

Record of decision taken under delegated powers by a council officer



Title:	RIVER THAMES SCHEME SERVICE LEVEL AGREEMENT BETWEEN APPLICANT AND LOCAL PLANNING AUTHORITIES
Divisions Affected:	SCC agreement as Joint Applicant for River Thames Scheme with Runnymede, Spelthorne, Elmbridge and SCC planning authorities. In addition, the Environment Agency as Joint Applicant would also be affected.
Key Decision:	Yes
Reason Key:	Over £1m; and Affects more than two Divisions of the County Council
Decision taken under delegation by virtue of:	<p>On the 20th July Cabinet:</p> <ol style="list-style-type: none"> 1. That Cabinet approves the principles proposed for the development of the Collaboration Agreement. 2. That Cabinet agrees the delegation of authority to the Executive Director for Environment, Transport and Infrastructure, in consultation with the Cabinet Member for Environment and the Executive Director of Resources, to enter into the collaboration agreement and to take such actions and decisions necessary to facilitate the delivery of the Scheme within the approved budget. 3. That Cabinet recommends to Council that all decisions and actions relating to the Council's regulatory and planning functions that pertain to the River Thames Scheme be delegated to the Director of Law and Governance in consultation with the Planning Group Manager. <p>The decisions in this document pertain to resolutions 2 and 3</p>

Summary

<ul style="list-style-type: none"> • The Cabinet report of 20 July 2021 (River Thames Scheme Collaboration Agreement Principles), made the three resolutions as set out above. • There was a requirement to have a Service Level Agreement (SLA) between the joint applicants of the Scheme (EA/SCC) and the 4 planning authorities (SBC, EBC, RBC, SCC) • It is common practice in large planning applications, especially those where there may be a desire for greater informal pre-application consultation with a local planning authority to sign up to a planning performance agreement. • The SLA was intended to set out how the parties would interact and try and agree what information could be requested to support the project development, what format it might take and agree timescales. The purpose being to try and ensure that interaction between the parties would be smooth, efficient, and co-operative. • In addition, it sets out the terms for how payment would be made from the Project to the local planning authority for providing services above what they would be
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statutorily required to provide.

- The project applicant recognises the impacts DCOs can have on LPA resources and this SLA has sought to balance the information requirements for the project by supporting, through recompense of LPA Officer time, funding of a coordinating authority and funding of technical consultancy resource.
- The project applicant recognises the separation of responsibility requirements between the developer/applicant and the host authority/regulator and has sought to ensure, through utilisation of a coordinating authority function (of which the technical consultancy sits within), an appropriate funnel requests in and coordinate information out.
- It is acknowledged that LPA input is crucial to narrowing down the areas of concern prior to the DCO application and ultimately could assist in making the Examination in Public a smoother experience for all.
- The SLA is quite detailed as to timescales and procedure
- This SLA shall terminate on the date of decision by the SoS in respect of the DCO application for the RTS (or earlier if notified by parties).
- SCC, EBC, SBC, RBC host authorities and the EA Client approved the SLA in principle and agreed to sign on 1 April.
- Cllr Marisa Heath; Member for Environment, and Leigh Whitehouse; Exec Director Resources were consulted prior to Exec Director ETI approval
- Paul Evans; Director of Law and Governance was consulted prior to Group Manager Planning approval
- Signature by all parties took place on 1 April 2022

This is a record of that delegated decision (pertaining to resolution 2 and 3 above).

Decision made

Decision made:

It was AGREED that:

1. The Service Level Agreement could be signed.

Reasons for Decision:

The RTS is a very large, very complex scheme which, as it will be applied for as a Development Consent Order (“DCO”) will require a lot of informal and formal (statutory) consultation with at least the 4 LPAs, amongst other bodies. For this consultation to achieve maximum effectiveness and not to fall behind anticipated timescales it is considered that an SLA in the form of a binding legal agreement will assist in ensuring that all parties work closely with each other during the development phase of the RTS, within a project management framework, making provision for additional resourcing to be put in place where a need is identified.

Decision taken by:

Katie Stewart, Executive Director, Environment,
Transport & Infrastructure

Caroline Smith, Planning Group Manager

	Leigh Whitehouse, Executive Director of Resources Paul Evans, Director of Law & Governance
Decision taken on:	1 April 2022
To be implemented on:	1 April 2022

Alternative options considered

Option 1: Don't Sign the agreement

PROS

Scheme not liable to recompense LPAs for their contribution to the scheme for work outside their statutory role

CONS

Limited ability to ensure key information and effective consultation is conducted with host authorities.

Increased programme timelines as it will take longer to receive information from the LPAs as this Scheme is unlikely to be prioritised.

Development Consent Order at risk largely due to adequate consultation and understanding of key impacts will not have taken place.

Poor relationship with the LPAs

As reflected by 'Project Speed' and other initiatives within National Government Planning – Boroughs are poorly resourced to deal with the demands of Development Consent Orders. This SLA sought to recognise this pressure and support financially and practically where feasible to ensure key information is gained.

Summary of any financial implications

The River Thames Scheme has been approved by Cabinet and a funding contribution of £237M (Oct 2020 Cabinet) has been agreed; £25M having been allocated from Outline Business Case to Full Business Case. Within the wider project forecasting, up to £1M has been considered to support LPAs through this SLA. The cost, in accordance with this SLA will be met by SCC, covered by agreed scheme annual contributions.

Declarations of conflicts of interest

None

Consultation/Process Followed

The Cabinet Member for Environment and Cabinet Member for Community Protection was consulted.

Background Documents

Cabinet Report, October 2019 179/19: Funding Flood Risk Management in Surrey

Exempt:

No

Cabinet Report, 20 July 2021 146/21: River Thames Scheme Collaboration Agreement Principles	
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