

# DARTMOOR NATIONAL PARK AUTHORITY

Friday 1 September 2023

Present: A Cooper, W Dracup, P Harper, G Hill, M Jeffery, J McInnes, S Morgan, C Mott, M Owen, G Pannell, L Samuel, P Sanders, P Smerdon, D Thomas, M Williams, P Woods

Apologies: G Gribble, J Nutley, M Renders

Officers: K Bishop, Chief Executive (National Park Officer)  
R Drysdale, Director of Conservation and Communities  
A Stirland, Head of Business Support  
C Hart, Head of Development Management  
C Vint, Historic Buildings Officer

## **3502 Declarations of Interest**

Mr Harper declared an interest in Item 10, having undertaken the majority of the work to obtain Sister Park status between DNPA and Cuyahoga Valley National Park in the United States of America.

Mr Dracup and Mr Owen declared an interest in FiPL, both having received FiPL grants.

## **3503 Minutes of the previous meetings**

The Minutes of the meetings held on 14 April 2023 and 30 June 2023 were agreed and signed as a true record.

## **3504 Chair's Report**

The Chair reported the following:

- Took part in the interview process for DNPA's new Secretary of State Member – Mr Owen was the successful candidate;
- Attended National Park England and National Parks Partnership meetings on behalf of the Authority;
- Attended Team Devon meeting of Chief Executives and Chairs; always a useful meeting to attend. Not everything is pertinent to Dartmoor but understanding other bodies' strategies is useful and good to get involved;
- The Chair and the Chief Executive (National Park Officer) welcomed Vanessa Rowlands, new Chair of the South Downs National Park Authority to DNPA on Wednesday this week. The meeting was highly successful, topics such as common causes discussed, followed by a visit out onto the moor with one of the Authority's Rangers.

The Chair invited other Members of the Authority to report any news.

- Mrs Morgan reported that she considered herself to have been very lucky to have been involved in the archaeological dig which took place during the

previous week near Lustleigh. The dig, led by Lee Bray and Emma Stockley, resulted in a number of significant finds. She added that she hoped it would be possible to find a way to continue these activities in order to seek a link with the standing stones. A post hole was discovered and soil samples have been sent off for investigation. It would be advantageous to the Authority if it was to publicise this type of activity to a wider audience.

### **3505 Items Requiring Urgent Attention**

The Chief Executive (National Park Officer) advised Members that, since the formal publication of the Agenda, the Authority had been notified that Mr and Mrs Darwall have applied to the Supreme Court for permission to appeal the Court of Appeal decision. As the report relates to ongoing legal proceedings it is proposed to take it in Part II proceedings after Item 11 of the Agenda.

### **3506 Public Participation**

The Chair invited Mr S Rowe, who had registered to speak at the Authority meeting, to address Members.

Mr Rowe stated that he was accusing the Authority of not following due process as set down in the Development Control Charter where it states *“When necessary, a site meeting can be arranged before an application is submitted; it will normally be possible for such a meeting to take place within 10 working days of it being requested”*. He added that he had been trying to arrange such a site meeting over a 13 year period; he had submitted three pre-applications and two planning applications, all of which had been refused. The ‘planning in principle’ application which was refused by DNPA, was upheld by the Planning Inspectorate at appeal. The next stage of the process was his submission of a Technical Design Consent (TDC) application which should be determined within a five week period.

Mr Rowe advised that, over the years he had employed three different architects and four planning consultants in an effort to comply with planning policy, but had not, during that time, been granted a face-to-face meeting with Planning Officers, in order to try to move forward with the development of the redundant reservoir in Dunsford.

He stated that the refusal notice was inaccurate in that the site was not first examined in 2021; Planning Officers had not worked with the applicant; the one objection to the TDC, from the Highways Agency, was not placed on the Planning Portal and that, if it had, his agent would have dealt with the objection straight away. He added that he had, on two occasions, requested Planning Officers to attend the site with him for the purpose of a design review panel; the invitations were refused. He asked that Planning Officers discharge their duty correctly and undertake a site visit; the Planning Inspectorate had granted permission at appeal for a home to be built upon the site.

A Member stated that, as he understood it, a site inspection was offered but that this would have meant an extension of time being required, and asked Mr Rowe to advise whether he had denied permission for the extension. Mr Rowe advised that he had refused the extension of time for determination.

The Chair thanked Mr Rowe for speaking to Members and advised him that a response would

### **3507 Statement of Accounts 2022-23**

Members received the report of the Head of Business Support (NPA/23/014).

Members were advised that, in normal circumstances, they would expect the Annual Statement Accounts and Auditor's letters to be put before them today. Officers were advised by Grant Thornton in May that there would be a delay and that, therefore, they would not meet their deadline. Bishop Fleming (new external auditors) and Defra have been advised and are aware that the delay is beyond the control of the Authority. The delay will have a significant impact on staff of the Authority as the audit will come at the same time as officers are preparing the Medium Term Financial Plan, the budget for the new financial year, together with the work and preparations needed for the new financial system which is to be installed.

Members expressed frustration and severe disappointment at the situation into which auditors have placed the Authority. The Head of Business Support advised that she, together with the Chair of the Audit & Governance Committee, had undertaken a meeting with the Chair of the Audit Commission (PSAA); there is nothing more that can be done to alleviate the position. Central Government sets the requirement for the Authority to use specific auditors.

Other Members asked that it be recorded in the minutes that the Authority's Annual Statement of Accounts 22-23 had been completed well within the deadline set.

In response to a Member query with regard to the reasons given for the delays i.e., increasing complications, reducing quality of drafting accounts, the Head of Business Support advised that the quality of the Authority's Accounts had not reduced; the complexity of audit had increased in that assets and pensions now have to be tested – this was a government requirement. Members were in agreement that the Authority was no in way to blame for the delays, stating that, in their opinion, it was outrageous for the auditors to state this.

The Chief Executive (National Park Officer) advised that the Authority had never had any issues with external auditors; the Authority had always received a glowing report each year. The situation had been created by central government and the implications were two-fold, the first being in respect of the general public being unable to see an agreed set of accounts for 2022-23 and the second being for officers of the Authority – they will face a difficult situation as the audit will take place during a time when they will be working on the Revenue Budget and the Medium Term Financial Plan.

Members expressed their dissatisfaction with the whole situation and asked that a way be sought to reinforce the meeting held with the Chair of the Audit Commission (PSAA).

Mr Cooper proposed the recommendations, which was seconded by Mr McInnes.

**RESOLVED:** Members:

- (i) Noted the reasons for delays with the 2022/23 Statement of Accounts; and
- (ii) Noted the slides provided by the External Auditors, Grant Thornton.

The Chair thanked the Head of Business Support and asked that any feedback received be passed on to Members.

**3508 Government consultation on additional flexibilities to support housing delivery, the agricultural sector, businesses, high streets and open prisons, and a call for evidence on nature-based solutions, farm efficiency projects and diversification**

Members received the report of the Acting Head of Forward Planning and Economy (NPA/23/015). The Head of Development presented to Members in the absence of the Acting Head of Forward Planning and Economy.

Members were advised that the Permitted Development Regime sets out what development can take place without the need for planning permission. The system is complicated and can range from what someone can do with regard an extension, to allowing a new dwelling, to what development can be done within an agricultural holding, what can changes of use can take place. The theme of the consultation is based on the possibility of loosening the Regime and giving people the opportunity to undertake works without having to go through the formal planning application process. The consultation covers a number of items within the Regime; in general though it is about allowing increased flexibility and support housing delivery. The government has a commitment to meeting very high housing delivery standards across the country. At present, the Regime recognises that in protected landscapes, (Article 2(3) land), there is a different regime in that it has always been acknowledged that in order to protect the special character and qualities of protected landscapes, there is a need for a less generous permitted development regime, from extensions to houses, changes in use, types of farm diversification etc.

The proposals being consulted on include an extension of permitted development rights (PDR) within National Parks. Officers have real concerns about these proposals.

Examples of the changes which would have a dramatic impact within the National Park were detailed as follows:

- Class E - allowing for business buildings to be changed into dwellings without necessarily needing planning permission; increase in floor areas; removal of the three year current requirement prior to changing from business to residential use; hotels and guesthouses to dwellings; mixed use Class E to dwellings.
- Class Q - One of the most important proposals for the National Park is the allowance for the change of use of agricultural buildings, both historic and modern, to residential use. The proposals would also widen the regime to include equestrian or forestry buildings. Officers feel that this could potentially impact substantially on the National Park and are of the opinion that far from assisting with the housing crisis, the newly created dwellings would become open market properties and be highly sought after, carrying a high price and therefore not 'affordable'.

- Change of agricultural buildings to more commercial uses, e.g., outdoor sports recreation uses. The Authority's Local Plan is already quite generous on this aspect; the policies do however focus on the retention of the stock of historical buildings on Dartmoor and not the conversion of inappropriate or modern buildings.

Should the proposals go ahead as set out they would have a significant impact on the Authority's delivery of affordable housing. Using current figures, the proposals could, for example, result in an additional 5000 dwellings on Dartmoor, some of which would be positioned in unsustainable locations. The Local Plan policies are based on having undertaken extremely rigorous evidence gathering and public consultation and allowing for 65 dwellings on Dartmoor per annum. The Authority is meeting this target.

The National Park has a vibrant but fragile economy in some of the smaller settlements, e.g., Ashburton and Chagford where there is an assortment of local traders, some of whom are struggling to maintain viable businesses. If the proposals were to go ahead, some could be tempted to change to residential use which would have a deep impact on the whole community.

National Park colleagues across England are already raising concerns. It is proposed that Dartmoor National Park Authority makes a response to the consultation. There is also a co-ordinated response from National Parks England.

In response to queries raised by Members, the Head of Development Management advised the following:

- The closing date for responses to the consultation is 25 September 2023;
- The proposals, if agreed, would have a substantial impact on, and would undermine, the Local Plan;
- the Authority is currently required to carry out reviews of the Local Plan; if the proposals were agreed then officers would need to take them into account which could cause an inordinate amount of work;
- Regarding the proposed loosening of the regime to allow the same permitted development inside the National Park as outside, it was felt that the Authority should object to these as there would be substantial impact on the National Park;
- The consultation is also asking for evidence on nature based solutions, farm efficiency and farm diversification – this will come from the evidence which had been gathered during the examinations undertaken when writing the Local Plan. Other evidence will be taken from the Management Plan. The Authority may be able to be a little more positive in respect of this.
- The Chief Executive (National Park Officer) advised that if the view of Members was that officers should formally object to the proposals, Members would be provided with a copy of the final submission. This could be used as an aide memoire should Members meet with local MPs.
- Conflict - The Chief Executive (National Park Officer) advised that Parliament designated National Parks in England and Wales as examples of our finest landscapes. They came out of World War II, identified by a succession of government reports. Landscape quality is at the heart of National Park designation, as is providing opportunities for members of the public to enjoy those outstanding landscapes. Government departments are subject to a

requirement under Section 62 of the Environment Act 1995 to have regard to National Park Purposes in regard to service of their function. In his opinion, it was hard to see how these proposals work with a positive interpretation of the Section 62 duty as the proposals were potentially extremely harmful to National Parks.

Mrs Morgan proposed the recommendation, which was seconded by Mr Sanders.

Members commented on the consultation proposals as follows:

- The idea of having a Class E and Q allowing business premises, shops, hotels etc to change to residential is extremely worrying for the National Park. A clear message should be sent objecting to these proposals;
- As a country we should be asking 'do we want our National Parks?' – all of the proposals within the consultation are saying that they are not wanted. In our response, officers should provide evidence of Why the Authority is objecting;
- Local people would be priced out of the market; converted shops, agricultural buildings etc would go to the highest bidder, potentially as second homes which would achieve nothing in solving the housing crisis;
- The National Parks answer to Defra, they distribute the annual National Park Grant in order that National Parks can uphold their purposes - what are they doing to respond, as a government department, to another government department;
- It is extremely important that Members engage with local MPs. They should all be aware of this issue and the potential threat to the National Parks as they are today.
- A reaction from the government due to it not being able to meet its own top down housing targets. The idea of making it more affordable for people to purchase their own home has been failing for decades; if the proposals were to go through the National Parks would lose what makes them special.

Mrs Morgan suggested that Members should go further and oppose these proposals in their entirety. She proposed a third recommendation as follows:

*'(iii) Authorise the Chair to write to the National Parks Minister in Defra, highlighting the Authority's concerns and opposition to the proposed changes within the consultation.'*

Mr Sanders seconded the recommendation, but emphasised the following, asking that fine balances are achieved within in the Authority's response, rather than it be completely negative:

- Not every single proposal within the consultation is negative;
- Part of the role of the Authority is to support and promote agriculture, which includes farm diversification;
- There is currently a national directive regarding the regeneration of town centres and a desire to return to more people living within the centres, above shops etc.

**RESOLVED:** Members agreed the additional recommendation, as detailed above.

**RESOLVED:** Members:

- (i) Noted and accepted the contents of the report;
- (ii) Delegated authority to the Chief Executive (National Park Officer), in consultation with the Chair, to agree the final consultation response; and
- (iii) Authorised the Chair to write to the National Parks Minister in Defra, highlighting the Authority's concerns and opposition to the proposed changes within the consultation.

In response to a further question from a Member, the Chief Executive (National Park Officer) confirmed that National Parks England is the representative body for eight of the 10 National Parks in England. The eight Chief Executives of those National Parks are unanimous in their opposition to these proposals; their advice to the Chair of National Parks England is that a letter should be sent to the Secretary of State responsible for Levelling Up and Communities, and to the Secretary of State for the Environment Food and Rural Affairs highlighting our concerns. Consideration is also being given to a recommendation that an open letter may be sent to the Times, also the importance of the Planning System as a positive tool for managing development within the countryside.

**3509 Conservation Area Review**

Members received the report of the Building Conservation Officer (NPA/23/016).

A Conservation Area is a special area, designated for its architectural or historic interest. Conservation Areas are designated heritage assets which means that special attention is required when considering development proposals or Local Plan proposals. Section 1 and paragraphs 2.1 to 2.6 of the report provide further background information.

The Authority itself has a duty to formulate and publish proposals for the preservation and enhancement of Conservation Areas. This includes a Conservation Area Appraisal which looks to establish the character of an area. Ideally, every appraisal and boundary should be reviewed every five years.

A technical review has been undertaken. The review of current conservation area appraisals investigated four areas: whether an area still merits inclusion; any significant development; any impact of the Local Plan; any significant inaccuracies.

From the assessment, there are no changes proposed to the boundaries or the Conservation Area Appraisals at this time.

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

A Member commented that the role of the Building Conservation Officer not only consists of Listed Building Consent applications but is also heavily involved with what is a very detailed process to ensure that our Conservation Areas are correct. Members thanked the Building Conservation Officer for her hard work.

**RESOLVED:** Members:

- (i) Noted the result of the technical review; and

- (ii) Agreed that the 25 conservation area appraisals are up to date as of 1 September 2023.

### **3510 Sister Park Agreement between Cuyahoga Valley National Park (United States of America) and Dartmoor National Park Authority**

Members received the report of the Chief Executive (National Park Officer) (NPA/23/017). He thanked Mr Harper, Deputy Chair, for his hard work which has achieved Dartmoor National Park the status of Sister Park with Cuyahoga Valley National Park. The Sister Park model is the initiative of the US National Parks Service; the Service is a federal agency, part of the US Department for the Interior. Their governance model is very different to that of the Dartmoor. There is no local governance of the US National Parks.

The purpose of the Sister Park agreement is to provide a framework for collaboration. There is no funding pot specific to Sister Park agreements; both signatories have to fund any collaboration from their own resources or seek external funding. A number of areas have been identified for potential collaboration, including Volunteers, Outreach, Visitor Management, Ranger Service, Agri-Environment and Conservation Management. We are interested in how they are funded; in particular, the US National Park Foundation which is a charity with a very high reputation and a success record of securing commercial sponsorship and voluntary donations which we could learn a lot from. Cuyahoga is unusual in US National Park terms in that it is free to enter; a pass or permit is not required; land within the National Park is owned by their officers are interested to see how Dartmoor National Park works and how the Authority is funded.

Most of the collaboration will be via Teams. There is no substitute for face to face collaboration and there are talks taking place regarding the possibility of a trip to the US in Spring 2024. The cost of the trip would need to be budgeted for in the staff training budget; there may be possibilities of external funding.

The Chief Executive (National Park Officer) stated that the recommendations are as set out, with one important amendment to recommendation (ii) in that Members should be asked to delegate authority to agree the final Sister Park Agreement to the Chief Executive (National Park Officer), in consultation with the Chair and Deputy Chair of the Authority.

In response to a Member question, the Chief Executive confirmed that there could be scope for Members to take part in collaboration.

Mrs Morgan proposed the recommendations, which were seconded by Mr Cooper.

Member debate raised the following comments:

- A fabulous opportunity. Dartmoor is the first National Park within the UK to do this. Any opportunity to learn how other National Parks work in other countries is a bonus. Of particular interest would be how Cuyahoga manages its visitors.
- This could be a way to attract funding; it is something completely different and something that has not been done before.
- This would not have a huge cost implication for the Authority. Use of the staff training budget would be very legitimate.

- A Member stated that they would be more than happy to fund themselves to make the trip.
- Blended finance – it would be interesting to see how Cuyahoga does this.
- The report states that Cuyahoga attracts over 2 million visitors per annum. The Chief Executive (National Park Officer) advised that Dartmoor receives 2.4 million visitors a year according to the STEAM model (which only accounts for visits over four hours); Exeter University’s research undertaken for the NPA looked at shorter visit and reported 18 million visitors to Dartmoor.
- Regarding staff development, the Chief Executive (National Park Officer) advised that the Authority is always seeking to learn from other professional groups, National Parks within the UK etc, as well as the new opportunity to learn from Cuyahoga Valley National Park. The Sister Park offers an opportunity to learn in a very different context and will add value to staff learning; it will not replace what is already done.
- Another Member requested that it be made clear to the public that if Members were to join a trip to Cuyahoga it would not be at the expense of the Authority; their trip would be self-financed. Public funds would not be used to pay for a Member of the Authority to visit the Sister Park. Members could always seek external funding, sponsorship etc.

The Chair invited Mr Harper to report back to Members. He advised that Cuyahoga means “crooked river” in native American. When he first set out on this journey 2.5 years ago his main aim, aware of the fact that organisations can become very insular and looking inwards, was to encourage DNPA to look outwards. He advised that he had been very lucky to spend some time in the United States with the Head of the National Parks Service, America. He had suggested that the Sister Park status could be the way forward; what followed was a report on all things good about DNPA being distributed to all 74 of the USA’s National Parks; Cuyahoga Valley National Park saw many similarities between itself and Dartmoor. Their Superintendent and our Chief Executive have held several Teams meetings and both see huge learning opportunities for both. By gaining Sister Park status, Dartmoor NPA has now gained access to the US National Park Service. This means that all of their Climate Change, Environmental Management information is now available to Dartmoor officers. This is a feather in Dartmoor’s cap.

With regard to the use of the staff training budget to fund staff visits; he advised that he had always viewed this as a bursary scheme in that staff should always show evidence of what they want to learn and achieve.

**RESOLVED:** Members:

- (i) Endorsed the principle of a Sister Park agreement between Cuyahoga Valley National Park (United States of America) and Dartmoor National Park;
- (ii) Delegated authority to agree the final Sister Park Agreement to the Chief Executive (National Park Officer), in consultation with the Chair and Deputy Chair of the Authority; and
- (iii) Noted a potential visit to Cuyahoga Valley National Park in Spring 2024.

### 3511 Annual Review 2022-23

Members received the report of the Head of Communications and Engagement (NPA/23/018). The Director of Conservation and Communities presented the report to Members in her absence.

He advised Members that the Annual Review, detailing the Authority's work undertaken within the financial year, is submitted to Defra. It provides the Authority with an opportunity to report its work in a less formal way. It is a summary document which reports key achievements. The Review will be submitted following this meeting, subject to any further comments from Members.

The Authority welcomed the additional of the £440k grant from Defra. However, Members were reminded that this was a 'sticking plaster' and did not alter the significant issues around funding.

The year came with significant challenges including the High Court case in respect of backpack camping, a new planning system and the continued adjustment to the work/life balance following Covid – not only for staff but also for visitors and the community within the National Park. Against this the Authority delivered a good number of tasks, not only through its own teams but also through partnership working with bodies such as the Woodland Trust, South West Lakes Trust and the National Trust.

A Member commented that the Annual Review was a very comprehensive document of what the Authority has achieved during the past 12 months. The National Park Authority is underfunded and understaffed but still manages to achieve so much. He felt that efforts should be re-doubled to advise the public of what the Authority undertakes.

Following a Member query, the Director of Conservation and Communities confirmed that the launch of the new Walking App was imminent following successful testing.

It was confirmed that the Head of Communications and Engagement has full authority to promote the activities of the Authority and has been doing so with considerable interest from the Press.

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

**RESOLVED:** Members noted the report and the Annual Review 2022/23.

The Director of Conservation and Communities confirmed that the Annual Review is sent to local MPs and that Members would be notified when this had been done. The final report would also be sent to all Members.

### **PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED**

The Chair read the recommendation to take the following item under Part II conditions:

*It is recommended that, in accordance with s.100A of the Local Government Act 1972 as amended, the following Agenda item is taken in the absence of the Press and Public, on the grounds that exempt information within the meaning of Part I Paragraph 1 & 2 to Schedule 12A of the 1972 Act (as amended) will be discussed, namely:-*

1. *Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.*

It was proposed by Mr Thomas, seconded by Mr Harper and agreed by all Members that the meeting would move into Part II proceedings.

**3512 Application by Mr and Mrs Darwall to the Supreme Court of the United Kingdom for permission to appeal the Court of Appeal judgement in the case between Dartmoor National Park Authority and Mr and Mrs Darwall and Open Spaces Society (Ref. CA-2023-000229).**

Members received the report of the Chief Executive (National Park Officer) (NPA/23/019).

**RESOLVED:** Members:

- (i) Authorised the Chief Executive (National Park Officer), in consultation with the Chair of the Authority, to take all necessary action to object to the application submitted by Mr and Mrs Darwall for the above case to be heard by the Supreme Court and, should permission be granted to ensure the Authority is represented in the Supreme Court.
- (ii) Instructed the Chief Executive (National Park Officer) to keep the Authority appraised of the potential financial, practical and policy implications of the ongoing legal action.

It was proposed by Mr Sanders, seconded by Mr Thomas and agreed by all Members that the meeting would return to Part I proceedings.

The meeting closed.