

REVIEW OF SERVICE LEVEL AGREEMENTS WITH NEW FOREST NATIONAL PARK AUTHORITY RELATING TO THE PLANNING SERVICE

1. INTRODUCTION

1.1 The Council currently has arrangements in place for the New Forest National Park Authority to provide the following services under Service Level Agreements:

- Tree Service
- Conservation Service
- Ecology Advice Service
- Archaeological Advice Service
- Ranger Service (Habitat Mitigation)

1.2 The current service level agreements end on 31 March 2019. In order to ensure that value for money is being achieved and to ensure services are delivered in the most effective way, consideration now needs to be given as to how these services will be provided in the future.

2. SUMMARY OF CURRENT SERVICE LEVEL AGREEMENTS WITH NEW FOREST NPA

2.1 The following table summarises existing agreements in place with the New Forest National Park Authority.

| Service Description | Service Provider | Value of SLA | Length of Agreement | Start Date | Renewal Date |
|------------------------|------------------------------------|--|------------------------|--|--|
| Tree Service | New Forest National Park Authority | Year 1 - £107,000, and thereafter 55% of cost of service. Annual increase capped at Retail Prices Index. | 3 ½ years | 1 October 2012 (Renewed 1 October 2015) | 31 March 2019 |
| Conservation Service | New Forest National Park Authority | £88,000 indexed link to reflect annual pay awards | 3 years | 1 April 2015 | 31 March 2018 Extended to 31 March 2019 |
| Ecology Advice Service | New Forest National Park Authority | £10,970 p.a. Annual increase to reflect inflation. | 3 years | 1 July 2015 | 30 June 2018 Extended to 31 March 2019 |
| Archaeological Service | New Forest National Park Authority | £3,500 p.a. | Agreed on annual basis | n.a. | n.a. |

| Service Description | Service Provider | Value of SLA | Length of Agreement | Start Date | Renewal Date |
|---|------------------------------------|---|---------------------|--------------|--|
| Ranger Service (Funding of People and Wildlife Ranger for Habitat Mitigation) | New Forest National Park Authority | £39,830 p.a. (Wholly funded by Developers' contributions) | 3 years | 1 April 2015 | 31 March 2018 Extended to 31 March 2019 |

3. THE MAJOR 'CORE' SERVICE AREAS

- 3.1 The Tree Service and the Conservation Service are both major 'core' service areas for the planning function of a local planning authority.
- 3.2 The Conservation Service has a significant role in the handling of Heritage applications and provides a limited degree of other advice to owners of Listed Buildings and with respect to Conservation Areas in general.
- 3.3 The Tree Service again has direct involvement with planning applications but also deals with all Tree Preservation Order matters.

Tree Service

- 3.4 The Tree Service function was originally transferred to the New Forest National Park Authority in October 2012, under an initial three year agreement. This was extended in September 2015 to cover the period up to 31 March 2019. The cost of the service in 2018/19 is budgeted as £114,830.
- 3.5 Three members of the District Council's staff were transferred to the National Park Authority under the arrangement; two professional tree officers and an administrative assistant.

Conservation Service

- 3.6 The Conservation Service function was transferred to the New Forest National Park Authority in April 2015, under an initial three year agreement. This was extended in March 2018 to cover the period up to 31 March 2019. The cost of the service in 2018/19 is budgeted as £94,180.
- 3.7 Two conservation officer posts were transferred to the National Park Authority under the arrangement.

4. EVALUATION OF MAJOR CORE SERVICE AREAS

- 4.1 Whilst the standard of the service provided by the National Park Authority has generally been of an acceptable quality, there have been issues associated with the 'arms-length' delivery of these services, and sometimes the timeliness of response.
- 4.2 While New Forest District Council continues to have responsibility for Tree and Conservation Services, in practice the services, particularly Trees, operate largely independently of the Council. There is little involvement or influence on the decisions

made on its behalf by the National Park Authority or the content of consultation responses received. There is no integration of 'back office' records and systems. While the National Park Authority is required under the SLA to keep records relating to listed buildings and conservation areas on 'relevant systems', the District Council's officers do not have access to records of matters the Park Authority have dealt with on this Council's behalf. This Council has limited influence on the decisions made or the factors taken into account.

- 4.3 Advice on tree and conservation matters is given often in isolation from consideration of wider planning issues. The scope for design professionals and planners to work together to come up with a joined-up approach can be hindered by this separation of function and responsibilities. While in practice individual officers from both authorities will speak to each other to resolve issues, current "arms-length" arrangements do not assist this process.
- 4.4 It can be a confusing to members of the public that some planning services within the district are not provided directly by the District Council itself, and are referred to the National Park Authority. This is particularly the case for the 'front-line' Tree service where enquiries are directed straight to the National Park Authority. For Conservation, the District Council remains the initial point of contact.

5. FUTURE INFLUENCES

- 5.1 Changes in the National Planning Policy Framework, and in particular the absence of any formal form of regional or sub-regional planning in England, together with a clearly stated national agenda to plan for housing growth in all areas, has brought to an end the thirty year planning strategy for the New Forest area of development restraint to protect the area's sensitive environment. The emerging Local Plan Review plans for very significant increases in development within the district outside the National Park.
- 5.2 In the context of a 'growth' strategy, planning activity will inevitably increase. Cabinet and Council agreed additional resources for the District Council's Planning Service in July 2018. In particular, focus was given to a strengthening of the resources available to deliver quality development on major greenfield sites with extended resources for environmental design, development management and implementation and enforcement. This was a reflection of Members' concerns that accommodating growth must be in the context of securing very high standards of design and minimising environmental impacts. However, two key components of this wider environmental design service – trees and conservation - are resourced externally.

6. PROPOSED WAY FORWARD

- 6.1 Having regard to the issues identified in paragraph 4, it is considered that the best option is to bring the main services (Trees and Conservation) back in-house and seek to enter into new arrangements for provision of specialist services (Ecology and Archaeology).
- 6.2 This would clearly address the identified issues identified in section 4 which have arisen under current arrangements. It is considered that the cost of providing these services in house would be comparable with the amount spent through SLAs with the National Park Authority.

- 6.3 Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) would apply to posts affected by the ending of the SLA. It is understood that the National Park Authority currently employs three staff in each of the Tree and Conservation Service Areas. Information will be required from the National Park Authority relating to the proportion of their staff time spent on delivery of the service to New Forest District Council. However, as a guide, it is likely that one or two post-holders from each service area would transfer to this Council under TUPE arrangements.

7. CONCLUSIONS ON CORE SERVICES

7.1 It is recommended that:

- a. Notice is given to the National Park Authority that this Council will not be seeking to continue with the Service Level Agreements regarding the provision of the Tree Service and Conservation Service beyond 31 March 2019.
- b. Discussions are entered in to with the New Forest National Park Authority to secure transfer of records to this Council relating to the Tree and Conservation Services during the life of the SLA arrangements.
- c. Officers commence the process of TUPE transfers and recruitment of Conservation and Tree Service staff.

8. OTHER SERVICES

Ecology and Archaeological Service

- 8.1 Advice on ecology and archaeology matters is often required by the planning authority, but the level of service required does not justify employment of a specialist post in either of these areas of professional expertise within the Authority. Both the National Park Authority and Hampshire County Council employ specialists that can provide (under a service level agreement) the required specialist advice. The Council has had arrangements in the past with both Hampshire County Council and the New Forest National Park Authority to provide the required advice. Both have provided good services.
- 8.2 It is recommended that both Hampshire County Council and the New Forest National Park Authority be invited to put forward proposals to this Council for the future provision of these services.

People and Wildlife Ranger Service

- 8.3 For the purpose of this exercise it is suggested that the Ranger Service currently supplied to this Authority by the National Park Authority, and funded by developers' contributions as part of meeting obligations under the Conservation of Habitats and Species Regulations 2017 to mitigate the impact of recreational pressures arising from development on the New Forest Natura 2000 site, is excluded from this review. The reason for this is that consideration of alternative arrangements could be regarded as premature pending the completion of the "New Forest International Nature Conservation Designations: Recreational Effects – Surveying and Review of Evidence Regarding Likely Impact of Additional Development" research project. (This Council is working with Test Valley Borough Council, New Forest National park Authority, Wiltshire Council, Southampton City Council and Eastleigh Borough Council, on this

Government funded project.) One of the outcomes of the project may be a review of ranger services providing mitigation.

- 8.4 It is recommended that current arrangements with the National Park Authority are extended until March 2021.

9. FINANCIAL IMPLICATIONS

- 9.1 The costs of providing the core services relating to trees and conservation in house is comparable with the costs of the service level arrangements the Council currently has with the National Park Authority.

10. CRIME & DISORDER IMPLICATIONS

- 10.1 There are none.

11. ENVIRONMENTAL IMPLICATIONS

- 11.1 All the services areas involved have a significant role to play in protecting and delivering a high quality environment within the district. However, the services are provided, it is fundamental to service provision that high environmental standards are secured however these services are provided.

12. EQUALITY & DIVERSITY IMPLICATIONS

- 12.1 There are none.

13. PORTFOLIO HOLDER COMMENTS

- 13.1 While the shared Tree and Conservation Services with the National Park Authority have represented good value for the District Council over the past nearly 6 and 4 years respectively, given the predicted level of development in future years within the District, it is timely to consider the appropriate way forward. I am pleased that this has been carefully evaluated by officers and support the recommendations set out within this report.

14. RECOMMENDATIONS

- 15.1 As set out in the report above, it is recommended that:

In relation to the Tree and Conservation Services:

- a. Notice is given to the National Park Authority that New Forest District Council will not be seeking to continue with the Service Level Agreements regarding the provision of the Tree Service and Conservation Service beyond 31 March 2019.
- b. Discussions are entered in to with the New Forest national Park Authority to secure transfer of records to this Council relating to the Tree and Conservation Services during the life of the SLA arrangements.

- c. Officers commence the process of TUPE transfers and recruitment of Conservation and Tree Service staff.

In relation to Ecology and Archaeology Services:

- d. It is recommended that both Hampshire County Council and the New Forest National Park Authority be invited to put forward proposals to this Council for the future provision of these services.

In relation to the People and Wildlife Ranger Service:

- e. It is recommended that current arrangements with the National Park Authority are extended until March 2021.

For further information contact:

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Background Papers:

None