

Report to: **Executive**

Date: **2 March 2023**

Title: **Service Level Agreement SHDC and South Devon AONB**

Portfolio Area: **Councillor Judy Pearce (Leader of the Council and Executive Member for Built and Natural Environment)**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: The Service Level Agreement proposes that Funding be provided from 1<sup>st</sup> April 2023

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#### **RECOMMENDATIONS:**

**It is RECOMMENDED that the Executive:**

- 1. Approve the proposed Service Level Agreement (SLA) (Appendix A) with South Devon AONB - in respect of securing focused support to meet the demand of South Hams District Council Development Management Service.**
- 2. Confirm that the £8,000 per annum (Executive 13<sup>th</sup> October 2022 (Minute E.45/22 refers)), be added to the existing Annual payment to South Devon AONB with effect from 1 April 2023.**
- 3. Instruct officers to monitor the performance measures set out in the SLA and that the additional year 2 funding is contingent of the targets being achieved.**

#### **1. Executive summary**

- 1.1. At the Executive meeting on 13<sup>th</sup> October 2022 (Minute E.45/22 refers) it was agreed that additional funding of £8,000 per annum would be made to South Devon AONB subject to a Service Level Agreement in respect of focused support to meet the demand of South Hams District Council Development Management.**

1.2. Appendix A sets out the proposed Service Level Agreement which has been prepared in consultation with South Devon AONB. It sets out service standards between the two organisations. These will be implemented alongside the South Devon (AONB) Partnership Planning Protocol which is currently in operation.

## **2. Background**

- 2.1. Ensuring that we protect and enhance our natural environment and responding to the climate and biodiversity emergency are priorities of our corporate strategy. They are also key planning considerations relevant in the determination of applications. As part of this, specific advice is sought from the South Devon AONB team to consider the impacts of schemes both within and affecting the South Devon AONB.
- 2.2. The SHDC contribution of £20,749 toward core costs has remained the same since 2014/15 and now represents a real terms reduction. DEFRA have substantially increased their contribution in the last two years. However, from 2022/23 onwards, the additional contribution is contingent on 25% match funding being provided.
- 2.3. In addition to enabling AONB to meet the match funding requirements of DEFRA, increasing the funding will also enable AONB to respond to increases in the Development Management caseload.
- 2.4. It was previously recommended to the Executive that this request be supported and that the total funding for AONB increase to £28,749 per year from 1<sup>st</sup> April 2023 for a period of two years, subject to agreeing a Service Level Agreement (SLA) including clear performance targets for the additional funding. The second year's funding being dependent on that performance being delivered in year 1.
- 2.5. Appendix A of this report provides the Proposed Service Level Agreement for the Executive to consider and subject to any required modifications agree.

## **3. Outcomes/outputs**

- 3.1. The Proposed SLA will commit the Council to the additional funding and in return will introduce additional targets and requirements on the South Devon AONB to improve the current performance of the service in terms of their response to Planning Application consultations requests. This includes the following:
1. Provide a written response within 28 days of the date of a request for all consultation responses which meet the Consultation Triggers Criteria set out in South Devon Area of Outstanding Natural Beauty Partnership Planning Protocol Adopted March 2020, even if the response is no comment or to make/refer to published policy and guidance.
  2. If for any reason this is not achievable in advance of the 28-day period, the AONB officer will contact the Head of Development Management to agree an Extension of Time (EOT) in writing

which is mutually agreeable to both parties and allow the expedient determination of the Planning Application.

3. Provide 1.5 days per week senior officer resource to meet this commitment.
  4. Operate in accordance with the South Devon Area of Outstanding Natural Beauty Partnership Planning Protocol Adopted March 2020 alongside this SLA.
  5. Provide at least 90% of consultation responses within 28 days of the consultation request being issued.
- 3.2. These measures set out a clear requirement for the service and how these will be undertaken. This should help ensure that the provision of timely consultation response is received to enable council officers to expediate the determination of the Planning Applications.
- 3.3. The SLA is a two-way agreement. As such, it also requires the Council Planning Service to meet the following requirements:
1. Provide an additional £8,000 funding per annum to the South Devon AONB
  2. Refer relevant planning applications to the AONB Unit for comment following the Consultation Triggers Criteria set out in South Devon Area of Outstanding Natural Beauty Partnership Planning Protocol Adopted March 2020.
  3. Notify and reconsult the South Devon AONB on planning applications for which SHDC Planning Officers have already consulted the South Devon AONB when new or amended application documentation that is material to the conservation and enhancement of the South Devon AONB has been added to the web-based planning file.
  4. Agree a reasonable EOT in writing for responses on behalf of the South Devon AONB Partnership to allow the expedient determination of Planning Applications.
  5. Operate in accordance with the South Devon Area of Outstanding Natural Beauty Partnership Planning Protocol Adopted March 2020 alongside this SLA.

#### **4. Options available and consideration of risk**

- 4.1. It is recommended that the SLA is approved and funding provided which will enable additional resource to be provided within the South Devon AONB Team.
- 4.2. Currently, there are insufficient resources available to facilitate the important contribution of the South Devon AONB to the Planning system. If the SLA is not agreed, the delays to the determination of applications is likely to continue.
- 4.3. This would either lead to extended delays waiting for consultation responses or determinations without advice from the South Devon

AONB; the latter option meaning that applications are not fully considered.

## 5. Proposed Way Forward

- 5.1. The proposed SLA sets out clear performance measures and will help secure an improvement in the performance of the Development Management Service.
- 5.2. Close monitoring of performance against the standards will allow members to consider future funding proposals in 2024/25.

## 6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Council has no legal duty to provide financial support to the South Devon AONB beyond the term of the current funding arrangement (31/03/2023). It does have a duty to ensure that public funding is spent appropriately. Carrying out the process of requiring key partners to demonstrate the contribution they make to our corporate priorities is a key element of ensuring scrutiny of funding awarded. The SLA will increase the ability to monitor the performance of the South Devon AONB which will be a contingent of the second year of funding be provided.
Financial implications to include reference to value for money	Y	The report will enable the provision of additional funding to be provided, to deliver the enhanced service set out in the SLA. The SLA will increase the ability to monitor the performance of the South Devon AONB which will be a contingent of the second year of funding be provided. This will ensure further expenditure is linked to the delivery of the new levels of service being provided
Risk		The SLA provides an agreed position between the two parties to deliver an improved service with monitorable targets, the principal risk is that the service improvement are not delivered. In which case the additional year 2 funding would not be provided
Supporting Corporate Strategy	Y	Better Lives for All ambitions, including specifically Action BN1.3 (Supporting Schemes that contribute to enhancing the marine environment)
Consultation & Engagement Strategy	Y	The SLA has been produced in consultation with the South Devon AONB

Climate Change - Carbon / Biodiversity Impact	Y	The SLA and funding it contingent on will better enable the implications of development on the special landscape within the AONB to be properly considered in the planning application process.
<b>Comprehensive Impact Assessment Implications</b>		
Equality and Diversity	Y	The partners set out in this report (South Devon AONB) provide valuable services to all of our residents regardless of protected characteristics.
Safeguarding	N	
Community Safety, Crime and Disorder	N	
Health, Safety and Wellbeing	N	
Other implications	N	

### **Supporting Information**

#### **Appendices:**

Appendix A - Proposed Service Level Agreement with the South Devon AONB.