

DARTMOOR NATIONAL PARK AUTHORITY

Friday 26 July 2019

Present: K Ball, A Cooper, G Gribble, P Harper, G Hill, J McInnes,
S Morgan, D Moyse, J Nutley, N Oakley, C Pannell, P Sanders,
P Smerdon, P Vogel, P Woods

Apologies: S Barker, R Parkinson, M Renders, D Webber

The Chair advised Members that video recording of part of the meeting would be taking place.

3458 Minutes of the Authority Meetings held on 14 June 2019

The minutes of the meeting held on 14 June 2019 were agreed and signed as a correct record.

The minutes of the Annual Authority meeting held on 14 June 2019 were agreed and signed as a correct record.

3459 Declarations of Interest

Mr Nutley declared a personal interest in Item 7 – Climate Emergency Declaration (NPA/19/020) due to his being a member of the Committee for Climate Change for Ashburton as a representative of Teignbridge District Council and Ashburton Town Council. Mr Nutley left the room for this item and thus took no part in the discussions.

Mr Vogel declared a personal interest in Item 7 – Climate Emergency Declaration (NPA/19/020) due to his being a member of Ashburton Town Council.

3460 Chair's Report

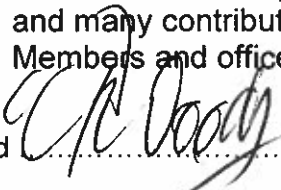
The Chair reported that she had

- taken part in a video conference with other National Park Chairs regarding the establishment of a central marketing and branding unit for UK National Parks
- attended the *Moor than meets the eye* celebrations at Manaton;
- attended the Big Picnic, hosted by Exmoor National Park Authority, and attended by HRH The Prince of Wales and the Duchess of Cornwall, celebrating 70 years of the National Parks and Access to the Countryside Act.

In addition, Miss Moyse attended the Campaign for National Parks and Defra Year of Green Action/National Parks Award Ceremony and Mr Cooper attended a meeting of the Heart of the South West Joint Committee. Both attended as formal representatives of the Authority.

The Chair made a presentation to Mr Mike Jeffrey to thank him for his achievements and many contributions as a Member of the National Park Authority. On behalf of Members and officers she wished Mr Jeffrey all the best for the future.

Signed



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3461 Items Requiring Urgent Attention

None.

3462 Public Participation

Item 7 – Climate Emergency Declaration (NPA/19/020) – Speaker: Mrs Clare Tinnyunt, as a representative of individual citizens and local community climate change groups.

3463 Climate Emergency Declaration

Speaker: Mrs Clare Tinnyunt

Members received the report of the Chief Executive (National Park Officer) (NPA/19/020).

Mrs Tinnyunt advised Members that she was a representative of community groups and individuals in Ashburton, Buckfastleigh and other settlements. She stated that, along with her colleagues, they have asked that the National Park Authority declare a climate and ecological emergency; they would like to endorse the Authority's ambitious target of 2015 to become carbon neutral. She was delighted to see the recommendations within the Chief Executive's report. She advised that there are two crises which need to be addressed – climate change and the global ecological decline; the rate in which animals join the list with regard to potential extinction is accelerating fast. The new Local Plan must address these issues in an effort to reverse the decline. She encouraged the Authority to work with other National Parks regarding water/wind/solar energy and put pressure on central government to encourage green build and carbon neutral, and advised that Members had the full support of communities within Dartmoor. She asked Members to declare a climate and ecological emergency.

With the agreement of the Chair, Mrs Tinnyunt handed over a paper which had been put together following a 'brainstorming' exercise undertaken earlier in the day.

A Member questioned the request for a declaration of a climate and ecological emergency, expressing concern that residents might feel that the Authority is in some way failing in its purpose if it declared an ecological emergency. His understanding was that Dartmoor was an important 'wildlife hotspot' and the ecological emergency was a global issue. Mrs Tinnyunt advised that they did not feel that the National Park Authority was failing, rather, they felt protected by it. However, as an example, the mere fact that the Authority is having to undertake a peat restoration project is of concern.

The Chief Executive thanked Mrs Tinnyunt and other members of the various groups for their presentation and for their time, as well as their attendance at a recent National Park Forum meeting. He also thanked the Forward Planner for his input in drafting the report.

He observed that it was perhaps appropriate that the issue of climate change be discussed in a week that has witnessed record temperatures. Evidence from

Signed *M Woods* Date *6 September 2019*

Dartmoor indicates that our climate is changing and this is already having an impact on the environment – a longer growing season (1981-2010 average plant growing season was 15 days longer than the 1971-2000 period); monitoring of the Pied Flycatcher shows that it has advanced its egg laying by two weeks since 1960s; damage to the public rights of way network due to sudden, intense rainfall.

Since 2010, the Authority has reduced its carbon emissions by 40%, against the Inter-governmental Panel on Climate Change (IPCC) target of 45% by 2030. This is an encouraging start but Members are being asked to endorse an ambition to be carbon neutral by 2025. This ambition is challenging and needs to be subject to a detailed action plan that officers will develop and present to Members by end of March 2020. The detailed action plan will have to consider the Authority's ability to invest in further reductions in carbon emissions, versus the legal requirement on it to meet its statutory purposes, and the financial constraints it operates under in terms of both the amount of money available to spend and the restrictions on what the Authority can spend it on.

With regard to calls for the Authority to declare an ecological emergency. Evidence from the State of the Park report and Devon Birds Atlas illustrates that Dartmoor remains a stronghold for biodiversity but more can and should be done to enhance biodiversity and connect people with it. The real emergency is at a global scale where the indications are of rapidly declining biodiversity.

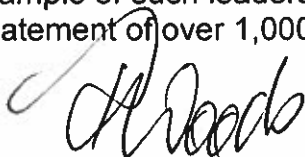
Devon County Council has already declared a climate emergency and in partnership with Exeter University has established a Devon Climate Emergency Response Group to co-ordinate activity across the county. The Authority has been involved in this group since its inception and helped develop the Devon Climate Declaration.

The Authority is also being asked to relax planning restrictions on existing dwellings and businesses to enable residents to become carbon neutral by allowing them to generate their own power. The emerging Local Plan seeks to provide a supportive policy framework for encouraging appropriate renewable and low carbon technologies; ensuring that development considers the impacts of and mitigates against climate change; requiring the provision of electric vehicle charging points and seeking improvements in sustainable construction. Retaining planning restrictions is essential to ensuring that we have the tools to manage and control development in the National Park.

A key lever for potentially improving the energy efficiency and 'carbon footprint' of new buildings is Building Regulations. These regulations are set at a national level. However, as already noted, through the current review of the Local Plan, the Authority is seeking to push the boundary on energy efficiencies and sustainable construction. A policy requiring biodiversity net gain also seeks to improve developments' ecological impact.

As well as reducing its own emissions the Authority is seeking to lead on priority actions to address climate change. The work being undertaken in partnership with the commoners, Duchy of Cornwall, SWW and others to restore the peatlands is an example of such leadership. Once complete the project will achieve a carbon abatement of over 1,000 tonnes of CO2 equivalent per year.

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A discussion followed with Members making the following observations/comments:

- The Authority should remain aware of 'unintended consequences'; care would be needed re: offsetting;
- 2025 is an ambitious target; assigning £50k from reserves to support the Authority's climate change work is a clear declaration that the Authority is serious; the number of people across the world who are dubious about climate change is reducing; the Authority's intent to do more under the umbrella of its First Purpose is to be applauded;
- Not a moment too soon – ambitious but achievable and should be at the centre of everything we do;
- Rachel Carsons (1962) "*No witchcraft, no enemy action had silenced the rebirth of new life in this stricken world. The people had done it themselves ...*"
- We have our communities with us, let's go for it;
- Member engagement is imperative; suggestion of a working group to include Members;

Mr Gribble commented that Mrs Tinnyunt had summed everything up and proposed the recommendations.

Other comments were:

- There is a real need to include 'ecological' in the emergency declaration – nature recovery networks are needed. Consideration should be given to regenerative agriculture and farming; could this be done through the Management Plan process and the test and trials project? This was endorsed by another Member;
- This is a national issue; many restrictions are placed on National Park Authorities (NPAs) – it is hoped that, should Members agree to the recommendations, the Chair and leaders of other NPAs would encourage central government to take decisions and change national policy to support this agenda.
- A sixth recommendation was suggested – use the declaration to engage in the national discussion.

The Chief Executive put forward a re-wording of the recommendation as follows:

- (i) 'to declare a climate *and ecological* emergency in recognition of the global crisis;
- (ii) ' ... on producing a Devon-wide Carbon Plan *and work collaboratively to influence central government*'.

Members agreed that the process going forward needs to be transparent. In addition, there is a wealth of talent within our local communities and the Authority needs to work with them.

Mr Gribble withdrew his original proposal. He proposed the recommendation as detailed above, which was seconded by Mr Sanders.

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RESOLVED: Members:

- (i) Declared a climate and ecological emergency in recognition of the global ecological crisis;
- (ii) Agreed to work towards Dartmoor National Park Authority being carbon neutral by 2025 subject to a detailed action plan being developed by officers and presented to Members for approval by the end of March 2020;
- (iii) Agreed to sign the Devon Climate Declaration at Appendix 2 and to continue to work with the Devon Climate Emergency Response Group (DCERG) to collaborate on producing a Devon-wide Carbon Plan and work collaboratively to influence central government;
- (iv) Agreed to the allocation of £50,000 from reserves to support the Authority's climate change work; and
- (v) Noted that the Authority has already achieved a 40% reduction in carbon emissions since 2010 (the IPCC base year)

Members suggested a further discussion about climate change and engagement in the action planning. In addition, officers were asked to consider, in more detail, how local communities could become more involved in future discussions.

3464 Statement of Accounts 2018/19

Members received the report of the Head of Business Support (NPA/19/021).

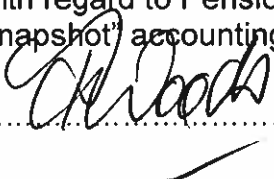
The statement of accounts is a means to explain to stakeholders how the Authority has used public money to deliver services and achieve strategic objectives. It is also technical document that sets out the Authority's financial transactions for the year; follows complex protocols and technical accounting standards and explains the impact of statute on financial transactions (something which is not relevant in private sector accounts).

There are no significant changes to the main format or content of the accounts this year. The Narrative Report is a key tool in telling the story - summarising both our financial and non-financial performance and outcomes for the year and also provides a brief commentary about future direction. The Comprehensive Income and Expenditure Statement (CIES), which shows the economic cost of providing services, is structured in the same way that the budgets are set, managed and reported on during the year. This provides a clear link between budget monitoring reports, the outturn report and these accounts. Sections 2 & 3 of the report provide a reminder of the Outturn position and the movement in and use of reserves balances which has not altered from those reported to Audit and Governance Committee on 24 May 2019.

There was a budget surplus of £69k at year end; the Authority used £373k pounds worth of reserves for specific projects; £354k was transferred back into reserves at year-end for existing and new projects and during the year the General unallocated reserve balance was increased by £50k.

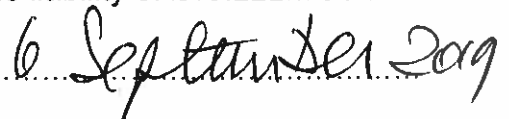
With regard to Pensions, section 4 of the report provides a commentary about the "snapshot" accounting valuation of the pension scheme liability of £13.222m as at

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31 March which is used to meet the statutory reporting requirements under which the Authority operates. This has a significant effect on the Authority's Balance Sheet which shows a negative position. However, as Members are aware, this liability does not represent an immediate call on the Authority's reserves; it is a snap-shot valuation in time, based on assumptions and estimates that change over time.

This year, a situation has arisen that has meant that the Authority has had to recognise a Post Balance Sheet Event in respect of the pension fund liability, resulting in a material adjustment to the financial statements and notes, after the Draft accounts were first authorised for issue on 31 May. This is due to the outcomes of two court cases, now being referred to as the "McCloud/Sargeant Judgement". Two employment tribunal cases were brought against the Government for age discrimination in the implementation of transitional protections for pension scheme members who were within 10 years of retirement at 1 April 2012 (i.e. aged 55 at that date) following the introduction of the reformed 2015 public service pension schemes. One case was brought by McCloud and other members of the Judicial Pension Scheme, against the Lord Chancellor and the Ministry of Justice. In November 2016 the tribunal ruled in favour of the claimants. The second case (heard in January 2017) was brought by Sargeant and other members of the Firefighters Pension Scheme against the Fire & Rescue Authorities & the Government in England & Wales. The tribunal ruled against the claimants.

Both cases were then appealed to the Employment Tribunal and subsequently to the Court of Appeal. In December 2018 the Court of Appeal ruled that the transitional protections provided for in both schemes gave rise to unlawful discrimination. The Government then sought permission to appeal this decision via the Supreme Court – but this appeal application was denied on 27 June 2019. Since this ruling the Government has admitted that there will be implications and remedies will have to be determined and applied to all public service pension schemes, being that similar transitional protections were given (only) to those aged 55 as at 1 April 2012 in the LGPS and other schemes.

When the accounts were issued on 31 May 2019 the outcome of the McCloud/Sargeant case was not resolved, there was uncertainty about the outcome, timing, potential remedies and potential financial impact, and so a financial provision could not be made in the accounts. Now that the Government has been denied leave to appeal, the remedies issue must go back to the Employment Tribunal for resolution and decision and then be applied. It is unknown how long this will take. There will certainly be a cost to Pension Schemes but who will bear this cost is not yet clear.

When the Supreme Court refused the Government's appeal on 27 June, every Employer in the Devon Pension Fund sought to have their Actuary provide an estimate cost of the impact. The resulting impact assessment did indeed demonstrate that the potential increased pension liability cost for the Authority would be in the region of an extra £304k. This meant that it was necessary to restate the accounts, having to amend both the financial statement and the notes. This has now been done to the satisfaction of the auditors and is included in the version of the accounts before Members today.

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The unaudited accounts were authorised for issue on 31 May 2019, when they were placed on deposit for public inspection; no objections or representations were received. The accounts have been adjusted for a Post Balance Sheet Event and the amended Accounts are before Members. Grant Thornton's work is now substantially complete. It is anticipated that the accounts will be completed and published by the 31 July 2019 deadline, subject to the three remaining items being completed as set in the Audit Findings report (next on the agenda). It is pleasing to note that once again that, apart from the Mccloud/Sargeant Issue, which is not within the Authority's control, there were no other changes or adjustments required to the accounts as issued on 31 May 2019. Team Dartmoor has once again worked hard to meet the early close deadline without compromising accuracy or quality.

In response to a Member query, the Head of Business Support advised that, with regard to the Pension liability, the Authority has overpaid for a number of years and our part of the fund was 90% funded at the last valuation date (2016), which is good news.

Mr Sanders proposed the recommendation, which was seconded by Mr Ball.

RESOLVED: Members:

- (i) Approve the 2018/19 Statement of Accounts;
- (ii) Agreed the Chair be authorised to sign and date the Statement of Responsibilities on behalf of the Authority;
- (iii) Agreed the Chair and the Chief Executive (NPO) be authorised to sign the Letter of Representation on behalf of the Authority;
- (iv) Re-approved the 2018/19 Annual Governance Statement approved by this Committee on 10 May 2018

3465 The Audit Findings Report for Dartmoor National Park Authority (year ended 31 March 2019)

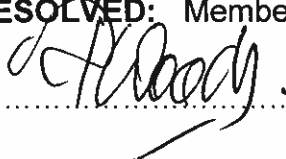
Members received the Audit Findings Report for the year ending 31 March 2019, prepared by external auditors, Grant Thornton. The Chair welcomed Julie Masci, Key Audit Partner and Aga Balejko, Grant Thornton, and invited them to present their report to Members.

Ms Masci advised Members that the report contains no significant issues which need to be reported. The final report fulfils two responsibilities, the provision of the Audit opinion on the financial statements of the Dartmoor National Park Authority and Value for Money arrangements. She advised that she, and her colleagues were very pleased with the level of co-operation and the quality of the working papers that they received from officers of the National Park Authority and thanked the Head of Business Support and her team.

With regard to the potential impact of the Mccloud/Sargeant judgement, she confirmed that a letter of assurance has been received from the Devon Pension Fund. Grant Thornton is confident that there will be no issues outstanding following the review of the financial statements and she advised that she would be issuing an 'unqualified audit opinion'.

RESOLVED: Members NOTED the content of the report.

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Members recorded their thanks to Ms Masci and her team, and also Authority staff for their hard work.

3466 Development Management Procedure Update

Members received the report of the Head of Development Management (NPA/19/023).

He advised that the recommendations being presented to the Authority had previously been discussed with Members of the Planning and Sustainable Development Working Panel.

Revision to paragraph 3.5 of the DNPA Scheme of Delegation

Officers keep practices and procedures under review with the aim of improving them and thus making the organisation more effective and efficient.

As part of a wider review of Development Management, officers have examined the procedure which triggers applications going before Development Management Committee.


Of the 321 applications presented to committee over the past five years 24% related to householder applications, the majority of which were placed on the agenda following the trigger of the Parish/Town Council veto where the council had an opposing view to the officer's recommendation. On average 85% of those decisions made at Development Management Committee follow the initial recommendation made by Planning Officers. This process could be questioned in terms of the 'value added' especially when considering the additional costs and time implications of taking reports to Development Management Committee

It is proposed that the automatic trigger of parish/town council objection (contrary to officer recommendation) meaning an application is then considered by Development Management Committee is removed. However, should a parish/town council express a view which is contrary to officer recommendation, and where there are clear material considerations, the opportunity would still exist for a Member to 'call in' an application on behalf of the parish/town council.

In response to Member queries, the Head of Development Management advised that the consultation timescale for parish/town councils would not change; they would still have 21 days in which to respond.

Some Members commented that the proposed process would be a lot more efficient and could also improve Parish/Town Council / Member engagement. They advised that, should a Member be requested to bring an application to committee, that the Member's name and the reasons for the request be included in the report. This instruction could be added to the Standing Orders.

Some Members advocated a briefing note be circulated to Parish Clerks to advise them of this change, should it be adopted. The Chief Executive suggested that a Parish Workshop could be scheduled within the Local Plan Consultation period.

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Revised Site Inspection Protocol

The changes to the Site Inspection Protocol proposed are as follows:

- (i) **Conduct of Site Inspection** – procedure note (viii) to read *“The Chair will summarise the issues raised and close the site inspection ...”*
- (ii) **After the Site Inspection is Closed** – removal of *“Following the closure of the formal site inspections by the Panel Chairman, it is customary for Members to move out of earshot of others and discuss briefly with the case officer issues raised in the light of the site inspection.”*

These changes are proposed in order to ensure good practice; the site inspection should be a fact finding exercise only, opinions should not be expressed.

Another amendment proposed is to reduce the number of parish council representatives invited to attend from two to one. It has always been the case that only one representative is permitted to speak.

In response to a Member query regarding the removal of the Member discussion following the conclusion of the site inspection, the Head of Development Management advised that this type of gathering could potentially be misunderstood and considered as pre-determining the planning decision. If Members have queries/concerns/the need for clarity, they can ask/express these in the public forum.

Members welcomed this proposed change, stating that this was a positive way forward; it will enable the site inspection process to be more transparent.

With regard to a Member query regarding the implication of the site inspection being minuted, the Head of Development Management confirmed that this task would be undertaken by an officer of the Authority.

Revised Development Management Good Practice Guide for Members

The Head of Development Management advised that this document had been brought up to date and provides a useful refresher and 'aide memoire' for Members.

Mr Harper proposed the recommendation Part (i), which was seconded by Mr Sanders.

Mr McInnes proposed the recommendation Part (ii), which was seconded by Mr Gribble.

Mr Cooper proposed the recommendation Part (iii), which was seconded by Mr Gribble.

RESOLVED: Members:

- (i) Adopted the revisions to paragraph 3.5 of the DNPA Scheme of Delegation;
- (ii) Adopted the revised Development Management Committee Site Inspection Protocol; and
- (iii) Adopted the revised 'Development Management Good Practice Guide for Members'

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Members agreed that the aforementioned amendments be incorporated for notification to parish clerks at the Local Plan workshop scheduled for 17 September 2019; the changes to be implemented from 1 November 2019.

3467 Local Plan – Final Consultation Draft (Regulation 19)

Members received the report of the Head of Forward Planning and Economy (NPA/19/024).

Members were advised of a revised recommendation, as follows:

That Members:

- (i) Note the draft Local Plan (Regulation 19) for consultation;
- (ii) Note the appraisal reports (SA/SEA, HRS, Eq1A);
- (iii) Endorse the Duty to Co-operate Statement
- (iv) Delegate to the Chief Executive, in consultation with the Chair, authority to make minor changes to the above documents, with the final version to the Approved for consultation by Members at the Authority meeting to be held on 6 September 2019.

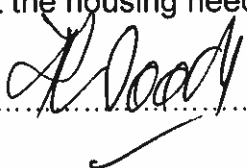
In response to an initial comment from a Member regarding the earlier resolution to declare a climate and ecological emergency in recognition of the global ecological crisis, the Head of Forward Planning and Economy advised that the new Local Plan has been written with mitigating and adapting to climate change as one of its key goals in achieving sustainable development. Various policies have been furthered to help ensure that this achieved, whilst working within the limits of national planning policy and development viability.

The Draft Dartmoor Local Plan 2018-2036 is the culmination of work undertaken over the past three years, including significant research and engagement with the local community and other stakeholders during that time.

The Local Plan is the starting point for all planning decisions made within the National Park. The overall key issues/areas of policy change from the current adopted Plan are listed within the report at point 4.4. The changes that have been made between the first and final draft are considered to be a positive response to the consultation comments received.

A Member expressed concern regarding the possibility of self-build properties being sold as open market dwellings once built. The Head of Forward Planning and Economy advised that affordable and local need self-build policy would be controlled in perpetuity by legal agreement. With regard to sustainable construction, much has already been achieved and policies within the Local Plan seek to ensure that all development achieves energy efficiency over and above that required by Building Regulations.

A Member stated that they would like to see allowance for new agricultural workers dwellings to be justified by the financial test alone. Officers clarified the functional test was required by national policy, but that various policies in the Local Plan seek to increase the supply of rural workers dwellings in the open countryside to help meet the housing needs of rural land-based enterprises.

Signed  Date 6 September 2019

With regard to sustainable transport links from outside of the National Park the Authority will work with partners and support any transition but it cannot directly influence it through the policies of the Local Plan. The Local Plan does seek provision of electric vehicle charging points to reduce emissions associated with private transport.

Another Member commented that the Local Plan is the Authority's vehicle with regard to becoming carbon neutral by 2025, and queried whether in fact there should be more prominent reference to this within the Local Plan. Officers clarified that the ambition to become carbon neutral by 2025 was for Dartmoor National Park Authority as an organisation, not the management of the National Park. It was suggested that a Q & A paper could be put together to explain what the Authority has achieved so far.

Members agreed that they had had more input than ever before in the Local Plan process and commended the team who have worked tirelessly to produce the Local Plan and ensure all opportunities to further policy and meet community expectations are taken.

RESOLVED: Members:

- (i) Noted the draft Local Plan (Regulation 19) for consultation;
- (ii) Noted the appraisal reports (SA/SEA, HRS, Eq1A);
- (iii) Endorsed the Duty to Co-operate Statement
- (iv) Delegated to the Chief Executive, in consultation with the Chair, authority to make minor changes to the above documents, with the final version to be Approved for consultation by Members at the Authority meeting to be held on 6 September 2019.

Members were requested to submit any further concerns or comments to the Forward Planning team in good time in order to allow for preparation for the next Authority meeting on 6 September 2019.

3468 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/19/025).

RESOLVED: Members NOTED the content of the report.

Signed



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