

PLANNING DEVELOPMENT CONTROL COMMITTEE

27 January 2011

SOUTH DOWNS NATIONAL PARK UPDATE

REPORT OF HEAD OF PLANNING MANAGEMENT

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RECENT REFERENCES:

PDC871 – Changes to Scheme of Delegation to Officers & Other Administrative Matters, 18 November 2010

EXECUTIVE SUMMARY:

On 1 April 2011 the South Downs National Park Authority will become the local planning authority for the National Park. The Council has agreed to carry out Planning Management functions for the National Park Authority in relation to the 40% of the District which lies inside the Park boundary. This report provides an up-date regarding how the new arrangements are likely to affect the Planning Development Control Committee.

Furthermore, the report recommends minor changes to the Council's Constitution in order to clarify the situation regarding treatment of applications within the South Downs National Park area. The proposed changes are the insertion of additional paragraphs (as set out in the recommendation) into Part 3 of the Constitution (Responsibility for Functions), at Section 4.1 (Planning Development Control Committee), and in Section 6 (Scheme of Delegation).

RECOMMENDATIONS:

- 1) That the contents of the report be noted.
- 2) That the following changes to Part 3 of the Council's Constitution (Responsibility for Functions), Section 4.1 be RECOMMENDED TO COUNCIL:
 - i) (insertion of additional paragraph at the beginning of Section 4.1 (Planning Development Control Committee))

“With effect from 1 April 2011, the Planning Development Control Committee may exercise the following powers in respect of a) applications and other matters in the District (excluding that part comprising the South Downs National Park) and b) (where provided under the terms of any delegation arrangements from the South Downs National Park Authority) applications in that part of the South Downs National Park which is within the District”; and

ii) (insertion of additional paragraph in Section 6 (Scheme of Delegation to Officers) at the end of the planning delegations to the Head of Planning Management)

" In respect of the South Downs National Park (in accordance with an agency agreement with the South Downs National Park Authority):-

All the above powers in respect of applications and other matters in the South Downs National Park."

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DETAIL:

1 Introduction

- 1.1 In 2008 the Government announced the designation of a new national park to cover the South Downs. The Park has an area of approximately 1600 square kilometres and includes land within Hampshire, West and East Sussex. 15 local authorities have land included within the park. The National Park formally came into being on 31 March 2010 and, from April 1 2011, the South Downs National Park Authority (SDNPA) will become the local planning authority for the whole of the Park area. This means it will be responsible for Planning Management and Strategic Planning (policy making).
- 1.2 The SDNPA is currently in its shadow year and, in June 2010, it decided to make an offer of a "delegation" to the 15 councils whose administrative areas are comprised within the Park area, which would enable these authorities to carry out most planning management functions on its behalf. The alternative would have been for the SDNPA to undertake these duties itself. On 9 July 2009 a report was considered by Cabinet, where it was decided to accept this offer and carry out planning management functions on behalf of the SDNPA. This was subsequently approved and adopted by Full Council on 21 July 2010. All 14 other local authorities in the Park area have agreed to this arrangement.
- 1.3 Approximately 40% of the District lies within the Park and around 23% of the Council's planning applications are generated within this area. However, whilst this is a significant number, all the District's main settlements lie outside the Park and most of the major proposals currently dealt with by the Council relate to land outside the Park boundary.

2 Implications for Committee

- 2.1 The exact terms of the agency agreement, which will enable the Council to carry out planning management functions on behalf of the SDNPA, are in the process of being finalised. However, the majority of planning applications, and other matters which arise within the part of the District inside the Park will continue to be dealt with by the Council after 1 April 2011, albeit in consultation with the SDNPA. Most planning decisions will still be made by officers, under the Council's existing scheme of delegation, except for those cases/matters which under the scheme of delegation are required to be determined by the Committee.
- 2.2 However, the SDNPA will itself determine applications which are deemed to be "significant" in National Park terms. There is no formal definition of "significance" but guidance has been issued by the SDNPA which explains

which types of application are likely to fall into this category. Most major applications, such as those typically relating to assembly/leisure and retail uses, community facilities, and infrastructure and energy developments, as well as schemes for 10 or more dwellings outside the defined urban areas of towns in the park, are likely to be regarded as significant and will therefore be decided by the SDNPA.

- 2.3 In addition, there will be some non-major cases which will still be considered to be significant and these may include, for example: 3 or more dwellings not within a defined urban area or settlement boundary; tourism, leisure, and visitor accommodation; renewable energy schemes; and telecommunication proposals with visual impact on the National Park. However, potentially, any type of application could be capable of being significant and this will have to be decided by the SDNPA on a case by case basis. The SDNPA will be able to notify the Council that an application is “significant” (and therefore that it wishes to determine the application) at any point of the process but they will aim to do so as early as possible. The overall effect of this will therefore be a slight reduction in the number of applications handled by Committee, in view of the fact that such significant cases will be decided by the SDNPA.
- 2.4 The main change to procedures relating to the way Committee deals with applications will be in cases which appear on an agenda and the SDNPA, having reviewed the officer reports and recommendations, notifies the Council that it *may* wish to determine a proposal on the agenda itself. In these circumstances the Council will continue to consider the application and Committee will reach a “minded to” decision and:
- If it is minded to determine the application in accordance with the officer’s recommendation the Council may proceed to determine the application accordingly (i.e. to issue the decision notice in the name of the SDNPA);or
 - If the Committee is minded to determine *other* than in accordance with the officer’s recommendation, the Council cannot issue a decision on the application, but must instead refer it to the SDNPA, advising it accordingly. During a period of three working days the SDNPA will decide whether the application should be recovered for its determination, (in the same way as the Secretary of State can “call-in” significant or contentious applications), or whether the Council can proceed to issue the decision notice and thereby formally determine the application in line with the Committee’s decision. If the SDNPA decide to recover the application, it will put the application before the SDNPA’s own planning committee for decision.
- 2.5 In reality, it is envisaged that the SDNPA will rarely recover applications considered by Committee. Significant applications will usually be identified earlier in the process and will not therefore appear on a committee agenda and, even where this does occur, the SDNPA will only consider determining a case itself where the resolution of Committee is not in accordance with the officer’s recommendation. In these circumstances the SDNPA will have to decide whether it wishes to make the final decision and it could still decide to allow the Council to proceed with determination of the application and issue the decision notice, in line with the Committee’s resolution.

- 2.6 There is no proposed change to the current cycle of committee meetings in order to deal with work inside the National Park. However, the committee agendas will be divided in two to identify National Park and non-National Park business.

3 Council's Constitution

- 3.1 It is recommended that two minor changes should be made to the Council's constitution in order to clarify the situation regarding treatment of applications within the South Downs National Park area. The proposed changes are set out in the Recommendation.
- 3.2 The first change reflects the fact that from 1 April 2011, the SDNPA, not the City Council, is the local planning authority for the Park area, and therefore decisions on planning applications can only be made if they either fall within the non-Park area of the District, or where they are within the Park area and the Council can proceed to consider the application under delegation arrangements from the SDNPA.
- 3.3 The second change is to the Scheme of Delegation to Officers, and again clarifies that the officer delegations extend to applications which are within the Park area and covered by the National Park delegation agreement. This allows applications which the Council deal with in the Park area to be treated in the same way as non-Park applications, and determined by officers or referred to Committee according to the rules set out in the Scheme of Delegation to Officers.

OTHER CONSIDERATIONS:

4 SUSTAINABLE COMMUNITY STRATEGY AND CORPORATE BUSINESS PLAN (RELEVANCE TO):

- 4.1 This report is of relevance to the Strategy's Aim of maintaining a high quality of rural and village life, by supporting the rural economy and conserving the rural landscape, together with the Strategy's objective of sustaining and improving the natural environment.

5 RESOURCE IMPLICATIONS:

- 5.1 Costs associated with Member meetings. It is not envisaged that National Park business will add significantly to the costs of the operation of the Planning Development Control Committee.

6 RISK MANAGEMENT ISSUES

- 6.1 None associated with the operation of Planning Development Control Committee.

7 BACKGROUND DOCUMENTS:

None

Appendices - None