

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 48

Brighton & Hove City Council

Subject:	Consultation on the membership of the future South Downs National Park Authority		
Date of Meeting:	24 September 2009		
Report of:	Director of Environment		
Contact Officer:	Name:	Gillian Marston	Tel: 29-4701
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Key Decision:	No		
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report is a response to the Department for Environment, Food and Rural Affairs document 'Consultation on the membership of the future South Downs National Park Authority' issued in July 2009. The deadline for submissions of responses is 9 October 2009

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member approves the draft response to DEFRA attached at Appendix 1 regarding the proposed membership of the future South Downs National Park Authority

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On 31 March 2009 the, Secretary of State for Environment, Food and Rural Affairs, announced that he was minded to confirm the South Downs National Park Designation Order. He also announced that he would be establishing a National Park Authority (NPA) to manage the new National Park.
- 3.2 Although the detailed membership of each NPA is specified in a Statutory Instrument, the membership must conform to the overall requirements set out in the primary legislation. The overall requirements can be summarised as follows.

Members are to be appointed from three separate sources:

- Local authority members, who must be serving councillors of a district, county, or unitary authority with land in the National Park, and are appointed by their Council

Every district, county or unitary authority has the right to at least one seat

- Parish members, who must be serving councillors (or Chair of a parish meeting) of a parish having land in the National Park. They are chosen by the

parish councils collectively (though formally appointed by the Secretary of State)

- National members who are appointed by the Secretary of State, in consultation with Natural England. (These are selected through an open recruitment process which in the existing NPAs is regulated by the Office of the Commissioner for Public Appointments (OCPA) – Defra intends to also bring the South Downs NPA appointments within the remit of OCPA)

The combined number of local authority and parish members must outnumber the ‘national’ members

3.3 Department for Environment, Food and Rural Affairs (Defra) reports that the normal size for a NPA is 22 seats. However, the Peak District has 30 members on its NPA and covers 11 councils. As the South Downs NPA will cover the largest number of local authorities than any other National Park (15 in total), there is a case for having a larger authority.

3.4 Defra proposes that the overall size of the NPA should be no less than 29 members and no more than 37 members. It also proposes that (depending on the overall size) there should be from 15 to 19 local authority members; from 8 to 10 national members; and from 6 to 8 parish members. The options are:

	Minimum option	Maximum Option
Local authority members	15	19
‘National’ members	8	10
Parish members	6	8
TOTAL	29	37

3.5 There is no set proportion of ‘national’ members. However, Defra’s view is that the number of 8 for a 29 member authority and 10 for a 37 member authority provides the cover for the full range of expertise and knowledge which are looked for when appointing ‘national members’.

3.6 Similarly there is no set proportion for parish members. However Defra believes that there needs to be enough parish members to provide a reasonable coverage of the whole National Park. The Secretary of State believes that the Peak District has set the precedent by having 6 parish seats in a 30 membership authority and so proposes 6 parish members for a 29 member South Downs NPA, rising to 8 in the event that the overall size of the NPA were set at 37.

3.7 A consideration is that although the National Park extends into 15 local authorities’ areas, it does so to differing degrees. For example, one local authority has less than 100 of its residents and less than 20 sq km of its land within the National Park, whereas another has over 40,000 residents and over 800 sq kms. A 40-fold variation in area/population cannot be directly translated into seats so the realistic question is whether there should be some more limited recognition of those authorities which have the largest presence in the National Park.

	Area within National Park (sq km)	Population within NP
West Sussex County Council	807	40,272
Hampshire County Council	544	41,761
Chichester District Council	544	30,765
East Hampshire District Council	279	30,178
Winchester City Council	265	11,583
East Sussex County Council	237	25,411
Lewes District Council	159	22,169
Arun District Council	102	4,336
Horsham District Council	93	3,415
Wealden District Council	60	3,213
Mid Sussex District Council	37	1,157
Brighton and Hove City Council	37	485
Adur District Council	23	471
Eastbourne Borough Council	18	29
Worthing Borough Council	8	128
Total	1,625	107,929

4. CONSULTATION

- 4.1 The Cityparks (Countryside Team), Planning and Tourism teams have been consulted on the report.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no direct financial implications arising from the recommendations contained within the report.

Finance Officer Consulted: Patrick Rice

Date: 20/08/09

Legal Implications:

- 5.2 The membership of the National Park Authority (NPA) is required to be specified by a Statutory Instrument and the Environment Act 1995 requires consultation with local authorities before making such a Statutory Instrument. The legal minimum representation is for each authority to have one member unless they opt out. In addition Schedule 7 of the Environment Act 1995 sets out further requirements for membership which are summarised at paragraph 3.2 of the report. The proposed response to the consultation in line with the legal requirements for membership of the NPA.

Lawyer Consulted:

Elizabeth Culbert

Date: 20/08/09

Equalities Implications:

- 5.3 None identified

Sustainability Implications:

- 5.4 None identified

Crime & Disorder Implications:

- 5.5 None identified

Risk and Opportunity Management Implications:

- 5.6 None identified

Corporate / Citywide Implications:

- 5.7 None identified

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The council could decide not to respond to the consultation documents issued by Defra on the size and composition of the NPA. However, this option is not recommended as the council has a keen interest in the National Park and ensuring its success in conserving and promoting the value of the land within and around the city and across the South Downs.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The council wishes to ensure that the South Downs NPA is effective and efficient and believes this is best achieved through a smaller authority discharging its duties.
- 7.2 It is important that the council is represented on the NPA given the importance of conserving and promoting the South Downs within and around the city and across the whole National Park area.

- 7.3 The nature of the two tier structure of county councils and district councils, and the inclusion of parish members already allows for increased representation on the NPA for those areas with more population or area to be included in the National Park, and thus there is not a need to opt for the larger NPA.

SUPPORTING DOCUMENTATION

Appendices:

1. Proposed letter to DEFRA

Documents In Members' Rooms

1. Defra document 'Consultation on the membership of the future South Downs National Park Authority' issued in July 2009.

Background Documents

None

