

REPORT OF THE
Chief Executive

PART I

57. SOUTH DOWNS NATIONAL PARK AUTHORITY – SCHEME OF PLANNING DELEGATION

1. On 1 April 2011 the South Downs National Park Authority (“SDNPA”) became fully operational as a local planning authority responsible for the determination of all statutory planning activities within the geographical area of the SDNPA. From this date the County Council, together with other constituent local authorities in the geographic area of the SDNP, ceased to be local planning authorities in respect of the exercise of planning functions within the SDNPA.
2. In anticipation of the change of responsibility for the exercise of planning functions within the SDNPA, the County Council resolved at its meeting on 15 July 2010 to enter into any required statement of intent and agency agreement pursuant to Section 101 of Local Government Act 1972, for the delivery of planning services at this time carried out by the County Council within that part of Hampshire falling within the South Downs National Park.
3. The funding principles which have applied between the SDNPA and the constituent local authorities were agreed on a basis which committed the partners to a fair and transparent system, aimed at ensuring that there were “no winners or losers”.
4. Delegated authority was accordingly given by the County Council to the Director of Environment and the Chief Executive to negotiate the details associated with the entering into of the statement of intent and associated Section 101 Agreement, and to conclude such agreements accordingly. A Section 101 Agency Agreement was accordingly completed for the exercise by the County Council of planning functions of the SDNPA within that part of Hampshire falling within the South Downs National Park, for a three year period, commencing on 1 April 2011 and expiring 31 March 2014.
5. The overall impact on processes and resources within the County Council as a result of the Section 101 Agreement have been marginal. It is however considered that the delegation of the planning function has been beneficial to Hampshire, and by entering into an agreement with the SDNPA the County Council has provided positive visible assurance that the County Council is contributing to the enhancement of public services within the South Downs National Park. It is also considered that the entering into of the agreement has supported the County Council’s long held position of the importance of democratic accountability in the planning system.
6. As per the existing Agreement, the planning services which will continue to be provided by the County Council under the proposed Section 101 Agreement and Service Level Agreement (‘SLA’) are the development management functions. These involve the administration and determination of day to day County Matter (minerals and waste) planning applications and County Council development, the monitoring of County Matter sites and the investigation and enforcement of unauthorised minerals and waste development. Under the

proposed Agreement and SLA the SDNPA will continue to determine significant planning applications themselves. Under the arrangements, formal notification is to be given to the County Council when an application is deemed by the SDNPA to be significant, and from that point will be processed and determined by the SDNPA. The administration of the process is carried out through accessing the SDNPA planning application system. Drafts of these documents in generic form are available on the website at <http://www3.hants.gov.uk/councilmeetings.htm> by typing in reference number 5664.

7. There are no significant changes proposed from the original Section 101 Agreement and SLA, the changes mainly being to reflect the implementation of the SDNPA planning application system. The scale of work has been such that SDNPA work has been managed without increasing staff resources.
8. The SDNPA has already resolved that a further Section 101 Agreement should be entered into with the constituent local planning authorities for the delivery of planning services for a further three year period, commencing on 1 April 2014 and expiring on 31 March 2017, with a one year notice period either way. The approval of the County Council is required in order to complete the further Section 101 Agreement and associated documentation.

RECOMMENDATIONS

That the County Council:

- (a) Agrees to enter into any required Statement of Intent and Agency Agreement with the South Downs National Park Authority pursuant to Section 101 of the Local Government Act 1972, for the delivery of planning services within that part of Hampshire that is within the South Downs National Park.
- (b) Authorises the Director of Economy, Transport and Environment to negotiate the details associated with the Section 101 Agreement referred to at (a) above and to conclude such agreement and any related agreement(s) accordingly.
- (c) Delegates authority to the Regulatory Committee and the Director of Economy, Transport and Environment, following completion of the Section 101 Agreement with the South Downs National Park Authority, to exercise the functions of the South Downs National Park Authority subject of the Section 101 Agreement.