

## DARTMOOR NATIONAL PARK AUTHORITY

2 May 2014

**PUBLIC PATH DIVERSION ORDER AT ELLACOMBE FARM, NORTH BOVEY**Report of the Head of Recreation, Access and EstateMatter for consideration:**Members are invited to decide whether:**

**(i) to submit the order with objections to the Secretary of State for confirmation;**

**OR**

**(ii) to resolve that the opposed order should not be confirmed.**

**1 Background**

- 1.1 At a meeting of the Authority on 7 June 2013, Members discussed an application which had been received from Mrs Pye at Ellacombe Farm, North Bovey for a public path diversion order, to divert part of public bridleway no. 21 (North Bovey) around the farm.
- 1.2 Informal consultations with statutory bodies and user groups were reported at the time to Members, which revealed that objections to a proposed public path diversion order were highly likely. Representations from several consultees expressed concerns relating to the loss of an ancient route, the precedent that this might set for diverting routes away from farm yards, the suitability of the new route and the extent of works that might be required to bring the new route into use.
- 1.3 Members also raised concerns about the suitability of the new route and the extent of ground works required to make it suitable for users.
- 1.4 The Authority resolved that a public path order should be made in the interests of the owner and this report outlines the responses received to the formal consultation, following the making and advertising of the Order.
- 1.5 The relevant statutory provision for the diversion of a public path is section 119 Highways Act 1980. A diversion can be made by the Authority if it appears that is expedient to do so in the interests of the public or in the interests of the owner/occupier of the land crossed by the path.
- 1.6 The current definitive line of the bridleway runs within the curtilage and skirts the front garden of the property. The application was made by the owner in the interests of safety, security and privacy, and to reduce conflict between vehicles, users and horses.
- 1.7 The proposed diversion would move the bridleway from its existing route shown on the plan at Appendix 1 as a bold solid line between points A-B-C, which commences at the end of the county road at point A. It then proceeds through a

field gate in a generally westerly direction along a grass track adjacent to farm buildings and continues through a further field gate to point C.

- 1.8 The proposed new route is depicted on the plan as a bold dashed line A-D-E-C would start from the county road at point A and continue along the edge of the field in a westerly direction to re-join the bridleway at point C. A new bridle gate, operable from horseback will be constructed on the new route at point D and the new route will have a width of 3 metres.

## 2 Policy Context

- 2.1 The Devon County Council Rights of Way Improvement Plan contains policy LP1B which states “*applications will be supported which seek to divert paths away from residential buildings to improve privacy and working farmyards and farm buildings for safety reasons*”. However the legal tests contained within s119 Highways Act 1980 must be satisfied.

## 3 Consultation Responses

- 3.1 Formal consultations have been concluded as part of the Order making process and these are reported below:

### Representations received in support of the Order:

Name	Summary of comments
Shelagh Jacobs	In favour of the change of route, having to lead her horse through the yard to open gates is a nuisance, as gates have been awkward in the past. New gates need to be maintained so they can be opened safely from horseback
Jeremy Reed	Lived at Ellacombe Farm for 20 years and supports the diversion order. States that they used to regularly get people walking and riding through, resulting in loss of privacy as users could see directly into bedrooms. He also details issues around safety and security of the property.
Dr PF Riches	Dr Riches has been a visitor to Ellacombe Farm for many years. Considers that moving the bridleway to the other side of the hedge would be preferable and would cause no real disadvantage for the public using the new route. It would improve privacy and security for those living at the property.
John Isotta	Re-routing the bridleway will increase privacy, security and enjoyment of the garden area. States that previous changes at the farm included removal of a hedge that once screened part of the building from the bridleway. This now enables users to see right into the building and gardens.

<p>Vivien Isotta</p>	<p>Has stayed at the farm with young children and states there have been bad experiences with dogs belonging to users of the route running free and frightening children playing in the garden. Also problems with dog fouling and with the local hunt. The new route would keep the public and their dogs away from the garden/ house. Will increase privacy and health and safety of young children. The owners are not able to screen or fence the current bridleway from the garden area.</p>
<p>Edith Pye</p>	<p>Mrs Pye is elderly and finds access to the property quite difficult and has had several falls there. Sheep and ponies often get into the garden because people leave the gate open and re-routing the bridleway would help solve this. They tend to eat outdoors and find it intrusive when the public go past. She thinks that the public can feel awkward walking through the garden, particularly if they miss the path.</p>
<p>Ian Farnfield</p>	<p>They are the architects commissioned by the applicants and are advising on renovations at Ellacombe Farm. Due to the topography at the farm it is difficult to provide an adequate area to turn vehicles and park cars. Separating cars from users of the bridleway for a short distance would be better and would also deal with livestock issues of stray sheep and ponies being trapped at the end of the lane against the gate when vehicles are accessing the property. The new route would increase privacy as the height of the current route means that they are at a similar height to the bedroom windows of the main house. Security would be improved as gates on the current route are left open by users of the bridleway. It is not possible to fence off the bridleway from the front garden because vehicles need to be able to turn around inside the gate to the property.</p> <p>Regards the impact on the public enjoyment of the new route to be minimal and easier with one less gate to negotiate.</p>
<p>Scott Morpew</p>	<p>Has been working at Ellacombe Farm for over six months. The road to the property is regularly blocked by ponies that become trapped at the end of the road against the gate to the property. The current access situation is unworkable and by moving the bridleway to the other side of the hedge will enable access to the property by vehicles, by allowing ponies to move further along the new section of bridleway past the entrance to the property.</p> <p>Parking at the property is difficult due to the steep terrain and there is nowhere to park along the lane due to its narrow width. They often have six vehicles on site in addition to</p>

Scott Morpew contd ...	those of the owner and delivery vehicles. They have sometimes had to park vehicles along the bridleway which is not ideal for the public using it. Separating cars from the bridleway would benefit everyone, the owners are trying to come up with a solution and redirecting the bridleway would make the situation more workable.
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### Objections made against the Order

Name	Summary of comments
Adrian Geering Sonia Geering	<p>Strongly object to the diversion. The bridleway is a well used ,well defined ancient road which they have walked and ridden along since they moved to Middlecott in 1971. It forms part of the landscape and the owners of Ellacombe Farm bought the property with this right of way and it should remain so.</p> <p>There is a well ring, partly controlling a spring right in the middle of the proposed route, where the ground is waterlogged, making it totally unacceptable for walkers and riders at any time of the year.</p> <p>The entrance to the proposed route at point A is dangerous as the field height is 5-6ft above the road. A slope will have to be made with a gate. In winter this section will be slippery with mud running into the road and the gate will be difficult to operate.</p> <p>The diversion proposal is unsuitable and unsafe.</p>
James Paxman Dartmoor Preservation Association	<p>Objects on behalf of the Dartmoor Preservation Association. There is a substantial difference in height at point A. There are no details as to how this is to be addressed and they are concerned about the long term viability at this point and whether ground works will be sufficiently robust.</p> <p>Use of the proposed route at this point could be difficult for horse riders. There is a spring between points D and E and this area is presently a mud bath which is several inches deep, requiring substantial drainage works needed to make it suitable for users.</p> <p>There are no details as to how the proposed route will be separated from the field.</p> <p>The field through which the proposed route runs is steeply sloping whereas the current track is a level surface. In order for the proposed route to be as substantially convenient it will be necessary to perform excavation to obtain a level surface.</p>

	<p>The existing track runs between Torn and Horslake and whilst PROW status was conferred relatively recently, the track is clearly of ancient origin and uninterrupted use has been enjoyed for hundreds of years.</p> <p>Whilst the diverted section is only short, it will detract from users experience by the nature of its disruption to the historic path. If the Order were confirmed it would set a precedent encouraging similar applications which would cause harm to the historic PROW network.</p> <p>The owners have it in their ability to considerably increase the degree of privacy and security the property enjoys, by constructing a gateway and establishing a short stretch of banking with screening vegetation on top between points A and B. The route is poorly signposted at both ends which could be improved.</p>
<p>Karen Gilbert North Bovey Parish Council</p>	<p>North Bovey Parish Council objects to the order because it considers the diversion as unnecessary. The owners purchased the property in the knowledge that the bridleway existed in its current location.</p> <p>The historic bridleway passes by an interesting old dwelling which is part of the pleasure of using this route.</p>
<p>Alan Kind</p>	<p>Objects on the grounds that the Order and Notice express an approximate width for the proposed route.</p>
<p>Dr Hazel Jones</p>	<p>Has enjoyed using the route since the 1960's and still walks and rides this route. Part of the enjoyment using bridleways on Dartmoor is that they join together interesting buildings and villages, which would not give the same experience if bridleways were hedged along both sides for their entire length.</p> <p>The property was purchased in the full knowledge that this PROW existed and it should be maintained and preserved as an asset for the local community and the public at large.</p> <p>If allowed, this diversion would set a dangerous precedent and any erosion of these rights would be detrimental to the area as a whole.</p>

## **4 Summary of representations and objections**

- 4.1 Members are reminded that the Authority is required to consider the making of the diversion order against the Highways Act 1980 criteria. When resolving previously to make the Order, the Authority was satisfied that the diversion would be expedient in the interests of the owner (in this case for increasing privacy and security). The representations received in support of the Order confirm the desire of the owners of Ellacombe Farm to increase security and privacy. Those supporting the Order state that segregating the bridleway from the garden area will help to resolve issues with vehicular access and parking within the curtilage of the property.
- 4.2 The Authority also has to be satisfied that the new route will not be substantially less convenient than the existing route and to have regard to the effect which the diversion would have on the public enjoyment of the bridleway.
- 4.3 The objections received during the formal consultation are similar to those made during the pre-order consultation period i.e. loss of the historic existing route and the precedent this sets for other public rights of way through farms, along with the suitability of the new route. These are issues which the Authority took into account in its original decision to make the Order.

## **5 Officer Comment**

- 5.1 The majority of public rights of way are historical in their nature, but that in itself is not a reason to reject proposals to change the route of a path or way. The legislation is designed to allow changes to the access network to be made, to meet modern needs, provided the interests of the public are taken into account.
- 5.2 In terms of the suitability of the new bridleway, a number of considerations need to be taken into account, including distance, width, levels and condition, convenience, enjoyment and quality of experience of the route, future maintenance of surfaces and structures.
- 5.3 As regards distance and width of the new route, the additional 12 metres in length of the new route is not considered to be substantially less convenient to the public. Should Members decide that the Order be forwarded to the Secretary of State, the Authority could request that the Order be amended to record a "width of 3 metres" for the new route which would address Mr Kind's objection.
- 5.4 Turning specifically to the concerns relating to existing ground levels and condition of the new route, it will be necessary for the applicants to undertake ground works including the removal of a 3 metre section of hedge bank, and grading and surfacing works to address changes in levels. The issues relating to the water trough and spring on the line of the new route, installation of a new bridle gate operable from horse back, and any fencing or hedging adjacent to the bridleway will also need to be completed to the satisfaction of the Authority.
- 5.5 The works required would need to be completed in order to create a route that would not be substantially less convenient compared to the length of bridleway to be stopped up. The owners of Ellacombe Farm have confirmed that they are confident that they can address the concerns raised by objectors regarding the suitability of the new route. These works would be paid for by the applicants
- 5.6 The existing route goes through the entrance to the property and then follows a track along the edge of the garden. The new route will be wider than the existing

route and is bounded on the opposite side by a hedge. The farm buildings would still be visible. The owners have indicated they intend to fence the bridleway from the field, but it is not considered that this in itself would have a detrimental effect on the enjoyment of the route by the public.

## **6 Ground Survey**

- 6.1 Following completion of the formal consultations, the applicant has submitted details of the proposed new route which she hopes will address concerns raised by those objecting to the diversion order and which will assist Members in reaching a view on how to proceed with the Order.
- 6.2 The applicant commissioned a qualified civil engineer to undertake a survey of existing ground levels of the existing bridleway, the current ground levels of the new route and an indication of the final levels that would be achieved following completion of groundworks. This is shown on the survey plan at appendix 2 of this report.
- 6.3 The survey states that the final gradients that would be achieved will provide a significant improvement over the existing levels. The main areas of excavation required are shown to be at both ends of the new route where up to 1.0 metres of excavation would be required.
- 6.4 The view of officers is that some surfacing of the new route with crushed stone is required to provide a suitable surface for equestrian use on inclines and that it may be necessary to install several cross drains due to the profile of the new route.
- 6.5 The advice received from the Authority's Development Management Team is that the extent and nature of the proposed ground works would be considered engineering works and therefore will require planning consent.

## **7 Conclusion**

- 7.1 The benefits for the landowner in a confirmed order are that the bridleway would be relocated away from the front garden of the property, which will increase the privacy and security for the occupants. This is borne out by those making representations in support of the order.
- 7.2 It is not suggested that the diversion would be for the benefit of the public.
- 7.3 The impacts on users of the bridleway are that the public would not be using that part of the bridleway which passes through the garden area. The condition of the proposed new bridleway in its current form is considered to be substantially less convenient than the existing route due to the gradients and the waterlogged area by the drinking trough.
- 7.4 If the ground works are completed as set out in this report, with the new section of bridleway fenced on both sides, a width of three metres throughout and suitable gradients, then the new route will provide a similar experience for users. The landowner has stated that they would now not require a gate at point D (grid reference SX 7237 8600) on the new section of bridleway. Should Members resolve to submit the order, Officers would request that the Secretary of State amend the Order to delete that limitation.
- 7.5 The issues in this case are finely balanced. This diversion order is clearly made in the interests of the landowner (to increase privacy and security at Ellacombe Farm)

and not in the interests of the public. Where an Order is made in the interests of the landowner, the Authority is required to take account of the effect the diversion would have on the use and enjoyment of the way by the public.

## **8 Procedures and next steps**

- 8.1 If the Order is sent to the Secretary of State for determination, he may appoint an Inspector to hold a Public Inquiry or arrange a Hearing before reaching a decision.

There is no statutory duty for the Authority to submit an opposed Order to the Secretary of State. This appears to give authorities the discretion not to proceed. However, there is no statutory authority for the withdrawal of orders once made. DoE Circular 2/1993 Annex C recommends that, if an authority is not minded to proceed with confirmation (either itself in unopposed cases or by referral to the Secretary of State otherwise), it should formally resolve not to do so. This then brings the procedure to an end.

## **9 Financial Implications**

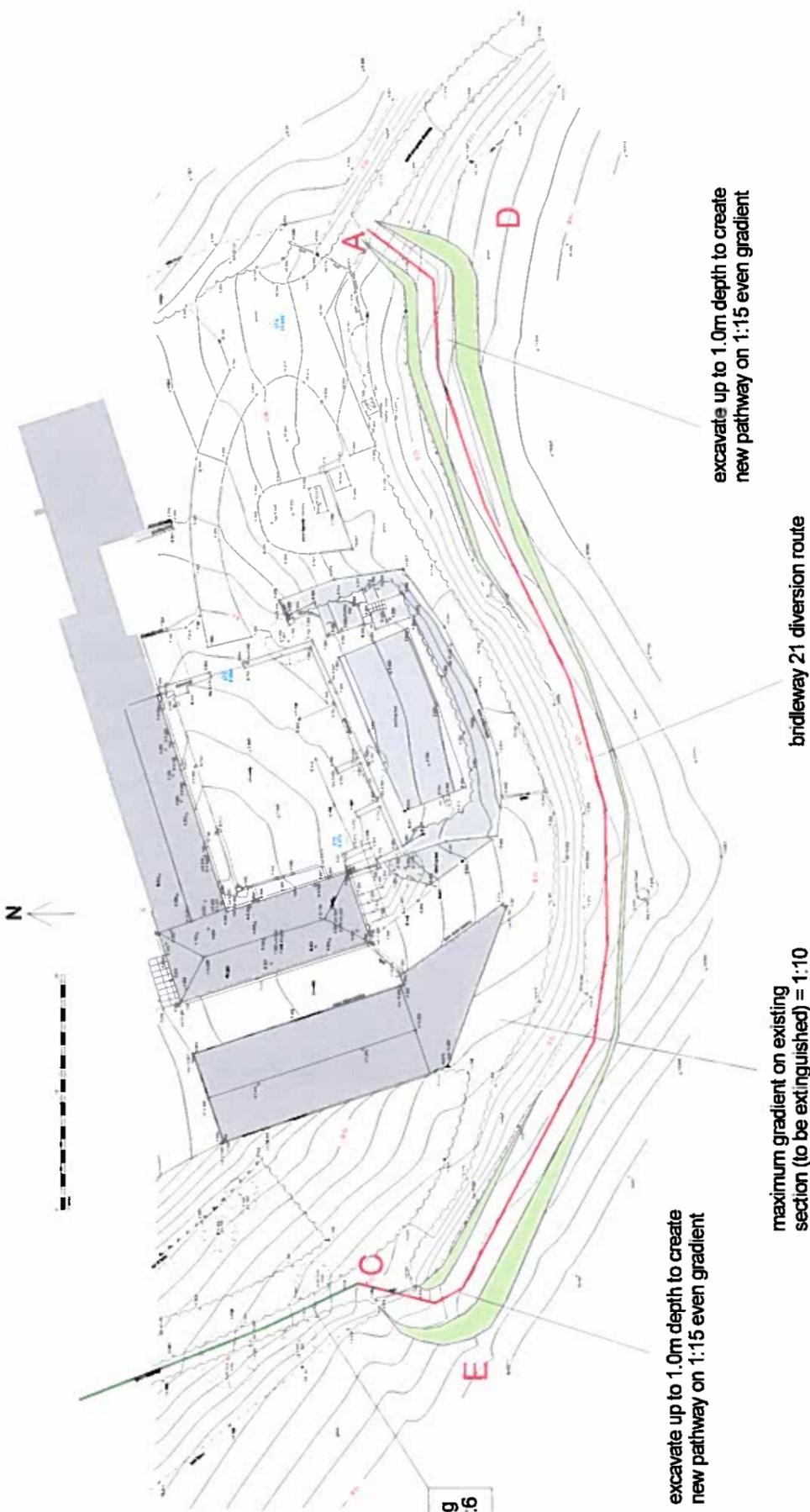
- 9.1 If Members resolve to submit the Order to the Secretary of State, then the costs to the Authority would be officer time to prepare for an inquiry or hearing and to provide a venue along with any legal representation at any inquiry. The Applicant would be required to give a written undertaking to meet these costs in full and has confirmed that she would be willing to do so. (Awaiting written confirmation)

## **10 Equality and Sustainability Impact Assessment**

- 10.1 The Authority works to the “least restrictive principle” and the new route will be maintained as “easy to use”. An Equality and Sustainability Impact Assessment has also been completed which did not show any adverse impacts if all the proposed accommodation works are completed.

ANDREW WATSON

**Attachments:** Appendix 1 – Ballantine Arnold Proposed Diversion to Bridleway 21  
Appendix 2 – DNPA Proposed Diversion Order Plan



**PLAN SHOWING BRIDLEWAY DIVERSION AND AREAS OF CUT TO MINIMISE GRADIENTS**

The existing bridleway route has a maximum gradient of 1:10 as it passes through Ellacombe Farm yard. This is to be extinguished and replaced with a new route to the field edge to the south of the farm, with maximum gradients of only 1:15 so as to provide a significant improvement over the existing.

These improved gradients are significantly better than the gradient of other sections this bridleway to the north of the farm which reach a maximum of 1:6.

The new alignment will be cut across the slope of the field to give an even, level transverse alignment.

The excavation to cut into the slope is expected to be made through very stoney ground which will provide a firm and well-drained base to the path.

The path surface will be grass.

The existing route through the farm yard is often obstructed by parked or moving vehicles. The new route will be free of these hazards.

*Ballantine Arnold*

14095/01

new post and rail fence to field

existing hedge and fence

**Typical Section 1:100**

maximum gradient on existing continuation of bridleway = 1:6

new 3.0m wide pathway cut into and across the slope to give a level crossfall and an even 1:15 longitudinal gradient. Grass surface over excavated stoney ground

existing hedge and fence

excavate up to 1.0m depth to create new pathway on 1:15 even gradient

maximum gradient on existing section (to be extinguished) = 1:10

bridleway 21 diversion route

excavate up to 1.0m depth to create new pathway on 1:15 even gradient

**Section at D 1:100**

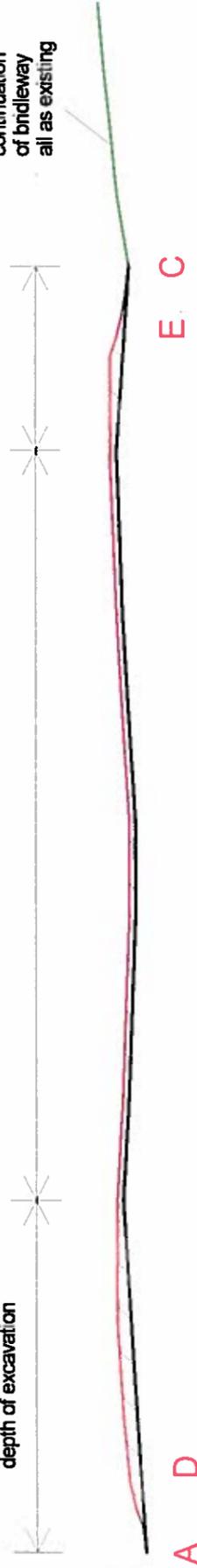
(E similar)

reduce existing slope to 1:15 even gradient with up to 1.0m depth of excavation

new bridleway follows existing ground level at inclines of less than 1:15 and regraded to give a level crossfall

reduce existing slope to 1:15 even gradient with up to 1.0m depth of excavation

1:6 slope to continuation of bridleway all as existing



**DEVELOPED LONGITUDINAL SECTION ALONG CENTRELINE OF BRIDLEWAY DIVERSION**

ELLACOMBE FARM

PROPOSED DIVERSION TO BRIDLEWAY No 21

1:500

# DARTMOOR NATIONAL PARK AUTHORITY PUBLIC PATH DIVERSION ORDER BRIDLEWAY 21 NORTH BOVEY



BRIDLEWAY TO BE ADDED (A - D - E - C)      - - - - -

BRIDLEWAY TO BE EXTINGUISHED (A - B - C)      \_\_\_\_\_

EXISTING BRIDLEWAY      + + + + +

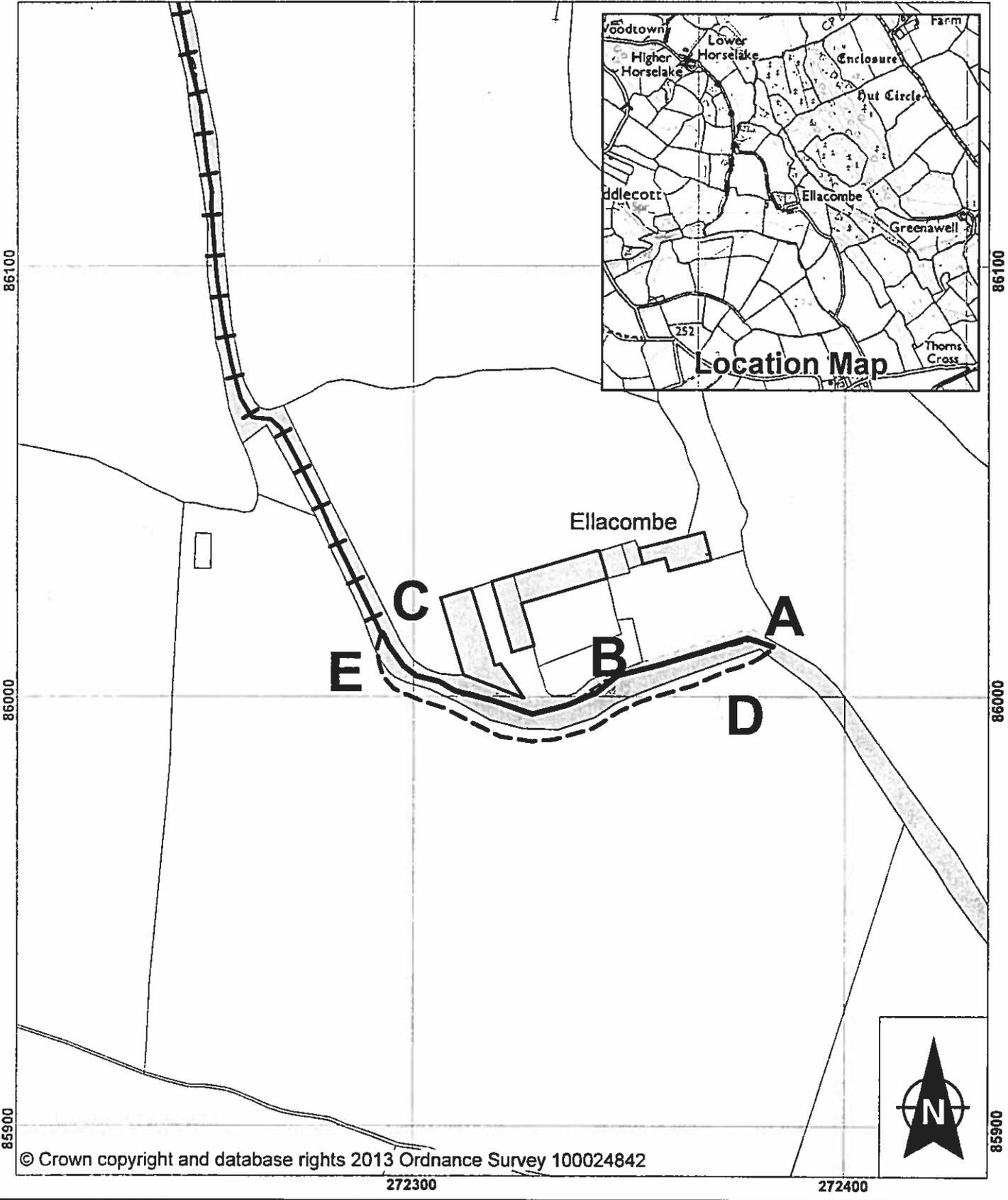
File No. NORTH BOVEY 21

Date 20/11/2013  
272300

Grid Ref. SX7286

Scale 1:1250

272400



86100

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86000

85900

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## DARTMOOR NATIONAL PARK AUTHORITY

2 May 2014

**PLANNING PERFORMANCE AND PLANNING CONTRIBUTIONS  
GOVERNMENT CONSULTATION – MARCH 2014**Report of the Director of Planning

Recommendation: **That Members consider and agree the responses to questions as set out below.**

**1 Introduction**

1.1 Members are referred to the background paper to this report which is attached at Appendix 1 (Planning performance and planning contributions - Consultation March 2014). Members' views are sought on this latest consultation proposing changes to the way in which Local Planning Authorities (LPAs) are designated as poorly performing for 'major' category applications, and a change to the S106 threshold whereby LPAs can seek an affordable housing contribution. The consultation closes on 4 May 2014.

**2 Section 106 planning obligations and affordable housing**

- 2.1 The Consultation Paper proposes moving the threshold on which LPAs will be able to seek a contribution towards affordable housing on a particular development site. In particular the Government are concerned that contributions for small scale sites, including for those wishing to build their own home, can make a scheme undeliverable.
- 2.2 The Chancellor of the Exchequer's 2013 Autumn Statement suggested a new 10 unit threshold to 'help address the disproportionate burden being placed on small scale developers...'.
- 2.3 The proposed change in policy would restrict the use of section 106 planning obligations contributions where sites contain 10 units or less. The policy would not however apply to rural exception sites. In the case of the National Park Authority this provides an exemption for those sites in rural villages and elsewhere outside the main settlements.
- 2.4 In addition the Government intends that the conversion of buildings in unspecified locations to bring them back into a residential use or to convert them to such a use should also be exempt from affordable housing requirements so as to encourage 'brownfield' development and to reflect the higher costs of converting these buildings.
- 2.5 The proposed change would potentially reduce the Authority's ability to use the planning system to help delivery of affordable housing in Dartmoor National Park.

The following suggestions are therefore made in response to the individual questions:

- 2.6 **Question 5:** - No - we firmly believe National Park Authorities should be excluded from the proposed threshold for the reasons set out below.
- 2.7 National Park Authorities have a statutory duty to foster the economic and social wellbeing of local communities and are directed by The English National Parks and the Broads Circular (2010) *“to maintain a focus on affordable housing...to ensure that the needs of local communities in the Parks are met”*.
- 2.8 The National Planning Policy Framework (2012, paragraph 54) states “In rural areas...local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs”. This potential has been allowed for in a recently adopted Housing Supplementary Planning Document (SPD) adopted in April 2014. The SPD was a result of an action requested by the Inspector who considered the now adopted Development Plan in 2013. The Authority has therefore responded positively to this policy suggestion put forward by the Inspector. Preventing affordable housing on smaller market housing sites would be contrary to this emphasis in the NPPF of rural affordability.
- 2.9 NPAs successfully deliver a significant proportion of their affordable housing on small scale housing sites through section 106 agreements in addition to Rural Exception Sites as detailed above. The effect of the proposal would be to severely undermine the ability of NPAs to facilitate the delivery of affordable housing for local needs on smaller quota sites in protected landscapes where larger sites are often unacceptable in planning terms. To allow small quota sites to deliver only open market housing in these areas which command exceptionally high house prices would be contrary to the NPPF and represent a reversal in the long standing approach that has sought to ensure that the limited development opportunities available in the Parks cater for local needs rather than meet the insatiable appetite for market housing and second homes.
- 2.10 To give a specific example in the case of Dartmoor National Park 170 affordable homes have been permitted in the last 10 years. Of these, 38% have been on rural exception sites, and 15% of affordable homes were permitted on ‘Section 106 sites’ over 10 units; a provision which would remain under the current proposals. The remaining 47% of affordable housing (80 units) would not have come forward under the provisions of the current proposals. Further to this, it is important to recognise that exception site schemes in the National Park have been supported by commuted sums from other open market schemes. On the basis of the last 10 years, the proposals could halve the amount of affordable housing permitted in Dartmoor National Park.
- 2.11 Delivery of affordable housing on small sites clearly plays a critical role in the provision of affordable housing in Dartmoor National Park. The approach the Authority has taken in its recently adopted local plan is consistent with the approach in the Government Vision and Circular for National Park where it states

“government recognises that the Parks are not suitable locations for unrestricted housing”, and that “new housing will be focused on meeting affordable housing requirements”.

- 2.12 Given that the proposal will significantly reduce the delivery of affordable homes in National Parks for the reasons we have outlined above, we believe there is a valid case for exempting National Parks from these proposals. With reference to the recent debate in the House of Commons and media about planning reforms and National Parks, as well as the exclusion of National Parks from the Permitted Development Rights reforms, the Authority urges a re-consideration by Government.
- 2.13 The Authority is currently working positively and flexibly to deliver affordable housing, as illustrated in its newly adopted Affordable Housing SPD. We will continue to take a balanced view on the delivery of affordable housing and recognise the importance of pragmatism in delivery, however, in order to continue this approach the Authority requires the appropriate tool do so. The current government proposal would have a significant impact on the provision of affordable housing in Dartmoor National Park
- 2.14 **Question 6** - Whilst the Dartmoor National Park Authority has decided based on the small quantum of open market dwellings not to adopt a Community Infrastructure Levy, there is concern that it is not clear if the proposed exemption for other tariff style contributions is intended to apply solely to self-builders or all developments. In either case, we strongly believe that new housing sites of any number have a proportional impact on local infrastructure which should be mitigated against and the fairest way to achieve this is through tariff style infrastructure contributions. Notwithstanding the existing amendments to the CIL regulations, we firmly disagree with further limits to infrastructure contributions.
- 2.15 **Question 7** - The Dartmoor National Park Authority does not agree to this suggested change to exclude brownfield sites from a need to seek affordable housing. It is the case in the recently adopted National Park Local Plan that the Authority will still seek a 50% proportion of the number of units to be created to be for affordable dwellings in the main centres of population. Outside these centres in rural areas the adopted Policy seeks a 100% contribution to affordable dwellings. There is already built into this policy a requirement for the Authority to treat each case on its merits, to consider the additional costs for conversion, and to consider the wider community benefits from converting or bringing back into use a building of conservation importance. The Authority already considers if these will outweigh the need for affordable housing on a case by case basis and would therefore argue against a blanket approach.

### **3 Planning Performance on major applications**

- 3.1 The background to this consultation is a concern that some LPAs have performed poorly in terms of speed of decision making on major category applications i.e. applications for 10 dwellings or more, on parcels of land over 0.5ha for outline applications, over 1000 square metres or 1.0 ha for industrial or commercial floorspace, or more than 10 gypsy/traveller pitches.

- 3.2 The normal government target for this type of application is that 60% are dealt with (determined and issued) within 13 weeks, or within 16 weeks if accompanied by an Environmental Statement. If a planning authority is deemed to be performing poorly the government has introduced legislation to allow applicants the option of applying direct to the Secretary of State effectively bypassing the LPA.
- 3.3 The existing threshold for identifying under performance is 30% or fewer of an authority's decisions for major applications are made on time assessed over a two year period. Some LPAs have already been designated. The proposal is to raise the bar to 40% judged over a period between July 2012 and June 2014. The consultation suggests further raising of the performance bar over time. The criterion for judging poor performance also takes into account the extent to which such decisions are overturned at appeal (as an indicator of the quality of the decisions made by the LPA).
- 3.4 Where a LPA however has agreed a specific extension of time or the application is subject to a Planning Performance Agreement (see Authority report of June 2013 – NPA/13/021), then that is taken into account in compiling the figures.
- 3.5 This performance target has historically been difficult for the National Park to achieve on a consistent basis given the small number of major applications received, and the additional scrutiny that such applications merit in a nationally protected landscape. In response to the earlier change in Government policy the Authority has now introduced and adopted a scheme of Planning Performance Agreements or seeking an extension of time with the applicant. Both methods allow the LPA not to be penalised for exceeding the normal 13/16 week deadline.
- 3.6 Over the new reporting period set out above the Authority has received 8 major applications and determined 3 within the required period giving a return of 37.5%, which is below the government's new target. There are still four major applications in the system not yet determined because of the need for Section 106 agreements for example or where they are still relatively new and have not been to Committee.
- 3.7 To offset the statistical anomaly of dealing with a small number of applications the government has suggested that where there are less than two applications received over a two year period then this target will not apply. The current exemption is based on a LPA receiving 10 or fewer applications during the assessment period as a whole.
- 3.8 Whilst the government policy of trying to speed up delivery is laudable it is considered that those LPAs who only deal with a very small number of applications, and particularly National Park Authorities where the level of scrutiny is invariably higher will be unfairly penalised. It is also the case that the Authority reduced its planning staff as part of the earlier government reduction in funding. In the planning team for example this has resulted in one less full time planning case officer.

**The following suggestions are therefore made in response to the individual questions.**

- 3.9 **Question 1** - To agree the change to 40% **subject** to National Park Authorities being given special understanding on a case by case basis **provided** the current threshold of 10 applications being received over a 2 year period is maintained. The

Authority has acted swiftly to introduce Planning Performance Agreements but it is still the case that some of the older applications were received prior to the new performance regime coming into place. In addition delays on some of the submitted applications in the new reporting period have been due to the applicant's unwillingness to sign a Section 106 agreement which would trigger the release of the planning permission because of the current poor economic climate. Delay in determining applications is not always the fault of the Local Planning Authority.

- 3.10 **Question 2** – The Authority supports a general need to raise the standard of performance as stated provided that the caveats in respect of National Park Authorities is taken into account and that such standards will not apply if the Authority has received 10 or less major applications in any two year accounting period.
- 3.11 **Question 3** – Do not agree that the performance bar should be raised in the case of LPAs where they receive less than 10 applications over any 2 year reporting period. There is no stated justification as to why the number of applications received has been significantly reduced from 10 to 2.
- 3.12 **Question 4** – Agree that the tests for exceptional circumstances are acceptable but should be supplemented by an Authority's appeal record indicating a less than 20% overturn rate. In Dartmoor National Park Authority's case there have been no successful appeals against major development decisions in the new accounting period and that the threshold on the number of such applications being maintained at 10 in any two year accounting period be maintained.

#### **4 Conclusion**

- 4.1 The proposed changes to the use of Section 106 planning obligation contributions would have a detrimental impact on the Authority's ability to deliver affordable housing – 47% of the affordable housing delivered in the last 10 years was via use of Section 106 obligations. If the consultation is implemented this 'delivery mechanism' would be removed. The Authority is asked to endorse the comments set out above and in particular to seek an exemption.
- 4.2 The Consultation Paper also contains proposals regarding how quickly a LPA determines major applications. The Authority has historically seen low numbers of such applications. The government threshold of two or less applications is judged too low and should be maintained at 10 applications over a two year period. If the Authority is judged to be performing poorly it will lose the right to determine major applications potentially impacting on the quality of the scheme and fee income. The impact of this change would be mitigated by our use of Planning Performance Agreements.

STEPHEN BELLI

#### **Background Papers: NPA/13/021**

**Attachments: Appendix 1 - Planning Performance and planning contributions – Consultation March 2014 – Department for Communities and Local Government**



Department for  
Communities and  
Local Government

# Planning performance and planning contributions

Consultation

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## The consultation process and how to respond

### Scope of the consultation

<b>Topic of this consultation:</b>	The Autumn Statement 2013 included a commitment to consult on a new threshold for designating local planning authorities as underperforming, and on a proposed new 10-unit threshold for section 106 affordable housing contributions.
<b>Scope of this consultation:</b>	In relation to planning performance, the consultation seeks views on changes to the threshold for the speed of decisions, as well as proposing to clarify the way in which exceptional circumstances affecting performance will be taken into account. The consultation also suggests possible changes to section 106 planning obligations policy.
<b>Geographical scope:</b>	These proposals relate to England only.
<b>Impact assessment:</b>	An impact assessment is not required because the impact on business is considered to be minimal.

### Basic information

<b>To:</b>	This is a public consultation and it is open to anyone with an interest in these proposals to respond.
<b>Body responsible for the consultation:</b>	The Department for Communities and Local Government is responsible for the policy and the consultation exercise.
<b>Duration:</b>	This consultation will run for 6 weeks. It will begin on 23 March 2014 and end on 4 May 2014.
<b>Enquiries:</b>	<a href="mailto:planning.consultation@communities.gsi.gov.uk">planning.consultation@communities.gsi.gov.uk</a>

<b>How to respond:</b>	<p>Please respond to this consultation by email to:  <a href="mailto:planning.consultation@communities.gsi.gov.uk">planning.consultation@communities.gsi.gov.uk</a></p> <p>Alternatively, please send postal responses to:</p> <p>Rosie Bennet  Department for Communities and Local  Government  1/J1 Eland House  Bressenden Place  London SW1E 5DU</p>
<b>Additional ways to become involved:</b>	N/A
<b>After the consultation:</b>	A summary of responses to the consultation will be published.

## Background

<b>Getting to this stage:</b>	<p>The Autumn Statement 2013 can be found at:  <a href="https://www.gov.uk/government/topical-events/autumn-statement-2013">https://www.gov.uk/government/topical-events/autumn-statement-2013</a></p>
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# Introduction

## About this consultation

1. The Government has already taken steps to transform the planning system into a simpler, more transparent and locally driven process, through which homes can be delivered and business investment secured. The National Planning Policy Framework streamlined over 1,000 pages of planning policy into a clear, easily accessible statement of national policy. Through the Localism Act 2011 and the Growth and Infrastructure Act 2013, important reforms to simplify and speed-up planning procedures have been taken forward.
2. Our reforms have given significant additional power to local authorities and communities in deciding the scale, location and form of development in their areas. But with this power comes a responsibility to exercise planning functions properly. We are making good progress. Since the introduction of these reforms, decision making performance has improved and local residents have seen the positive impact of Section 106 contributions. There remains some way to go, however, before every local authority uses its powers effectively to encourage appropriate development.
3. This consultation proposes some additional improvements to ensure further progress is made on decision making and housing delivery. Views are sought on proposals relating to the following two areas:
  - Ensuring there are further improvements in the speed of decisions on planning applications for major development;
  - Promoting housing delivery by introducing a threshold for Section 106 affordable housing contributions.
4. We would welcome comments from any individuals or organisations with an interest in these proposals, which apply to England only. The closing date for responses is 4 May 2014.

## What are we proposing?

5. We are proposing that the threshold for designating authorities as under-performing, based on the speed of deciding applications for major development, should increase to 40% or fewer of decisions made on time. The threshold may be raised further at a future stage. Authorities that have dealt with an average of no more than two applications for major development, over the two year assessment period, would be exempt from designation based on their speed of decisions. The document setting out the criteria for designation would set out the types of exceptional circumstances that may be taken into account, prior to designations being confirmed.
6. We are also proposing to introduce a 10-unit and 1,000 square metres gross floor space threshold for affordable housing contributions through section 106 planning obligations. This will aid the delivery of small scale housing sites. Rural Exception Sites will be excluded from this threshold.

# Planning performance

## Context

7. Timely and well-considered decisions on planning applications are a key part of delivering an effective planning service. Applicants, as well as local communities, should be confident that a decision on proposals will be reached within a reasonable time – whether that is within the statutory timescale or a longer period agreed transparently with the local planning authority.
8. Equally, all parties should have confidence in the quality of the decisions made on applications for development – that all relevant considerations are being taken into account, and that the weight being given to different considerations is reasonable in the context of national and local policies.
9. The Growth and Infrastructure Act 2013 gives the Secretary of State power to designate local planning authorities, if he considers that their performance in handling planning applications has fallen below an acceptable standard. Where this happens, the Act gives applicants for major development the option of applying directly to the Secretary of State (although they may if they wish apply to the local planning authority in the usual way). In addition, support is made available to designated authorities to help them improve as quickly as possible.
10. Any designations of local planning authorities must be made by reference to criteria published by the Secretary of State (the 'criteria document'<sup>1</sup>). The published criteria relate to the speed and quality of decisions on applications for major development.
11. The Government believes that the thresholds for acceptable minimum standards of performance against these criteria should be kept under review, to take into account changing circumstances and encourage continuing improvement in service standards. This consultation proposes changes to the threshold for speed, as well as proposing to clarify the way in which any exceptional circumstances affecting performance will be taken into account.
12. Following this consultation we will consider whether changes should be made to the criteria document; if so, a revised document will be laid before Parliament for a statutory 40 day period before any changes can come into effect. None of the changes to the thresholds proposed here will affect the first designations of 'county matter' authorities scheduled for April 2014 (for which the thresholds in the existing criteria document will apply).

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<sup>1</sup> Improving planning performance: criteria for designation (June 2013) <http://tinyurl.com/odqu8v8>

## Speed of decisions

13. The existing threshold for identifying under-performance in the speed of determining applications is low, at just 30% or fewer of an authority's decisions on applications for major development made on time. 'On time' means within the statutory period of 13 weeks (or 16 weeks for applications subject to Environmental Impact Assessment), or such longer period as has been agreed in writing between the local planning authority and the applicant.
14. A low threshold was used originally for a number of reasons. Because the two year period over which performance was to be assessed started before the announcement of the policy (and local planning authorities could not remedy past failings), the threshold was set at a level that would only affect cases of very poor performance, in the context of a national average of fewer than 60% of major decisions being made on time. The low threshold also reflected the fact that prior to April 2013 the data recorded by DCLG did not fully reflect agreed extensions of time<sup>2</sup> (although this is something that could be taken into account in assessing any claims for exceptional circumstances; see paragraph 20 below).
15. The next full round of designations, due to be made in October 2014, will be based on performance from July 2012 to June 2014. The intention to designate under-performing authorities has been known for the great majority of this assessment period, as have the thresholds that might be applied and the Government's intention to raise the threshold for speed of performance after the first year<sup>3</sup>. The majority of the data used to inform designations in October this year will also reflect agreed extensions of time on applications for major development.
16. Since this policy was first announced there has also been a positive improvement in the percentage of applications for major development decided on time – the performance of district matter authorities improved from around 57% when the Growth and Infrastructure Bill was introduced (October 2012) to 69% in July-September 2013<sup>4</sup>.
17. Taking these changes into account – and to encourage further improvement – we think it would be appropriate to raise the threshold for designating authorities as under-performing, based on the speed of decisions, from 30% to 40% made on time. This threshold would be used for any designations in October 2014, for both district and county matter authorities.

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<sup>2</sup> Previously the recorded data reflected agreed extensions of time made through Planning Performance Agreements, but not those agreed once an application had been submitted.

<sup>3</sup> *Planning performance and the planning guarantee: consultation* (November 2012), page 13  
<http://tinyurl.com/d8hm66l>

<sup>4</sup> For county matter authorities, over the same period, there has been an improvement from around 50% to 53% decided on time.

**Question 1: Do you agree that the threshold for designating authorities as under-performing, based on speed, should increase to 40% or fewer of decisions made on time?**

18. We expect the extent to which applications for major development are decided on time to continue to improve, especially if more effective use is made of Planning Performance Agreements. In that context it would be appropriate for the definition of under-performance to continue to change as well. How quickly this happens will depend on the overall trend in performance, but we are interested in your views on when and by how much the threshold might rise in future, beyond the move to 40% proposed above.

**Question 2: Do you think there is scope to raise the threshold for under-performance above 40% (for example to 45% or 50%); and, if so, by when?**

19. We have looked again at whether it is appropriate to exempt authorities that have dealt with very small numbers of applications for major development from designation. In principle it should be possible to deal with all such applications 'on time', whether this is within the relevant statutory period or – where necessary – within a longer period agreed with the applicant. At the same time we accept that one or two decisions that run over time during the assessment period are insufficient to point to a record of under-performance. We therefore propose to exempt authorities that have dealt with no more than two major applications per two year assessment period from designation.

**Question 3: Do you agree that authorities that have dealt with no more than two applications for major development, over the two year assessment period, should be exempt from designation based on their speed of decisions?**

## Exceptional circumstances

20. Before any decisions to designate authorities are confirmed, they will be given an opportunity to explain any exceptional circumstances which, in their view, would make a designation unreasonable. What constitutes an 'exceptional circumstance' cannot, by its very nature, be defined fully in advance, but we think it would be helpful to set out the general tests that will be applied in considering such cases.
21. Consequently, we propose to include the following tests within the criteria document:
- (a) Whether the issue significantly affects the reasonableness of the conclusions that can be drawn from the recorded data for the authority, over the assessment period;
  - (b) Whether the issue had a significant impact on the authority's performance, for reasons that were beyond its control.

22. We will, in considering the first of these tests, take into account corrections that need to be made to the data, where authorities can provide clear evidence that such changes are justified.

**Question 4: Do you agree that the tests set out at paragraph 21 of this consultation are appropriate for taking exceptional circumstances into account, prior to designations being confirmed?**

# Amending section 106 planning obligations

## Affordable housing contributions on small sites

23. A significant proportion of all planning obligations are affordable housing contributions. Previous research<sup>5</sup> found that affordable housing accounted for approximately half of the value of all planning obligations. The Government considers that such contributions for small scale sites, including for those wishing to build their own home, can make a scheme undeliverable.
24. In its 2013 Autumn Statement, the Government made a commitment to reduce the planning costs to developers; including through a proposed new 10-unit threshold for section 106 affordable housing contributions. This is to help address the disproportionate burden being placed on small scale developers, including those wishing to build their own homes, and which prevents the delivery of much needed, small scale housing sites.
25. This consultation proposes that before any request for affordable housing contributions can be considered as part of a section 106 planning obligations agreement, authorities will have to have regard to national policy that such charges create a disproportionate burden for development falling below a combined 10-unit and maximum of 1,000 square metres gross floor space threshold. We also intend to make clear that, having regard to such disproportionate burdens, authorities should not seek affordable housing contributions for residential extensions or annexes added to existing homes.
26. This change in policy would restrict the use of section 106 planning obligation contributions where sites contain 10 units or less with a maximum combined gross floor space of 1,000 square metres and for residential extensions or annexes. It is proposed to include a maximum total floor space in combination with a unit threshold to avoid creating a perverse incentive in terms of construction density.
27. The Government is committed to providing access to affordable housing in rural communities. Rural Exception Sites provide affordable housing in rural areas

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<sup>5</sup> Crook ADH, Henneberry, JM, Rowley S, & Watkins CA with the Halcrow Group (2006), *Valuing Planning Obligations in England*, London, Communities & Local Government.  
<http://webarchive.nationalarchives.gov.uk/20120919132719/http://www.communities.gov.uk/archived/publications/planningandbuilding/valuing-planning>

Crook ADH, Henneberry, JM, Rowley S, Smith RS, & Watkins CA (2008), *Valuing Planning Obligations in England; Update Study for 2005-06*, London, Communities & Local Government.  
<http://webarchive.nationalarchives.gov.uk/20120919132719/http://www.communities.gov.uk/documents/planningandbuilding/pdf/obligationsupdatestudy.pdf>

Crook ADH, Dunning R, Ferrari ET, Henneberry, JM, Rowley S, Watkins CA, Burgess G, Lyall-Grant F, Monk S, & Whitehead CME (2010), *The Incidence, Value and Delivery of Planning Obligations in England in 2007-08*, London, Communities & Local Government.  
<http://www.cchpr.landecon.cam.ac.uk/Downloads/VPO3%20final%20report.pdf>

on land that would not otherwise be acceptable for development. These tend to be developments of ten or fewer homes. These sites are crucial in providing cheaper land for affordable homes in areas where development costs tend to be higher. National policy will make it clear that Rural Exception Sites are outside the scope of the proposed 10-unit and 1000 square metres gross floor space threshold.

**Question 5: Is the Government's objective of aiding the delivery of small scale housing sites and expanding the self build housing market supported by:**

- **the introduction of a 10-unit and 1000 square metres gross floor space threshold for section 106 affordable housing contributions; and**
- **the exclusion of domestic extensions and annexes from section 106 affordable housing contributions?**

28. The Government has already amended Community Infrastructure Levy regulations explicitly to exempt self-build, extensions and annexes. However, this may lead to a situation where self-build development could be subject to section 106 tariff-style contributions in councils which have not yet adopted the Community Infrastructure Levy; whereas, such charges would not be levied in councils where tariffs had been incorporated into the levy. This is inconsistent. Moreover, the fact that the Community Infrastructure Levy is not levied on self-build provides a strong argument for not levying any tariff-style contributions via Section 106 mechanisms either, given the desire of the Government to reduce burdens on self-builders

**Question 6: Should the proposed exemption apply beyond affordable housing to other tariff style contributions based on standard formulae?**

## **Excluding buildings brought back into use from section 106 affordable housing contributions**

29. The Government has recently introduced amended regulations for the Community Infrastructure Levy which extend an existing exemption for vacant buildings being brought back into use from the levy. This exemption applies either where buildings are brought back into the same use, or for a change of use provided they have not been "abandoned" and have been in use for at least six months in the last three years. In either case the levy is only charged on any increase in floor space.
30. As with the amendment to the levy the intention of this change in national policy is to reflect the reduced impact on local infrastructure likely to arise from bringing a building back into use and to provide a clear incentive to brownfield development. It is also intended to reflect the often higher costs of conversion and refurbishment and bringing an existing building back into use.
31. This consultation proposes an amendment to national policy so that local authorities should consider that section 106 affordable housing contributions

should not be applied to buildings brought back into any use, other than proportionately for any increase in floor space. This would be on the basis of incentivising brownfield development in accordance with national policy and that such development has a limited impact on local infrastructure.

**Question 7: We would like your views on the impact on the Government's policy objectives to incentivise brownfield development through proposed national policy change. This would reduce the financial burden on developers by requiring that affordable housing contributions should not be sought where buildings are brought back into any use – other than proportionately for any increase in floor space.**

# Consultation questions

## Planning Performance

**Question 1:** Do you agree that the threshold for designating authorities as under-performing, based on speed, should increase to 40% or fewer of decisions made on time?

**Question 2:** Do you think there is scope to raise the threshold for under-performance above 40% (for example to 45% or 50%); and, if so, by when?

**Question 3:** Do you agree that authorities that have dealt with no more than two applications for major development, over the two year assessment period, should be exempt from designation based on their speed of decisions?

**Question 4:** Do you agree that the tests set out at paragraph 21 of this consultation are appropriate for taking exceptional circumstances into account, prior to designations being confirmed?

## Amending section 106 planning obligations

**Question 5:** Is the Government's objective of aiding the delivery of small scale housing sites and expanding the self build housing market supported by:

- the introduction of a 10-unit and 1000 square metres gross floor space threshold for section 106 affordable housing contributions; and
- the exclusion of domestic extensions and annexes from making section 106 affordable housing contributions?

**Question 6:** Should the proposed exemption apply beyond affordable housing to other tariff style contributions based on standard formulae?

**Question 7:** We would like your views on the impact on the Government's policy objectives to incentivise brownfield development through proposed national policy change. This would reduce the financial burden on developers by requiring that affordable housing contributions should not be sought where buildings are brought back into any use – other than proportionately for any increase in floor space.

## DARTMOOR NATIONAL PARK AUTHORITY

2 May 2014

**LOCAL DEVELOPMENT SCHEME (LDS)**Report of the Senior Forward Planner**Recommendation : That Members adopt the Local Development Scheme with immediate effect****1. Introduction**

1.1. The Local Development Scheme (LDS) is a public statement of the Dartmoor National Park Authority's local plan preparation programme, and will guide the establishment of the documents which form part of the local plan for the Dartmoor National Park. This includes:

- *Development Plan Documents* (containing formal policies, for example the Core Strategy);
- *Supplementary Planning Documents* (more 'informal' advice which adds to adopted policy, such as Design Guidance)
- *Other documents, including Local Development Documents* (including more 'procedural' documents such as the Local Development Scheme or Statement of Community Involvement)

1.2. The Authority's first LDS came into effect in 2005, a first revision of the LDS was adopted in March 2007 and a second revision in 2010. It is anticipated that this LDS will be reviewed again in 2017.

1.3. More recently government has limited the formal scope of an LDS from previous requirements; it is now only required to set out the programme of local plan preparation (i.e. the formal local development documents which comprise development plan policies for the area). The requirement for submission of the LDS to the Secretary of State has been withdrawn in favour of resolution by the Local Planning Authority itself that the LDS is to have effect.

1.4. The proposed Local Development Scheme is appended to this report. It is also available on the Authority's web site at <http://www.dartmoor.gov.uk/planning/pl-forwardplanning/pl-localdevframework/pl-localdevscheme> ; this page will be kept up to date in order to inform the public of the state of the Authority's compliance with this timetable.

**2. Programme of plan preparation**

2.1. The LDS sets out two principal areas of plan preparation/review over the next three years.

## **Minerals Plan (Development Plan Document)**

- 2.2. The Dartmoor National Park Authority is the Minerals Planning Authority for the National Park and as such this is a statutory function. The National Planning Policy Framework (NPPF) says Minerals Planning Authorities should "identify and include policies for extraction of minerals resource of local and national importance" and "define Minerals Safeguarding Areas". It is intended to prepare a new Minerals Plan in order to provide up to date policy detail to assess and condition new minerals proposals and identify appropriate minerals safeguarding areas. The scope of this document will be established through a process of initial consultation and evidence gathering. The preparation of this DPD will commence in 2014. This document will cover the whole of Dartmoor National Park.
- 2.3. Members will be encouraged to engage in the preparation of this document at a number of stages. Whilst the scope of the document means the level of public interest may be perhaps more limited, it is an important document for the National Park. A detailed project plan setting out a timetable for the preparation of the Minerals Plan is currently being prepared; it suggests adoption of the Minerals Plan in spring 2016.

## **Local Plan Review (Development Plan Document)**

- 2.4. It is important that the Authority recognises the statutory need to maintain an up to date development plan. The Core Strategy was adopted in 2008. Whilst it is considered consistent with the NPPF it is recognised that the economic and statutory context of this plan has moved forward. The Development Management DPD was adopted in 2013, after the publication of the NPPF and demonstrates a continued integrity to the overarching strategy and evidence which supports the Authority's local plan.
- 2.5. A review of the local plan is likely to focus upon strategic housing policy, strategic economic development policy, and potentially settlement strategy. It has not yet been determined the extent to which this review will cover the Core Strategy and the Development Management DPD and the necessity for a consolidating review to create a new 'local plan' for the National Park. Assessment of the scope of this review will commence in 2015; at this time it may be considered necessary to review this LDS in order to make clear the Authority's intentions regarding the preparation of a new development plan document.
- 2.6. The NPPF and National Planning Practice Guidance steers Local Planning Authorities back towards the preparation of a single local plan document. This is not set out in legislation, however, and the Authority is currently under no obligation to carrying out a consolidating review.

## **Statement of Community Involvement**

- 2.7. In addition to the above development plan documents, the workplan for the Forward Planning Service includes the revision of the Statement of Community Involvement (SCI); the SCI is a requirement under the Planning and Compulsory Purchase Act (2004). The Authority's SCI is 5 years old and produced prior to the National Planning Policy Framework and most importantly, the Localism Act. The

local plan must be prepared in a way consistent with the approach set out in the SCI. It is intended to prepare a revised SCI for consultation, and adopt the revised SCI in 2014. The revision of the SCI at this point in time will ensure the above documents are prepared in a way consistent with current best practice.

### **3. Conclusion**

3.1. The National Planning Policy Framework, together with recent appeal decisions nationally, highlights the importance of maintaining an up to date development plan and evidence base. In particular:

- The Minerals Local Plan, whilst largely consistent with the National Planning Policy Framework would clearly benefit from being a more up to date and robustly evidenced plan
- Elements of the Local Plan (the Core Strategy and Development Management DPD) require regular consideration in respect of the evidence underpinning key policies. In particular the fields of housing and economic policy are changing fast and subject of close scrutiny.

3.2. This LDS establishes therefore an important commitment from the Authority to maintain a robust and up to date development plan, giving it the ability to make clear, justified and defensible decisions on planning applications within the National Park.

### **4. Equality and sustainability impact**

4.1. An Equality Impact Assessment screening has been undertaken using the Authority's proforma. It does not identify any necessary amendment or action. Individual development plan document will themselves be subject to a robust appraisal process.

### **5. Financial implications**

5.1. The adoption of the LDS sets a timetable for plan preparation over the next three years and potentially beyond. The delivery of this scheme therefore has resource implications for the Authority in respect of staff resource (principally forward planning) for document preparation, consultation and examination; staff resources relating to specialist input; specific research or appraisal requirements; publicity and publication; and the examination process and inspectors fees.

5.2. The initial phase of this work is included within the Forward Planning budget for 2014/15, however it should be noted that the commencement of this work implies a commitment to complete the process of plan preparation and adoption subject to agreement of future annual budget and other resources.

DAN JANOTA



## **Dartmoor National Park Authority**

### **Local Development Scheme (LDS)**

#### **Third Revision**

The Local Development Scheme (LDS) is a public statement of the Dartmoor National Park Authority's local plan preparation programme, and will guide the establishment of the document which form part of the local plan for the Dartmoor National Park.

This includes:

- *Development Plan Documents* (containing formal policies, for example the Core Strategy);
- *Supplementary Planning Documents* (more 'informal' advice which adds to adopted policy, such as Design Guidance)
- *Other documents, including Local Development Documents* (including more 'procedural' documents such as the Local Development Scheme or Statement of Community Involvement)

The Authority's first LDS came into effect in 2005, a first revision of the LDS was adopted in March 2007 and a second revision in 2010. It is anticipated that this LDS will be reviewed in 2017.

**April 2014**

## 1. Context

- 1.1. The 2004 Planning and Compulsory Purchase Act ('the 2004 Act') brought in 'Local Development Framework' as a new structure to local planning. Local Development Frameworks include:
  - *Development Plan Documents 'DPDs'* (containing formal policies, for example the Core Strategy);
  - *Supplementary Planning Documents 'SPDs'* (more 'informal' advice which adds to adopted policy, such as Design Guidance)
  - *Other documents, including Local Development Documents* (including more 'procedural' documents such as the Local Development Scheme or Statement of Community Involvement)
- 1.2. Whilst the current government prefers the term 'Local Plan' to 'Local Development Framework' (LDF) the structure remains. Regional Spatial Strategies (brought in by the 2004 Act) have since been removed through 2011 Localism Act ('the 2011 Act') which also brought forward key provisions relating to the Duty to Co-operate and the Neighbourhood Plans.
- 1.3. More recently, government guidance has also been rationalised significantly, with the National Planning Policy Framework (NPPF) replacing the portfolio of Planning Policy Statements in 2012, and the National Planning Practice Guidance published in March 2014 which has formed part of the governments 'red tape challenge'. It is also important to note that Government considers that the National Parks Circular<sup>1</sup> should set the context for the local plan coverage of the English National Parks.
- 1.4. Under section 67(1) of the Environment Act 1995, Dartmoor National Park Authority (NPA) is the Local Planning Authority (LPA) for the entire area of the National Park. Those responsibilities include the mineral and waste planning functions for the area. The Authority also prepares the Dartmoor National Park Management Plan; these are the over-arching strategic documents for the National Parks and set the vision and objectives to guide the future of the Parks over a 10 to 20 years period. The adopted 2014-2019 Dartmoor National Park Management Plan ('Your Dartmoor') establishes important principles for consideration in local planning policy and links closely with the adopted Core Strategy.

## 2. Current plans in Dartmoor National Park

- 2.1. The local plan for Dartmoor National Park comprises the Core Strategy (2008), and Development Management and Delivery DPD (2013), together with the saved policies of the Minerals Local Plan (2004). These documents are supported in their implementation by the Design Guide SPD and the Affordable Housing SPD. These documents set the spatial planning strategy, policies and guidance for Dartmoor National Park in the planning period up to 2026. An overview of the documents which currently form part of the local plan for Dartmoor National Park are set out in Table 1.

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<sup>1</sup> English National Parks and the Broads. UK Government Vision and Circular 2010. Defra, March 2010.

Document name	Current status	Pre-submission consultation	Submission	Public examination	Adoption
<b>Core Strategy (Development Plan Document)</b> Sets out the vision, aims and strategy for spatial development in the Dartmoor National Park. Provides the background for the formulation of the generic development control and site specific policies.	Adopted	2005 - 2007	2007	2007	2008
<b>Development Management and Delivery (Development Plan Document)</b> A suite of subject related development management policies to guide and control spatial development within Dartmoor National Park. Site specific policies set the planning framework for particular areas and land uses. Certain sites will be allocated for specific uses or purposes.	Adopted	2012	2012	2012- 2013	2013
<b>Minerals Local Plan (Development Plan Document)</b> Policies to control minerals development within the Dartmoor National Park.	Saved policies <sup>2</sup>	-	-	-	2004
<b>Design Guidance (Supplementary Planning Document)</b> Guidance to encourage a high standard of design appropriate for Dartmoor National Park	Adopted	2011	n/a	n/a	2012
<b>Affordable Housing (Supplementary Planning Document)</b> Guidance to make clear the Authority's expectations and support the delivery of affordable housing in Dartmoor National Park.	Adopted	2014	n/a	n/a	2014
<b>Statement of Community Involvement</b> Sets out the scope and arrangements for consultation and participation for each local development document	Adopted	-	-	-	2008
<b>Local Development Scheme</b> The timetable for local plan preparation	Current	-	-	-	2014

**Table 1.** Current local planning document prepared by Dartmoor National Park Authority

<sup>2</sup> Annex to the Core Strategy indicates which of the saved policies Local Plan still remain in force and which are superseded.

### **3. Local Development Scheme**

- 3.1. The 2010 Local Development Scheme needs to be reviewed because of:
- The need to respond to changes to the LDF system introduced by Regulations in 2012;
  - the need to recognise changes brought in by the Localism Act 2011, National Planning Policy Framework 2012, and National Planning Practice Guidance 2014;
  - the completion of the document set out in the 2010 LDS and need to consider their review; and
  - re-assessment of the suite of plans which is required.
- 3.2. The LDS is a statement of Dartmoor National Park Authority's local development document preparation programme. Whilst this document will include commentary on the range of documents the Authority intends to prepare and review, it is important to note that the required scope of the LDS is the preparation of DPDs; Statements of Community Involvement and Supplementary Planning Documents do not need to be included.
- 3.3. The Authority intends to prepare the following documents within the timeframe of this LDS. Key milestones for their preparation are set out in Table 3.

#### **3.4. Statement of Community Involvement**

2004 Act requires LPAs produce a Statement of Community Involvement (SCI). The Authority's SCI is 5 years old and produced prior to the National Planning Policy Framework and most importantly, the Localism Act. The local plan must be prepared in a way consistent with the approach set out in the SCI. The Authority intends to prepare a revised SCI for consultation, and adopt the revised SCI in 2014.

#### **3.5. Minerals Plan (DPD)**

The Dartmoor National Park Authority is the Minerals Planning Authority for the National Park and as such this is a statutory function. The NPPF says Minerals Planning Authorities should "identify and include policies for extraction of minerals resource of local and national importance" and "define Minerals Safeguarding Areas". The Authority intends to prepare a new Minerals Plan in order to provide up to date policy detail to assess and condition new minerals proposals and identify appropriate minerals safeguarding areas. The scope of this document will be established through a process of initial consultation and evidence gathering. The preparation of this DPD will commence in 2014. This document will cover the whole of Dartmoor National Park.

#### **3.6. Local Plan Review (DPD)**

The Authority recognises the statutory need to maintain an up to date development plan. The Authority's Core Strategy was adopted in 2008. Whilst it is considered consistent with the NPPF it is recognised that the economic and statutory context of this plan has moved forward. The Development Management DPD was adopted in 2013, after the publication of the NPPF and demonstrates a continued integrity to the overarching strategy and evidence which supports the Authority's local plan.

A review of the local plan is likely to focus upon strategic housing policy, strategic economic development policy, and potentially settlement strategy. The Authority has not yet determined the extent to which this review will cover the Core Strategy and the Development Management DPD and the necessity for a consolidating review to create a new 'local plan' for the National Park. Assessment of the scope of this review will commence in 2015; at this time it may be considered necessary to review this LDS in order to make clear the Authority's intentions regarding the preparation of a new development plan document. This document will cover the whole of Dartmoor National Park.

### **3.7. Supplementary Planning Documents (SPDs)**

The Authority has two adopted SPDs, the Design Guide (2011) and Affordable Housing SPD (2014). It is not anticipated that these will require review within the timeframe of this LDS. If it is the case that the Authority considers their revision necessary, whilst it would fall outside the necessary scope of this LDS, their revision would be consistent with the approach set out in the SCI and the appropriate regulations.

### **3.8. Joint working and other plans**

Although joint development plan documents can be prepared with other planning authorities, there is no intention to prepare joint planning documents. The Authority will maintain close liaison with Devon County Council, which is the mineral planning authority for the rest of Devon outside Plymouth and Torbay, in preparing the Dartmoor NP Minerals DPD, and with the constituent District and Borough Councils in preparing and revising other DPDs. The NPA responds to DPDs produced by the surrounding LPAs in the interests of 'joined up' planning and to ensure that the special qualities of the National Park are protected. The Authority recognises the importance of the Duty to Cooperate and will continue to work positively with stakeholders in the preparation of the local plan.

The Authority does not intend to prepare any Area Action Plans or Supplementary Planning Documents within the timeframe of this LDS.

### **3.9. Strategic Environmental Assessment/Sustainability Appraisal**

The Planning and Compulsory Purchase Act 2004 requires local development documents to be prepared with a view to contributing to the achievement of sustainable development. Local planning Authorities must also comply with a European Union Directive on the Strategic Environmental Assessment of certain plans and programmes that are likely to have significant effects on the environment.

The Authority will continue to take a robust approach in the preparation of an environmental report which informs and supports the different stages in the preparation of a DPD.

### **3.10. Key milestones in the production of a development plan document**

Table 3 sets out key milestones in the preparation of a DPD.

<b>Initial Evidence Gathering</b>	<ul style="list-style-type: none"> <li>• Formulate initial aims and objectives for local plan</li> <li>• Begin evidence gathering process</li> <li>• Identify relevant environment, economic and social objectives to inform Sustainability Appraisal</li> </ul>
<b>Initial consultation and continued work on evidence gathering</b>	<ul style="list-style-type: none"> <li>• Engagement with local communities, businesses and other interested parties (Regulation 18)</li> <li>• Take into account representations received from consultation process in line with (Regulation 18)</li> <li>• Engage with Duty to Cooperate partners</li> <li>• Ensure compliance with the SCI</li> <li>• Continue evidence gathering</li> <li>• Test emerging options through Sustainability Appraisal</li> </ul>
<b>Publication</b>	<ul style="list-style-type: none"> <li>• Draft plan published for representations for a minimum of 6 weeks (Regulations 17 and 19)</li> </ul>
<b>Submission</b>	<ul style="list-style-type: none"> <li>• Plan submitted for examination, along with Sustainability Appraisal, evidence base and a statement of representations and main issues (Regulation 22)</li> </ul>
<b>Examination of submitted plan</b>	<ul style="list-style-type: none"> <li>• Independent Inspector assesses plan to determine whether it has been prepared in line with the Duty to Cooperate, other legal requirements and whether it is sound in line with section 20 of the Planning and Compulsory Purchase Act 2004 and Regulations 23/24.</li> <li>• Local Planning Authority can ask Inspector to recommend main modifications to make plan sound or comply with other legal requirements</li> <li>• Inspector issues report at end of examination</li> <li>• Exceptionally, the Inspector will recommend the draft plan is withdrawn if it has not been prepared in accordance with the Duty to Cooperate or if it is likely to be found unsound</li> </ul>
<b>Adoption</b>	<ul style="list-style-type: none"> <li>• Draft plan formally adopted by the local planning authority in line with section 23 of the Planning and Compulsory Purchase Act 2004</li> <li>• Monitoring of implementation of Local Plan policies required in line with Regulation 34.</li> </ul>

Table 3. Local Plan Development - taken from National Planning Policy Guidance (Regulations refer to *Town and Country Planning (Local Planning) (England) Regulations 2012*)

Local Development Document	Public participation on the scope and content of the document*	Publication	Submission	Adoption
Minerals Plan (DPD)	Autumn 2014-Spring 2015	Summer 2015	Autumn 2015	Spring 2016
Local Plan Review (DPD)	Autumn 2015-Spring 2016	Winter 2016	Spring 2017	Winter 2017

**Table 3.** Dartmoor National Park Authority Local Development Scheme – Programme 2014-2017

\* This includes consultation with the statutory bodies on the scope of the sustainability appraisal.

## 4. Monitoring and review

4.1. Legislation requires local planning authorities to produce an annual monitoring report to assess progress on the implementation of the LDS.

4.2. Monitoring systems should also assess:

- whether policies in local development documents are being implemented effectively, and whether targets or milestones are being met
- the impact of the policies with regard to national, regional and local targets
- the effectiveness of the policies and proposals with regard to the achievement of strategic objectives, and whether modification or replacement is required.

Where policies or proposals need to be changed, the annual review should indicate how that will be achieved.

4.3. A robust monitoring framework is now set out in the Authority's Annual Monitoring Report published in Spring/Summer of each year. The review and monitoring of community plans and strategies and the Dartmoor National Park Management Plan also provides evidence and material for assessing the documents in the local plan. A State of the Park Report is also prepared as a supporting element of the Management Plan, which will also be a useful source of monitoring information.

DARTMOOR NATIONAL PARK PLANNING AUTHORITY

2 May 2014

**TREE PRESERVATION ORDERS AND SECTION 211 NOTIFICATIONS  
(WORKS TO TREES IN CONSERVATION AREAS)  
DETERMINED UNDER DELEGATED POWERS**

Report of the Trees and Landscape Officer

Recommendation : **That the decisions be noted.**

**TREE PRESERVATION ORDERS**

**Teignbridge**

**Ref: 13/0050**

**2 Miners Close, Ashburton**

**SX 7613 7034**

Application to fell a semi-mature sycamore tree. The tree is heavily suppressed and growing close to a dwelling. Consent was granted subject to the following condition:

1. Five working days' notice to be given to the Authority prior to the commencement of approved works.

**Ref: 13/0054**

**St Lukes, Bovey Tracey**

**SX 8018 8090**

Application to fell three mature sycamore trees. The trees are in poor condition. Consent was granted subject to the following condition:

1. Five working days' notice to be given to the Authority prior to the commencement of approved works.
2. Replacement planting of 4 standard cherry trees within the crown spread of the originals during the first planting season following felling.

**South Hams**

**Ref: 13/0052**

**Brent Mill Farm, South Brent**

**SX 6951 5968**

Application to fell a sycamore tree and prune three oak trees and one beech tree. The sycamore is leaning and may fall on to an adjacent building; the other works are minor and will have minimal impact on the health or appearance of the trees. Consent was granted subject to the following condition:

1. Five working days' notice to be given to the Authority prior to the commencement of approved works.
2. All works are carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations.

## **SECTION 211 NOTICES**

### **Teignbridge**

**Ref: 13/0049**

**The Old Inn, Widecombe**

**SX 7177 7680**

Notification to fell seven Lombardy poplar trees. The trees are in poor condition and prone to failure in high winds.

A Tree Preservation Order has not been made.

**Ref: 13/0051**

**81A East Street, Ashburton**

**SX 7587 7006**

Notification to fell nine cypress trees and one eucalyptus tree. The trees are growing on a steep bank and have very poor form.

A Tree Preservation Order has not been made.

### **West Devon**

**Ref: 13/0053**

**Meavy Village Green**

**SX 5406 6718**

Notification to raise the canopy and reduce part of the crown of the Meavy oak. The works are minor and will have minimal impact on the health and appearance of the tree.

A Tree Preservation Order has not been made.

**BRIAN BEASLEY**

**NATIONAL PARK AUTHORITY**  
**AUDIT AND GOVERNANCE COMMITTEE**

**Friday 21 February 2014**

**Present:** Members:  
P Harper (Chairman), B Hitchins, D Lloyd, J Nutley, P Sanders,  
J Shears, N Way

Officers:  
Lorna Brown (Director of Communications & Business Support)  
Stephen Belli (Director of Planning)  
Christopher Walledge (Head of Legal and Democratic Services)  
Donna Healy (Head of Resources)  
James Aven (Planning Team Manager)  
Rob Steemson (Head Ranger) - part  
Orlando Rutter (Senior Learning & Outreach Officer) - part  
Anne Parsons (Devon Audit Partnership)

R Woodall - observing

**Apologies:** P Vogel, J McInnes, M Retallick

**329 Minutes of the meeting held on 15 November 2013**

The Minutes of the meeting held on 15 November 2013 were signed as a correct record with the amendment of a spelling mistake on page 7.

**330 Declarations of Interest**

None.

**331 Items Requiring Urgent Attention**

None.

**332 Public Participation**

None.

**333 Internal Audit Report – Key Financial Systems 2013-2014**

Members received the report of Devon Audit Partnership presented by Anne Parsons

Anne reported to Members that the key financial systems audited are of a high standard. The systems and controls in place adequately mitigate exposure to the risks identified. The systems are being adhered to and substantial reliance can be placed upon the procedures in place. It was noted that in a small team a degree of overlap in responsibilities was inevitable and full segregation of duties is not realistic, however this

was not a matter of concern. Only minor recommendations have been made to further enhance already sound procedures.

Members congratulated the Finance team on their hard work and high standard achieved. It was also acknowledged that the audit cost was well below the agreed budget.

### **334 2014/15 Internal Audit Plan**

Members received the report of the Head of Resources (NPA/AG/14/031) who confirmed to Members the audit plan for 2013/14 financial year allowed for 25 days, 6 days of which were not utilised therefore making the cost lower than budget.

The audit plan for 2014/15 allows for up to 19 days of internal audit support. As part of the audit service Devon Audit Partnership will be available to provide assistance and advice to, and be a central contact point for the Head of Resources.

The cost of Internal Audit provision for 2014/15 will be £4,750, a slight increase due to an increase in the Devon Audit Partnership's hourly rate (the first price increase since 2011/12). By way of comparison, in 2011/12 there were 40 internal Audit days costing the Authority £9,500.

Mr Shears joined the meeting.

#### **RESOLVED:**

Members approved the 2014/15 Internal Audit Plan presented by Devon Audit Partnership.

### **335 Financial Management 1 April to 31 December 2013 and Forecast of Financial Outturn 2013/14**

Members received the report of the Head of Resources (NPA/AG/14/032) who advised Members that current projections based on figures at end of June indicate a predicted surplus of £21,627 (£12,390 at month 6) representing a -0.48% variance against the budget.

The main variation and movements since month 6 were highlighted as follows:

- RDPE transition funding for the Hill Farm project resulting in a 100% saving in salaries and supplies and services
- Overspends in relation to the BAP, Holne Leat repairs and Fernworthy Survey works had been met by additional external funding
- Other grant funded projects, including White Horse Hill and Farming Futures would be carried forward into 2014/15

- The underspend reported here in the Public rights of Way budget would in fact be less, as further work has now been commissioned and will be completed by 31 March
- Sales, fees and charges – and improvement in sales income at the Visitor Centres and increased planning, filming and FEP fees
- The project fund will also be underspent as two schemes have been delayed until 2014/15 (car park resurfacing and public path improvements) and a request for funding toward the purchase of Fingle Woods by the Woodland Trust has been deferred.

At year end the Authority will be formally requested to approve the transfer of grant income, relating to specific projects, into earmarked reserves to enable the Authority to meet the terms and conditions attached to them. The underspend in the project fund will also mean that the original budget requirement to make a transfer of £138,777 from reserves, may no longer be required.

Members questioned the £5,500 underspend in the training budget. It was confirmed that all training requests from staff have been approved.

Members asked for clarification on the Planning overspend for enforcement costs. The Head of Legal & Democratic Services informed Members that this was mainly due to external legal costs in connection with Marley Head and Swete Sigford.

The underspend in Public Rights of Way was mainly due to capacity and weather preventing work being done, but would now be less as further work has been commissioned.

**RESOLVED:** Members noted the content of the report

**336 Conservation & Communities Performance Report – Quarter 3 (October – December 2013)**

Members received the report of the Director of Conservation & Communities (NPA/AG/14/033).

In the absence of the Director of Conservation and Communities, the Senior Learning and Outreach Officer confirmed that the Moor than meets the Eye bid has now been submitted.

Members were informed that the Historic Environment Character Assessment has been completed and the report has been used as supporting evidence for the Landscape Partnership bid.

A conservation plan has been agreed for Higher Uppacott and some essential works have been undertaken.

The Senior Learning and Outreach Officer thanked Members for their support in relation to the Outreach vehicle which has been valued and has added to its success.

Volunteers numbers improved in quarter three after an earlier dip but it is felt that limits on officer capacity may mean that volunteer numbers cannot continue to grow.

White Horse Hill has sparked a great deal of public interest. An exhibition is planned in Plymouth in September 2014, and 258,000 viewers had watched a recent BBC programme.

The Head Ranger spoke to the remainder of the report and said that in recent weeks large planning applications have taken up significant officer time, which has hampered the progress of the Biodiversity Action Plan (BAP).

The maintenance of The Authority's woodland estate continues, but the Public Rights of Way and Open land target has not been met due to weather and capacity.

A Member raised concerns regarding overnight camping, erosion caused by parking and Ranger capacity to deal with it. The Head of Legal & Democratic Services confirmed that work is currently being undertaken on an internal protocol to ensure a consistent approach to unauthorised camping and encampments.

#### **RESOLVED:**

Members noted the content of the report

### **337 Planning Directorate Performance Report – Quarter 3 (October - December 2013)**

Members received the report of the Director of Planning (NPA/AG/14/034).

The Planning Team Manager reported that the number of planning applications and prior notifications for Quarter 3 were slightly down from the previous quarter. No major applications had been determined during the quarter. The determination of minor applications has improved on the previous quarter and is now exceeding target. A marked improvement in determination of other (householder) applications has also been achieved as a reflection of having a full complement of three Planning Officers. The Authority had approved 88% of all applications received.

The recruitment process is underway following the resignation of a Planning Officer during this quarter. The time taken to replace is likely to have an impact on maintaining the improvements shown.

The number of resolved Enforcement cases has increased. However, the number of live cases remains consistent, around 150.

A programme of monitoring occupancy conditions for agricultural dwellings, ancillary accommodation and holiday units has commenced. An 88% response rate was reported for the first batch of enquiry forms, resulting in 3 new enforcement investigations. No complaints have been received about the process.

Demand for preliminary enquiries remains high but are being dealt with within the target 28 days.

A Member enquired whether this new area of work had put more pressure on the Enforcement team. The Planning Team Manager confirmed that so far it has been manageable but as it progresses it will certainly involve more work.

With regard to Forward Planning, the Director of Planning reported that the Chagford Masterplan is to be brought to Authority in April, and the Ashburton Masterplan in May or June dependant on the outcome of the current consultation exercise on the draft plan. The Affordable Housing Supplementary Planning Document has progressed to consultation stage and will be brought to Authority in April.

The final bid for the Rural Community Broadband Fund was submitted in October. Further action is being undertaken, exploring other emerging funding and technological opportunities to address the needs of the community across the whole of the National Park.

The Director of Communications and Business Support confirmed that the Communications Team will be promoting the benefits of the Walkhampton undergrounding scheme and will maximise press coverage in liaison with Western Power Distribution.

**RESOLVED:**

Members noted the content of the report.

**338 Charging for Pre-application Advice**

Members received the report of the Director of Planning (NPA/AG/14/035).

The Director of Planning reported that charging for pre-application advice was last considered at Authority in January 2011 (NPA/11/009) when it was resolved not to introduce charges for planning advice. Members were asked to reconsider this taking into account that it is a discretionary charge and is limited to 'cost recovery' for the cost of delivering the pre application advice service.

Neighbouring Authorities Mid Devon District Council, West Devon Borough Council and South Hams District Council all currently charge for pre application advice. With regards to other National Parks, charges have been introduced since 2011 in South Downs, North York Moors, Broads, Peak District, and Northumberland National Park Authorities.

**RESOLVED:** Members:

- (i) noted the content of the report and
- (ii) agreed that a detailed report be brought to the August 2014 meeting of the Committee setting out how charges for pre-application advice could be calculated and applied
- (iii) officers of constituent authorities to be asked for advice on the introduction of charges and the risks associated.

**339 Performance Monitoring Framework**

Members received the report of the Director of Communications and Business Support (NPA/AG/14/036).

The Director of Communications and Business Support presented Members with a proposal to change the framework for the future reporting of performance monitoring. It was confirmed the role of and remit of the Audit and Governance Committee is to monitor the performance of the Authority in delivering actions, priorities and targets in the Business Plan.

It is proposed that Members will in future receive the following:

**Quarterly meetings** - two key reports from Planning and from Conservation & Communities setting out progress against the Business Plan; and a financial monitoring report (excluding August as too early in the financial year).

**Six monthly** – Communications & Visitor Services report and an Enforcement report.

**Annual** – Performance report (including commentary on delivering the actions in the Business Plan as well as achievement against the PIs), Complaints and Compliments report and HR annual report.

In debate it was agreed that measure S12– no. of working days lost due to sickness per FTE should be modified to report a) no of days lost and b) no of days lost excluding long term sickness.

A discussion took place around measure S17: % of appeals allowed against DNPA decision to refuse consent. The Director of Planning stated that a breakdown of the headline measure can be included in the Development Management Committee reports.

It was also agreed that it would be timely to review the implications of the sequence of meetings and the finance reporting cycle. Proposed dates will be circulated to all Members, and efforts will be made to avoid a February meeting falling during half term.

In addition to the routine and exception reporting, the Committee's other main role is that of scrutiny and challenge. Two areas were put forward for consideration, Public Rights of Way - service level agreement and the Communications agenda.

Three Members, (Mr Hitchins, Mr Sanders and Mr Shears), agreed to be appointed as the review panel to assist officers in a review of maintaining Public Rights of Way.

**RESOLVED:** Members:

- (i) noted the content of the report
- (ii) approved the performance indicators at Appendix 3 of the report for future reporting
- (iii) approved the annual performance reporting programme to Audit & Governance Committee at Appendix 4 of the report; and
- (iv) approved and appointed 3 Members to the Review panel for PROW.

Owing to the impending retirement of Lorna Brown the Director of Communications and Business Support in March, the Chairman thanked her for all her hard work and time given to supporting the Audit and Governance Committee.

DRAFT