

# DARTMOOR NATIONAL PARK AUTHORITY

Friday 3 September 2021

Present: W Dracup, G Gribble, P Harper, G Hill, J McInnes, S Morgan,  
J Nutley, N Oakley, L Samuel, P Sanders, P Smerdon, D Thomas,  
P Vogel, P Woods

Officers: K Bishop, Chief Executive (NPO)  
D Healy, Head of Business Support  
A Kohler, Director of Conservation and Communities  
S Lee, Ranger Team Manager  
A Gandy, Senior Policy Officer

Apologies: A Cooper, D Moyse, C Pannell, M Renders, D Webber

The Chair welcomed Mr Tigwell, Independent Person.

## **3345 Declarations of Interest**

Mr McInnes declared a personal interest in Item 9, Bridestowe and Sourton Neighbourhood Development Plan, due to his being a resident of Sourton.

Mrs Samuel declared a personal interest in Item 9, Bridestowe and Sourton Neighbourhood Development Plan, due to her being the Devon County Council elected representative for Bridestowe and Sourton.

## **3346 Minutes of the Authority meeting held on Friday 30 July 2021**

The minutes of the Authority meeting held on Friday 30 July 2021 were agreed as a correct record.

## **3347 Chair's Report**

The Chair reported that she had joined two meetings of Leaders and Chief Executives of Devon Councils to discuss matters of mutual interest. The perspective of the National Park Authority was welcomed.

The Chair informed Members that she had met Luke Pollard MP at Shallowford Farm.

The Chief Executive (National Park Officer) advised Members that the Authority (through the Chair) had signalled its support for the proposed Devon Devolution Deal.

Mr Dracup arrived at the meeting.

## **3348 Items requiring urgent attention**

None.

### **3349 Public Participation**

The Chair reported that Mr J Holland of Devon and Cornwall Bushcraft would be speaking in objection to the recommendations within Report No. NPA/21/027 – Dartmoor Commons Act – Review of Byelaws (Item 10 on the Agenda).

### **3350 Statement of Accounts 2020/21**

Members received the report of the Head of Business Support (NPA/21/025).

The main aim of the Statement of Accounts (SoA) is to explain how the Authority has used public money to deliver services and, therefore, achieve strategic objectives. It sets out the Authority's financial transactions for the previous year in a format similar to that of a private sector company.

The Narrative Report is a key tool in setting out the Authority's financial context, it summarises the financial and non-financial transactions and performance for the year, describes the impact of the pandemic and includes a brief commentary about future strategy, plans and direction of travel.

The Comprehensive Income and Expenditure Statement on page 15 of the accounts shows the economic cost of providing services and is structured in the same way that budgets are set, managed and reported on during the year, thus providing a clear link between budget monitoring reports, the outturn report and the SoA.

The financial position has not changed since it was reported to the Audit & Governance committee at the end of May, nor has it changed as a result of the audit. Unaudited accounts were issued for public inspection on 27 May; no representations or questions from the public were received during the inspection period.

Pension scheme assets, liabilities and assumptions, provided by the actuary as at 31 March 2021 continue to be a major focus for the Authority's auditors. The net pension liability calculation, which shows the amount that would be due if all pension promises were to crystallise at 31 March 2021, has a significant effect on the Authority's Balance Sheet which shows a negative position. However, this situation will not occur because the Pension Fund is a long-term investment vehicle the liability is snap-shot technical accounting valuation in a moment in time, based on assumptions and estimates that are also constantly changing; it does not represent an immediate call on reserves. As the accounting valuation is produced just for the accounts it has no impact on the employee or employer cash contributions paid each month. The Triennial Actuarial valuation process determines the overall pension fund financial position and the employer and employee contribution rates that are set for a three-year period.

To enable Members to approve the Accounts, Assurance was provided by the Head of Business Support (Chief Financial Officer), in signing the Statement of Responsibilities; this acknowledged her responsibilities and confirmed that the accounts had been prepared correctly, that the "code of practice" had been adhered to and proper records have been kept.

The Letter of Representation to the external auditors provides assurance to the auditor's that in Members' opinion the accounts are presented fairly in all material

respects and in accordance with International Financial Reporting Standards and the CIPFA Code of Practice and that they are satisfied that they have been informed about everything as set out in the letter. Members were asked to “endorse” the letter and authorise the Chair and Chief Executive (National Park Officer) to sign it on their behalf.

In May 2021, the Audit & Governance Committee reviewed and endorsed management’s assessment of Going Concern and the responses from Management and Members to a long list of other questions about the Authority’s financial and governance arrangements. A comprehensive review of the Authority’s governance arrangements and system of internal controls has been undertaken, concluding that there are no significant weaknesses to address, as set out in the Annual Governance Statement (AGS) attached to the Accounts. Members were asked to re-approve the AGS in order for it to be formally issued alongside the accounts.

The Head of Business Support advised Members that despite the impact of the coronavirus pandemic, 2020/21 was a year of sound financial management and the continued commitment of staff to deliver good outcomes for the National Park, its communities and visitors.

In response to Member comments and queries, the Head of Business Support advised the following:

- Confirmed that only employees of the Authority were entitled to a pension, not Members;
- Reserves currently stand at £2.7m but most are earmarked, ringfenced and carried forward for specific projects. The Authority runs a number of partnership projects where it has to match fund. With regard to the £500k in the general unallocated reserve, Members had previously agreed that this figure should represent a three month contingency to cover salaries and running costs. This is reviewed regularly by Audit and Governance Committee;

Members commended the Head of Business Support and her team for their hard work; they also acknowledged that other officers had done well to bring this pandemic year in on budget.

Mr Sanders proposed the recommendations *en bloc*, which was seconded by Mr Gribble.

**RESOLVED: Members:**

- (i) Approved the 2020/21 Statement of Accounts;**
- (ii) Authorised the Chair to sign and date the Statement of Responsibilities on behalf of the Authority;**
- (iii) Authorised the Chair and the Chief Executive (National Park Officer) to sign the Letter of Representation on behalf of the Authority; and**
- (iv) Approved the 2020/21 Annual Governance Statement**

**3351 Dartmoor National Park Authority Annual Review 2020/21**

The Chair welcomed Mr Mark Bartlett, Engagement Manager of Grant Thornton UK LLP, the Authority’s external auditors. Mr Bartlett explained the key findings and

other matters which arose from the statutory audit of the Authority. Under International Standards Audit (UK) (ISAs), the report follows a requirement to report to those in governance, i.e. Members of the Authority. The audit took place remotely from June to August 2021. No adjustments to the financial statements were identified. There are currently no matters that would require modification to their audit opinion; therefore, the audit opinion remains the same as in 2019/20, but for one additional paragraph with regard to the Authority's Valuer (Pg 3 of the Report).

*Value for Money (VfM) – this work is not yet complete and therefore the Auditor's Annual Report cannot be issued. The National Audit Office has revised its deadline which required the Annual Report to be issued no more than three months after the date of the opinion on the financial statements. Grant Thornton expects, therefore, to issue their opinion by December 2021.*

VfM work covers three key areas:

- Financial sustainability – consideration of the Authority's Medium Term Financial Plan;
- Governance – to ensure that the Authority is run effectively i.e., do Members have the correct information upon which to make decisions etc;
- Improving economy, efficiency and effectiveness – how the Authority monitors its performance, understands costs and looks for ways to improve.

A series of workbooks are used in order for judgements to be made.

Mr Bartlett took the opportunity to acknowledge the hard work and support provided by the Head of Business Support and the Finance Team, who had proved highly proactive and quick to provide all information requested.

At the request of the Chair, Mr Bartlett explained the definition of materiality, which is set relatively low due to the level of spend that the Authority has.

In response to a Member query regarding the fixed asset register, Mr Bartlett explained that management of the Authority tries to get the most out of assets as possible. Regular reviews must be carried out.

**RESOLVED:** Members NOTED the content and findings of the Audit Findings Report for Dartmoor National Park Authority 2020/21

### **3352 Bridestowe and Sourton Neighbourhood Development Plan**

Members received the report of the Head of Forward Planning and Economy (NPA/21/026).

The Senior Policy Officer presented the report. He advised Members that Neighbourhood Development Plans, introduced by the Localism Act in 2011 give local communities the right to write their own Plans. Dartmoor National Park Authority has eight Neighbourhood Plan areas; this is the first to be completed. Once 'made' the Neighbourhood Plan will be used alongside the Local Plan to determine planning application in their area. Policies within the Plan should be compliant with the National Planning Policy Framework and the Authority's own Local Plan.

The Bridestowe and Sourton Neighbourhood Plan was developed by members of the local community. Designated in 2014, it has been a long process to develop the Plan. The Authority undertook the public consultation in 2020 on their behalf. Following confirmation from an independent examiner, a referendum held on 12 August 2021 returned a 94.8% vote in favour of the Plan. This result triggered an eight week period for the Plan to be adopted.

The successful production of the Plan is testament to the level of commitment of the people who undertook this task. They are not professionals but did a tremendous amount of hard work to achieve this.

Mr Harper proposed the recommendation, which was seconded by Mr Vogel.

**RESOLVED:** Members approved the making (adoption) of the Bridestowe and Sourton Neighbourhood Development Plan.

The Chair, on behalf of Members, recorded their admiration and warmest congratulations to those involved in the drawing up of the Plan.

It was agreed that it would be good to have some positive PR surrounding this item.

### **3353 Dartmoor Commons Act – Review of Byelaws**

Speaker: Mr J Holland - Objector

Members received the report of the Ranger Team Manager (NPA/21/027).

Mr Holland advised Members that he was speaking in objection to the proposals on behalf of the wild camping community who were extremely saddened by what they feel is a reaction to the fly campers descending onto the moor and who were likely not even aware that the camping map exists.

He stated that the outdoors has multiple benefits to offer and felt that the Authority's time would be better spent on providing education. He added that the map would not stop people from fly camping; the wider community is well aware of this and would like to help.

In response to Member queries, Mr Holland advised the following:

- One way to try to engage with the minority is through education. He advised that he offers wild camping courses in order that people can learn the rules; directing them to a map on a website will not help;
- Some of the proposed removed areas for wild camping would have a detrimental effect on young families and the disabled, access is key for these groups.

The Director of Conservation and Communities advised Members that this is a very important topic to many people, those who own the land, those who have grazing rights, local communities and visitors who come to enjoy Dartmoor. A number of comments have already been received in response to the publication of the report,

the draft byelaws and the proposed changes to the Camping Map. In reviewing the byelaws a balanced view is needed; a reasoned and evidenced approach to ensure the special qualities of Dartmoor are looked after whilst enabling people to enjoy the National Park in ways that leave no trace.

Although the summer of 2020 accelerated the process for reviewing the byelaws, changes in behaviours and activities before COVID were already impacting on the Rangers' ability to properly manage recreation. The byelaws are predominantly a tool to engage and inform the public; enforcement is the last resort but would be used if deemed necessary. It is important that the byelaws provide clarity for people using access land, to clearly explain what visitors can and cannot do. Some of the current byelaws are ambiguous or out of date in that they do not deal adequately with new types of activity, for example, fly camping, drones, or the use of motorhomes.

An informal consultation has been undertaken with a number of bodies as part of this process. The review started with Authority's Rangers who are on the ground dealing with issues on a daily basis. In addition, Dartmoor Commoners' Council and the Dartmoor Common Land Owners' Association were asked to advise officers of the areas they felt needed addressing. Once some revised byelaws had been drafted informal conversations took place with some of the user groups and adjustments made to address some of the concerns expressed.

The Ranger Team Manager summarised the key changes proposed and the reason(s) that the Authority has focussed on these areas; he also provided some of the feedback that has been received to date:

**Extent:** The revised draft byelaws include land dedicated as "access land" in Section 1(1) and Section 16 of the Countryside and Rights of Way Act 2000. A single set of byelaws covering both open access land under CROW and the Dartmoor Commons Act will provide consistency and clarity. The change will not alter the legal right of access or the general restrictions of access pertaining to CROW land but it will enable enforcement of the byelaws where necessary. The Authority as "Access Authority" under the CROW Act is able to make byelaws under Section 17 of the Act.

**Parking:** Revised byelaw 5 (iii) has been changed to clarify the position with regard to occupying or sleeping in a vehicle overnight. It is Not a change in policy but the wording has been amended to make it clearer that sleeping or occupying vehicles overnight on the common land is not permitted. The word 'occupy' has been included in the new wording because Rangers have been challenged in the past when asking people whether they have slept in their vehicle overnight.

A new provision has been added, 5 (iv), to control parking that is blocking gates and cattlegrids and thereby impeding access for livestock and agricultural traffic. This issue has been increasing over recent years, particularly at peak times – the Authority has been advised that the byelaw must reflect parking that is not on the Highway otherwise the obstruction would be covered by primary legislation.

**Fires:** this byelaw has been changed to reflect the increasing use of barbeques. Although there has been some pressure to ban the use of barbeques altogether, a more measured approach is suggested to control their use in a manner to cause

damage and /or fire risk and at times when directed by signage. It has also been clarified that the use of Chinese Lanterns, fireworks or similar are not permitted.

**Dogs:** Revised byelaw 10 has been changed to reflect the national CROW restrictions and to improve clarity of message for the public. The byelaw now states that between 1 March and 31 July each year all dogs have to be kept on a short lead of no more than 2 metres in length. A new provision 10(iv) has been included to limit the number of dogs one person can bring onto the access land to 6. This is consistent with the Public Spaces Protection Orders currently in place for Teignbridge and West Devon/South Hams.

**Kites, Model Aircraft and Drones:** revised byelaw 18 has been updated to clarify the position with regard to Drones, which have been introduced since the introduction of the byelaws in 1989. The revised wording reflects the Civil Aviation Authority Guidance and is intended to ensure that any use of drones over the access land will not impact on the enjoyment of others and/or disturb stock and wildlife.

**Recreation Events:** A new byelaw has been suggested to confirm the Recreation Events policy which was adopted by Authority in 2018.

**Camping:** This byelaw has changed significantly to address the rise and impact of so-called 'fly camping' and also to re-affirm the original intention of the Dartmoor Commons bylaws - to allow backpack camping away from roads and buildings as part of a walk or expedition. 'Fly camping' is a new term for camping at the roadside or next to car parks – camping with a car, usually with a lot of equipment, sometimes in large groups, the sort of camping that should be in a camp site. The revised byelaw makes it clear that camping is only allowed if you are in a small tent that can be carried in a backpack and in groups of no more than six people. It also clarifies that camping is only allowed in areas shown on the Camping Map, directly linking the permission to camp with the map. The map has been adapted to remove areas where problems of fly camping already exist, are likely to be displaced to, are potential sites in the future and sites where fly camping could have significant impact on rare birds or protected archaeological sites. The proposed amendments amount to a reduction in area of 2419 ha or 8.35% of the current area where wild camping is permitted. If officers are to engage, educate and enforce wild camping in its true sense they need to ensure that the map endorses this.

With regard to feedback so far, a number of emails have been received and there is activity on social media regarding the changes to the Camping map. Concerns expressed include:

- that it reduces the area that is easily accessible for people with young children
- that the wording is unclear with regard to the size of tent
- that the Authority is restricting peoples' rights and overreacting to last year's influx of visitors
- The proposed process for reviewing the map

There have also been concerns from owners at Harford and Ugborough Moor that they believe the no camping zone does not extend far enough given the level of party/fly camping that takes place in the area and associated litter and damage. A map was shared with Members

the Authority needs to take a balanced approach, which can be justified. Original proposals have been changed following informal feedback from user groups who felt that the approach was indiscriminate (and did not really address the key issue of fly camping) and, secondly, that it limited opportunities for families with young children. The new approach does still provide opportunities close to the road for those people looking to take their families for a true wild camp with their backpacks but has removed the areas of existing or potential future fly camping through an evidenced based approach advised by the experience of rangers.

The ability to make changes to the map without the need to review the full set of byelaws is desirable. A public consultation would always be undertaken to ensure openness and any decision would be made by the Authority subject to public scrutiny (a view from Defra is awaited with regards to this particular proposed byelaw).

It is the view of officers that a change to the byelaw is required to provide clarity regarding the type of wild camping that is acceptable on Dartmoor and reduce the impact of fly camping. This is not purely a reaction to the impact of COVID, but to an increasing and growing trend for people to camp from their vehicles. The byelaws are not looking to stop true wild camping as originally envisaged through the Dartmoor Commons Act; in fact wild camping in small groups, following the leave No Trace principles, is a wonderful and valuable experience for all.

The Ranger Team Manager advised that he would welcome Members views on the proposed byelaws and in particular the proposal regarding Harford and Ugborough. Mr Thomas declared a personal interest in this item, being the DCC representative for this area.

Discussion followed with comments and queries as follows:

- total of six dogs to any one person – this is the current level set for professional dog walkers by other local authorities and the limit set by insurance companies;
- With regard to Section 1 – Extent of the Byelaws – a correction is required – if you have rights to common land the byelaw does not affect you;
- This is a **reversion** of the Byelaws that were originally adopted in 1989 – there were no issues then with regard to drones, camper cans etc. There are no real ‘new’ problems, just ‘accelerated’ ones.
- A Member commented that the map could be confusing.
- Could the review be construed as an incremental of peoples’ rights? Concerns shared with Mr Holland.
- A Member felt that the proposed amendments are balanced and proportionate; they would assist the officers of the Authority to ensure its statutory purposes and so should be approved.
- With regard to enforcement, process must be crystal clear; there can be no room for misinterpretation, deliberate or otherwise. Officers will be working with legal colleagues to ensure that the byelaws are absolutely clear.
- The review is long overdue; behaviours have changed; the landscape comes first. Sympathy with real wild campers who feel that they are being penalised by another group. The Authority needs to engage 100% with genuine wild campers.



- Clarity is needed regarding the use of electric bikes which, by their very nature, means that riders are able to travel further off the beaten track. Riders need to have a clear understanding of where they can go.
- Society has changed radically. Aggression is becoming more common, even towards rangers and volunteers who are trying to help. This is a 'revision', it is not a set of new rules. The document is right for consultation. It strengthens and qualifies a lot of issues and provides more power behind the advice provided to visitors.

In response officers said:

- Changes to the camping map were made in liaison with the Ranger team who have best on the ground knowledge of existing "fly camping" activity and the Authority's Ecologist and Archaeologists have considered the map.
- The experience of rangers is that many campers do look at the camping map but they do not then read the current guidelines for camping.
- The Authority is not trying to take away the experience of wild camping.

Mr Harper proposed two changes to the draft byelaws:

1. that the proposed new Byelaw 7 (i) - Camping be made clearer to enable young people to continue to camp in line with mountain training and for Child Protection guidance; he proposed that the Byelaw states 'a tent for up to three persons'.
2. That the wording in 2. Extent of Byelaws, be changed to re-instate the wording in the existing byelaws 'Nothing in the byelaws shall apply to any act done in the pursuance of the exercise of any right of common'.

This was seconded by Mr Sanders. The Head of Conservation and Communities confirmed that these changes could be made.

The Chair stated that the protection of the moor is at the heart of the Byelaws. the Authority should try to communicate the proposed revisions to as many people as possible.

Mr Sanders proposed the recommendations, subject to Mr Harper's proposed changes to Section 1 and Section 7, as detailed above, which was seconded by Mr Vogel.

**RESOLVED:** Members:

- (i) Approved the revised byelaws as set out in Appendix 2, subject to amendments to Sections 2 and 7 (i), as detailed above and agreed these to be used for public consultation as outlined in paragraph 4.3(1); and
- (ii) Authorised the Chief Executive (National Park Officer), in consultation with the Chair and Deputy Chair of the Authority, to make any further amendments to the revised byelaws prior to consultation

**3354 Tree Preservation Orders, Section 211 Notifications (Works to Trees in Conservation Areas) and Hedgerow Removal Notices Determined Under Delegated Powers**

Members received the report of the Trees and Landscape Officer (NPA/21/028).

**RESOLVED:** Members NOTED the content of the report.