

Subject:	South Downs National Park Authority – termination of Development Control Agency Arrangements in Brighton and Hove		
Date of Meeting:	20 March 2012	Governance Committee	
	22 March 2012	Council	
Report of:	Strategic Director, Place		
Contact Officer:	Name:	Paul Vidler	Tel: 29-2192
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Wards affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The South Downs National Park Authority (SDNPA) became the Local Planning Authority for the National Park on 1 April 2011. The Council has entered into an Agency Agreement under section 101 of the Local Government Act 1972 with the SDNPA to provide Development Control services for that part of the National Park within the City on a temporary basis of up to three years.
- 1.2 This report reviews the working arrangements under the Agency Agreement and seeks the agreement of the Governance Committee to terminate the Agreement.

2. RECOMMENDATIONS:

- 2.1 That Governance Committee recommend that Council agrees that the Agency Agreement dated 21 June 2011 between the SDNPA and the Council relating to the provision of planning services in Brighton and Hove be terminated on a date to be agreed by the SDNPA and the Strategic Director, Place.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Following the creation of the South Downs National Park on 31 March 2010, the SDNPA became the Local Planning Authority for the National Park on 1 April 2011. The SDNPA decided initially to concentrate on its plan making (policy) and delegate back to the 15 constituent authorities its Development Control functions.
- 3.2 At the meeting of the Governance Committee on 13 July 2010 it was resolved that Full Council be recommended to agree the delegation of Development Control functions from the SDNPA to the Council. This was agreed by Full Council on 15 July 2010.

- 3.3 Since 1 April 2011, the Council has been providing Development Control services on behalf of the SDNPA in accordance with an Agency Agreement dated 21 June 2011 under Section 101 of the Local Government Act 1972. This includes pre-application advice, the consideration and determination of planning applications and the provision of the planning enforcement service.
- 3.4 It was anticipated when entering into the Agreement that the Council would be dealing with a low number of planning applications in the National Park. In the first three quarters of the current year, April - December 2011, 13 applications have been received. Of these, two were recovered by the SDNPA for its own determination. Compared to the annual number of applications received by the Council (3,495 in 2010/11) this is an insignificant number.
- 3.5 It is not considered that the liaison with SDNPA officers and the administrative arrangements required is proportionate to the consideration and determination of such a low number of applications. In addition, the funding arrangements in the Agreement are cost neutral to the Council.
- 3.6 The Agreement allows for the service to be provided by the Council on a temporary basis. It is appropriate to review the Agreement at this time as the SDNPA is currently setting up its own in-house planning application system to be operational from April this year. This was one of the principal reasons for setting up the Agency Agreement with the constituent authorities.
- 3.7 The SDNPA is now progressing work on planning policy and conservation area reviews in the City.
- 3.8 Having reviewed the background to and operation of, the current working arrangements, for the reasons set out above, it is considered appropriate for the Council to terminate the Agency Agreement. From discussions with SDNPA officers, it is anticipated that the Agreement will terminate on 31 March 2012 or shortly after, subject to the SDNPA planning application system becoming operational.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 No community engagement or consultation has been carried out because this matter relates to an administrative function carried out by the Council on behalf of the Local Planning Authority for the National Park.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Revenue: The sum receivable from the South Downs National Park Authority is calculated to cover the costs of providing the planning service. Based on an estimate of 15 applications for the year within the S.D.N.P.A boundary, the council is due to receive the sum of £13,578.

Finance Officer Consulted: Name Karen Brookshaw Date: 14/02/12

Legal Implications:

- 5.2 As noted in the Report the Council has entered into an Agency Agreement with the South Downs National Park Authority (SDNPA) to carry out certain planning services on behalf of the Authority within Brighton and Hove. The Agreement provides for the Council to carry out these services for a period of three years, terminating on 31 March 2014, but subject to earlier termination. The Agreement provides for the giving of a minimum of 12 month's notice should either party wish to terminate the same prior to the expiry of the three year period but the SDNPA has agreed to waive this requirement. However, the Council is required to indemnify the SDNPA against any claims or other liabilities arising as a consequence of early termination.
- 5.3 It is not considered that any adverse human rights implications arise from this report.

Lawyer Consulted: *Name Hilary Woodward* *Date: 10/2/12*

Equalities Implications:

- 5.4 None identified.

Sustainability Implications:

- 5.5 None identified.

Crime & Disorder Implications:

- 5.6 None identified.

Risk and Opportunity Management Implications:

- 5.7 None identified.

Public Health Implications:

- 5.8 None identified.

Corporate / Citywide Implications:

- 5.9 As Local Planning Authority, the SDNPA would continue to provide the Development Control service for those parts of the City within the National Park. Prior to adopting its own planning policies, the SDNPA will continue to implement and take into account the current development plan policies adopted by the Council.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents in Members' Rooms

None

Background Documents

1. Report to Governance Committee 13 July 2010 - South Downs National Park Authority – termination of Development Control Agency Arrangements in Brighton and Hove
2. Agency Agreement dated 21 June 2011 relating to the provision of planning services in Brighton & Hove