

Chichester District Council

THE CABINET

10 January 2017

South Downs National Park Authority

Development Management Agency Agreement

1. Contacts

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2. Recommendation

2.1 That the Cabinet:

- (a) **Notes the position and progress that is being made in relation to the negotiations with the South Downs National Park Authority (SDNPA) in connection with potential new delegated arrangements from 1 April 2017 onwards;**
- (b) **Agrees that, in principle, the Council enters into a new Agreement with the SDNPA under section 101 of the *Local Government Act 1972* to enable the Council to continue to provide a development management service for up to three years initially until 31 March 2020 and thereafter for a further two years up until 31 March 2022 if the arrangements are working effectively and agreeable to both authorities.**
- (c) **Agrees to extend the current agency arrangement on the current (2016-2017) payment terms for a period of up to six months (to 30 September 2017), in order to complete the above negotiations.**

3. Background

- 3.1 The SDNPA originally entered into a legal agreement under section 101 of the *Local Government Act 1972* with 15 host authorities that have parts of their administrative areas within the national park to enable the delivery of development management services within the park from 1 April 2011 to 31 March 2014. Individual agreements were supplemented with a number of other provisions including protocols relating to enforcement and the management of section 106 agreements and a Service Level Agreement (SLA).

- 3.2 The current agency agreement, under which the Council provides development management services for the area of the national park that falls within Chichester district, is in its third and final year and unless renewed or extended will expire in March 2017. The Council is paid for this work by the SDNPA.
- 3.3 Officers have been working with the SDNPA over recent months to review the current arrangements and determine how they might be taken forward. This has included the recording by all the host authorities of time spent on different application case types with the aim of attributing an average cost per application. It is envisaged that this will enable a new approach to be established to assessing more accurately the cost of the service provided by the Council, on which a new s 101 agreement can be based. A revised legal agreement, revised protocols and revisions to the SLA are in the process of being prepared which will set out the type and level of service that would be provided by the Council and arrangements for payment over the period of a further agreement.
- 3.4 The SDNPA has advised that it remains committed to delivering its development management service through agency arrangements with the host authorities and on 29 November 2016, resolved in principle to enter into new s 101 agreements with the willing host authorities for a further 3-5 year period and to extend the current host authority arrangements on the current (2016-2017) payment terms, to allow the completion of negotiations on the terms of the agency agreements up to 31 March 2022.

4. Outcomes to be achieved

- 4.1 Future arrangements should ensure a high quality service continues to be provided and that the character and qualities of the South Downs National Park are protected.
- 4.2 There is also significant benefit for the Council in maintaining a larger core of experienced planning officers and being involved in planning decision making across the whole district.

5. Proposal

- 5.1 That the Council continues the current agency arrangement to provide development management services on the basis of the existing terms for a further period of up to six months (April 2017 - September 2017) to enable negotiations to be completed on the potential delivery of the service over the next 3-5 years
- 5.2 That officers continue to negotiate the terms of a new agency agreement to cover the period up to 2022, including a new s 101 legal agreement, revised protocols and appropriate revisions to the existing SLA. Once finalised, the proposed arrangements will be reported to Cabinet and Council for decision.

6. Alternatives Considered

- 6.1. The case for continuing with the agency agreement has been considered carefully by officers and the Council has previously resolved to confirm its interest in continuing the arrangement to the SDNPA. It is noted that the SDNPA considers that in general terms, a good quality service has been provided by the host authorities during the first six years. Comparatively few complaints have been received about service delivery and application performance in that part of Chichester district within the park has improved significantly over the last year; performance is likely to significantly exceed annual targets by the end of March 2017.
- 6.2. The alternative option, not to extend the agency arrangements for a further period would mean that the Council would no longer handle planning and associated applications on behalf of the SDNPA. The financial implications to the Council would also need to be reassessed.

7. Resource and Legal Implications

- 7.1. There are no significant resource or legal implications arising from the extension of the existing arrangement on the current payment terms for a further period of six months. The implications of any revised proposals for a further three or five-year period arising from a new agency agreement will need to be fully considered before any decision is made about the future long-term delivery of the Development Management service on behalf of the SDNPA.

8. Consultation

- 8.1. None

9. Community Impact and Corporate Risks

- 9.1. Important considerations are that any agreed arrangement delivers a service that is respected by the community, meets the requirements of the SDNPA and ensures the Council is compensated for the agency work undertaken.

10. Other Implications

- 10.1 None.

11. Appendices

- 11.1 None.

12. Background Papers

- 12.1 Current agreement under s 101 of the *Local Government Act 1972*, related Protocols and SLA – exempt from publication.