

Cabinet Member for Environment and Economy

Response to the Defra Consultation on the Membership of the National Park Authority.

Report by Director for Policy and Partnerships and Head of Sustainable Development

Ref No. EE04(09/10)
Key Decision: Yes
Part I
Electoral Divisions: All

Executive Summary

The consultation on the membership of the South Downs National Park Authority (NPA) was launched in July with a closing date for responses of 9th October 2009. The consultation proposed that the NPA is likely to comprise around 29 –37 members. All other English National Parks have 22 members except the Peak District, which has 30, and covers 11 local authorities.

The majority of those members of the NPA have to come from the 15 Local Authorities. The remainder of the membership comprises Parish Council representatives and Secretary of State appointees. These appointees are selected for their interest in and knowledge about the area and the objectives of the National Park.

Defra have put forward two options for the composition of the National Park Authority with one providing one seat per local authority and the second option giving the larger authorities 2 seats. A further proposal has been put forward by the Local Authorities of a 39 seat NPA allowing all 7 of the authorities most affected by the National Park to have 2 seats. Defra have indicated that they would seriously consider alternative proposal where there is a consensus view from the local authorities. The final decision on the number of seats on the NPA and how those seats are allocated rests with Defra.

Recommendation

The Cabinet Member is recommended to approve the proposed response to the consultation on membership of the South Downs National Park Authority as set out in Appendix A. Once approved, the Cabinet Member submit the response to DEFRA on behalf of the County Council.

1. Background

- 1.1 On 31st March 2009 the Secretary of State for the Environment announced that the South Downs National Park would be confirmed. The confirmation of the National Park is a separate process to the establishment of the National Park Authority (NPA) and so the confirmation could go ahead as soon as the consultation on the six new areas has been concluded. This consultation finished on 13th July and was followed by a short public inquiry on 18th

August 2009. The confirmation order is expected to be made in the next few months.

- 1.2 The Shadow NPA will be established by April 2010 with the NPA becoming fully operational by April 2011. The Government aims to get the Statutory Instrument, establishing the NPA, through parliament in the autumn of this year. To keep to this timetable the Government will want to get all the three areas of membership agreed over the next few months in order to confirm the appointment of the NPA in February 2010.
- 1.3 The NPA will become the Planning Authority and take over responsibility for all development control, plan making and minerals and waste planning. It will also become the Access Authority, dealing with access land and establishing its own local access forum. The NPA will have other functions related to land management and access, but the details of these will depend on negotiations with the NPA once established.

2. Discussion

- 2.1 Defra are required to consult all the local authorities affected by the National Park before making a decision on number of members and has in this case also chosen to open the consultation to all interested parties. The consultation issued by Defra sets out the Minister's preferred size of the NPA as either 29 or 37 which would give a breakdown for the 29 members of, 15 local authority, 8 Secretary of State Appointees, and 6 parish appointees and for 37 members, 19 local authority, 10 Secretary of State Appointees and 8 parish appointees. In the Natural Environment and Rural Communities Act 2006 (NERC Act) it sets out that the local authority and parish council representatives should have an overall majority on the NPA. Defra have said they would like to retain the pre NERC position in the South Downs NPA and have local authority members in the majority and Parish Council and Secretary of State nominees make up just under half.
- 2.2 The largest of the existing English National Park Authorities is the Peak District NPA, which has 30 Members the others all have a maximum of 22. This membership was reduced following a review in 2002 of all the NPAs, prior to which the Peak District NP had 38 members. The Peak District National Park has 11 local authorities and argued at the time of the review that it should have a larger NPA in order to allow all those local authorities to be represented and to spread the workload across a larger number of people.
- 2.3 It is important to ensure that the size of the NPA is not so large that decision-making becomes ineffective, but critically to ensure that there is sufficient local authority representation to guarantee local democratic accountability to the NPA and sufficient members to ensure efficient and effective committees.
- 2.4 Local Authority members must be serving councillors of a District, Unitary or County Authority with land in the Park and will be appointed by their respective council. However those members of the NPA are on the Authority to further the objectives of the National Park, not to represent their respective organisations, although members are also selected for their skills, knowledge and understanding. This will, in the case of locally elected

members mean they come with a local democratic mandate and an awareness of the needs of their communities in the NPA.

3. **Proposals**

- 3.1 The consultation on NPA membership sets out two options referred to in paragraph 2.1. There are 15 local authorities in the South Downs NPA with areas varying from 807 km² to 8 km² within the National Park and populations in those areas varying from 41,761 to 29.
- 3.2 The South Downs National Park will be one of the largest English National Parks with an area of 1,625 km² and a population of 107,929. This makes it larger than the Peak District National Park with a population well in excess of any other English National Park. This supports the argument that the NPA should be one of the largest if not larger than any other currently.
- 3.3 The size of the South Downs NPA will to some extent depend on the functions taken on by the NPA and the model established for the NPA. If the South Downs NPA retains all the planning work, then it will need a Planning Committee in its structure which meets frequently to make decisions on applications. The Planning Committee for the Peak District National Park meets monthly and comprises 19 members. The committee structure for the other NPAs varies but they tend to include a scrutiny or policy and performance committee, an audit committee, planning committee and an operational committee.
- 3.4 A further proposal has been put forward for a South Downs NPA of 39 or 40 members which would allow all the authorities with the greatest area and population to have two seats, i.e. West Sussex County Council, Hampshire County Council, Chichester District Council, East Hampshire District Council, Winchester City Council, Lewes District Council and East Sussex County Council. All the other authorities would have one seat each. Adur and Worthing have indicated they would share a seat, which would give a total of 39 members on the NPA.
- 3.5 The consultation asks four questions
 - What is the preferred size for the Authority?
 - Within your preferred overall total how many seats would you want to have for local authority members, for national members and for parish members?
 - If you are advocating more than 15 local authority seats, how would you allocate those additional seats?
 - For local authority respondents only, Do you wish to be excluded from the list of councils appointing to the National Park Authority?
- 3.6 The proposed response is that the County Council would like to see a NPA for the South Downs of 39 members to be split as 21 local authority members, 10 national members and 8 parish members. The local authority membership would be allocated as 2 seats for all those authorities with substantial population and areas in the National Park and one seat for all the other authorities except Adur and Worthing, who have agreed to be treated as one authority and have one seat. The Authorities with two seats would be

West Sussex County Council, Hampshire County Council, East Sussex County Council, Winchester City Council, East Hampshire District Council, Chichester District Council and Lewes District Council.

- 3.7 The reason for advocating the larger authority is to ensure that the authorities most affected by the creation of the NPA are represented on the NPA. Although the appointees will be on the NPA to promote the objectives of the National Park, they will have been elected and will bring with them an understanding of the role of local authorities and of the communities in the National Park.
- 3.8 Additionally the County Council would like to see substitutes allowed for all members of the NPA so that every section of the membership can be adequately represented at all meetings.

4. Consultation

- 4.1 A discussion paper on the membership of the National Park has been taken to all the County Local Committees in the National Park area for information and to gauge their response on the numbers of members on the NPA. The majority favour the larger number of seats. The Strategic Environmental Services Select Committee has also been consulted. Comments received from the Select Committee and County Local Committees have been considered by the Cabinet Member and incorporated into the proposed response.
- 4.2 All 15 local authorities covered by the National Park have discussed their responses to see if a consensus could be reached both at Officer and Portfolio Holder level. The result is that the majority support the 39 seat option however there was not a consensus.

5. Resources Implications and Value for Money

- 5.1 The County Council currently contributes £513,000 (2009/2010) to the South Downs Joint Committee, which manages areas of the Sussex Downs and East Hampshire Areas of Outstanding Beauty and the East Hampshire. The National Park will be funded by Defra. It is uncertain at this stage what size the budget for the Park will have be as this will depend on the functions taken on by the NPA and the level of delegation of the planning function.
- 5.2 There will be a cost implication if the NPA has more rather than fewer members. Defra have estimated the cost in their consultation as £1,500 per member in expenses per annum. Therefore the cost of having extra members is unlikely to be significant and in value for money terms it must be set against the representational benefits that a body of 39 members will bring.

6. Risk Management Implications

- 6.1 Defra are more likely to agree any proposal that all 15 local authorities reach a consensus on. This would help to reduce the concern over the loss of democratic input into decisions made by the National Park and in particular

the planning decisions. However the current position is that there is a majority decision but not a consensus.

7. Customer Focus Appraisal

A Customer Focus Appraisal has been carried out and is attached as Appendix B.

8. Crime and Disorder Act Implications

There are no direct Crime and Disorder Act implications

9. Human Rights Act Implications

There are no Human Rights Act Implications

Richard Perry
Director Policy and Partnerships.

Ron Crank
Head of Sustainable Development

Background Papers

Defra Consultation on the Membership of the Future South Downs National Park Authority, July 2009

Contact: Lisa Creaye-Griffin Ext. 56849

Proposed response to the Defra Consultation on the Membership of the National Park Authority.

Dear Sir,

Response to the consultation on the membership of the South Downs National Park Authority

Thank you for the opportunity to comment on the proposals for the membership of the South Downs National Park Authority. Please find below the response from West Sussex County Council.

Taking the questions in your consultation:

1. What is your preferred overall size for the Authority?

West Sussex County Council proposes that the National Park Authority (NPA) for the South Downs comprises of 39 members.

2. Within your preferred overall total, how many seats would you want to have for local authority members; for national members; and for parish members?

The 39 members would be split as 21 local authority members, 10 national members and 8 parish members. The total number of seats could be reduced if the numbers of Parish and National members were reduced, however the County Council is aware that there are over 170 parishes across the South Downs and would not therefore propose a reduction in the numbers of seats for parishes.

3. If you are advocating more than 15 local authority seats (so there is more than the statutory minimum of one per Council available) how would you allocate those additional seats?

The County Council proposes that the 7 local authorities with substantial population and areas in the National Park have 2 seats. These authorities are West Sussex County Council, Hampshire County Council, East Sussex County Council, Winchester City Council, East Hampshire District Council, Chichester District Council and Lewes District Council.

The remaining local authorities would have one seat each, except Adur and Worthing who have agreed to be treated as one authority and have one seat for the 39 seat option.

The South Downs National Park will cover an area of 1625 km², the second largest English National Park, and have a population of 107,929, which is well over twice the population of the next largest National Park. All existing National Park Authorities have at least 2 seats for each of the County Councils most affected by the NPA. It is important that the Local Authorities most affected by the National Park area are able to take up their seats at most meetings and this can only be made possible by having at least two

seats. In many other English NPA's the larger authorities have between 4 and 6 seats.

The County Council accepts that it would create an unwieldy NPA if each County Council had a representation that truly reflected the population covered and therefore we are strongly advocating that each of the local authorities most affected by the creation of the National Park Authority should have two seats. This would give a total number of Local Authority seats of 21.

Although the appointees will be on the National Park Authority to promote the objectives of the National Park, they will have been elected and will bring with them an understanding of the role of local authorities and of the communities in the National Park.

4. Do you wish to be excluded from the list of Councils appointing to the National Park Authority.

No.

West Sussex County Council also proposes that members of the National Park Authority will be able to nominate substitutes and this be written into the guidance for members. This will ensure that all the categories of members of the National Park Authority (local authority, parish and national) can always be represented at any meeting.

Yours sincerely,

Deborah Urquhart
Cabinet Member for Environment and Economy

APPENDIX B**WEST SUSSEX COUNTY COUNCIL
PRO-FORMA FOR THE CFA SCREENING ASSESSMENT**

Directorate	Customers & Communities	Section	SD	Person Responsible for the assessment			Lisa Creaye-Griffin
Name of the Policy/Strategy/Service/ Function to be assessed		Membership of the South Downs National Park Authority		New or Existing		new	Date of the assessment
Describe aims/ objectives and purpose of the policy/function to be assessed		The National Park Authority (NPA) will be set up in April 2010, taking on its full powers in April 2011. This is the response to Defra's consultation on the Membership of the NPA. The decision on the NPA is taken by Defra and this is the County Council's opportunity to influence that decision. The County has led in pulling together the 15 local authorities affected by the National Park to try and establish a consensus on the key issues. The NPA will become the planning authority for the NPA area and so it is important that the local authorities influence how that new system is set up and how it is publicised to the public. The area of the Sussex Downs and East Hampshire AONB (Area of Outstanding Natural Beauty) is currently managed by the South Downs Joint Committee who will be superseded by the NPA.					
1. Do we have reliable data about the take -up of the service or effect of the proposal on different groups of customers?		The County Council has good data on the visitor numbers for the South Downs and the population directly affected by the proposal.					
2. Is the proposal likely to adversely affect customers from one group more than customers from another?		No					
3. Is there potential to overcome disadvantage/s already being suffered by a group of customers by implementing the proposal?		Some of the policies relate to increasing the viability of the land based sector. Helping people to understand the way the countryside works and encouraging access to the area via sustainable means. The NPA will be funded by Defra and will have as its remit the continuation of these policies.					

4. Does the proposal affect more than 75,000 people or involve the expenditure of more than £500,000?		Possibly. The population of the area of West Sussex in the new National Park is 40,000 but the policies of the Park will have an effect beyond its boundary, for example as the planning authority it may well not want to see too much built development in the Park area. Housing and business units will need to be built and are likely to generally be outside the Park area, which may put pressure on land outside the Park.		
Can any adverse impact identified, be justified on the grounds of promoting equality of opportunity for one group, or any other reason?		Yes X		Most of the area covered is already an Area of Outstanding Natural Beauty and will become a National Park, designated for its outstanding landscape quality. The landscape quality of the area is therefore an overriding factor.
Should this policy/function proceed to a full CFA?			Not at this stage X	
Signed (completing officer)		Date: 17/09/ 09		