issues has been recovered. However, it was perhaps inevitable that there would be some initial teething problems. In this respect, the SDNP is the first National Park in the Country to have a scheme of delegation in place.

- 5.2 One interesting issue that is covered in the new agreement is that relating to appeal costs. The draft agreement states that the SDNP will only reimburse any adverse costs award against the Council if the original decision was either made by an Officer under delegated powers or by a Committee reaching a decision in accordance with an Officer's recommendation. In all other cases, including a Committee decision taken against an Officer's recommendation, costs are to be borne by the Council. It should be noted that costs are only awarded at an appeal if either party has acted unreasonably (for Local Authorities this is often on the grounds that a refusal reason cannot be justified).

6.0 Recommendation

- 6.1 (i) To agree to enter into the S101 Agency Agreement for a further 3 year period, and
- (ii) To agree to enter into the Service Level Agreement for the provision of a Development Management Service on behalf of the SDNP.

Local Government Act 1972

Background Papers:

None.

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Schedule of Other Matters

[To be completed on all reports. If no issues are identified under a heading then it should read "Matter considered and no issues identified."]

1.0 Council Priority

1.1

- Working together with the SDNPA for the benefit of the South Downs will help to promote a clean, green environment.
- Given the recreational benefits of the South Downs, working with the SDNPA for the benefit of the Downs will help to support and contribute to the health and well-being of the area.

2.0 Specific Action Plans

2.1 (A)

- Working with the SDNPA will meet the aim of increasing opportunities to work in partnership with other organisations.

(B)

- Working with the SDNPA in determining planning applications will help to meet the Government aim of conserving and enhancing the natural beauty, wildlife and cultural heritage of National Parks as set out in the Environment Act 1995 and PPS7: Sustainable Development in Rural Areas.

3.0 Sustainability Issues

- 3.1 Working with the SDNPA in determining planning applications will help to secure environmental, social and economic benefits for the SDNP.

4.0 Equality Issues

- 4.1 Matters Considered and no issues identified.

5.0 Community Safety Issues (Section 17)

- 5.1 Matters Considered and no issues identified.

6.0 Human Rights Issues

- 6.1 Matters Considered and no issues identified.

7.0 Reputation

- 7.1 It is considered that planning applications determined at local level would be preferable than decisions being taken directly by the SDNP and this would enhance the reputation of both Councils.

8.0 Consultations

- 8.1 The SDNPA have consulted local authority officers, portfolio holders from each Council and members of the SDNPA on the original scheme of delegation.

9.0 Risk Assessment

- 9.1 Matters Considered and no issues identified.

10.0 Health & Safety Issues

- 10.1 Matters Considered and no issues identified.

11.0 Procurement Strategy

- 11.1 Matters Considered and no issues identified.

12.0 Partnership Working

- 12.1 The proposed scheme of delegation and legal agreement would promote partnership