

## DARTMOOR NATIONAL PARK AUTHORITY

3 October 2014

**PROPOSED DIVERSION OF PUBLIC FOOTPATH NO. 6,  
HIGHER LETTAFORD, NORTH BOVEY**Report of the Head of Recreation, Access & EstatesRecommendations: **That:**

- (i) an Order be made under Section 119 Highways Act 1980 to divert part of public footpath no. 6, North Bovey, by creating a new section of public footpath and extinguishing part of the current route as shown on the plan at Appendix 1;**
- (ii) public notice of the making of the Order be given and in the event of there being no objections within the period specified, the Order be confirmed in the exercise of the powers conferred on the Authority**
- (iii) in the event of objection(s) to the Order being received, these are reported to a future meeting of the Authority**

**1 Background**

- 1.1 In 1998, the Authority carried out informal consultations on a number of proposed diversions of footpath 6, North Bovey, including at Higher Lettaford. A Public Path Diversion Order was subsequently made and confirmed in 1999, in respect of diversions at Kendon, Lower Hookney, West Coombe and Liapa. The proposed diversion at Higher Lettaford was not pursued at that time.
- 1.2 In 2013, the property at Higher Lettaford was sold and during the conveyance process the question of the correct alignment of Footpath 6 around Higher Lettaford was raised by both the sellers and vendors. Public access at Higher Lettaford has been ambiguous. It would appear that a route through the farmyard and the proposed diversion route have been used on a permissive basis. The current definitive line of the footpath is not available to the public on the ground; the public have been using an unofficial alternative route and concerns have been raised by the local community regarding the merits of opening up the legal line. Following discussions with the local community, local user groups and the new owners, a diversion of the definitive route to an unofficial route which is currently being used by the public has been offered. This presents an opportunity to resolve a long standing anomaly regarding the alignment of the public right of way around Higher Lettaford.
- 1.3 In accordance with Section 119 (1) of the Highways Act 1980 it is within the Authority's discretion to make an Order if it appears to the Authority to be expedient to do so in the interests of the public or of the owner, lessee or occupier of the land crossed by the path.

1.4 Where objections to the making of an Order are made and not withdrawn, the Order will fall to be confirmed by the Secretary of State. In considering whether to confirm an Order the Secretary of State will, in addition to matters discussed at 1.3 above, have regard to:

- Whether the path is substantially less convenient to the public as a consequence of the diversion;

and whether it is expedient to confirm the Order considering:

- the effect that the diversion would have on the enjoyment of the path or way as a whole;
- the effect that the coming into operation of the Order would have as respects other land served by the existing public right of way;
- the effect that any new public right of way created by the Order would have as respects the land over which the rights are so created and any land held with it.

1.5 Where there are no outstanding objections, it is for the Authority to determine whether to confirm the Order in accordance with the matters referred to in 1.4 above.

1.6 It is considered that the proposed diversion is in the interests of the public because the current definitive line of the footpath passes through a hedge boundary and down a bank, and is currently unusable by the public. The alternative route is one that is currently in use by the public on an unofficial basis.

1.7 The diversion is offered by the owners to address the concerns of the local community who do not want the definitive line to be opened up through an established hedgerow. The diversion is offered on the understanding that the owners of Higher Lettaford do not incur the costs of making and advertising the diversion order. All of the land affected by the proposal is within the ownership of Higher Lettaford.

## **2 Existing route**

2.1 Footpath 6 North Bovey, is shown as a bold solid line A-B on the plan and proceeds from point A through a field boundary in a generally northerly direction for a distance of 14 metres and down a bank to join bridleway 20. As described in paragraph 1.2, it is not possible to walk this section of footpath as it passes through an established hedgerow and down a steep bank to join the bridleway.

## **3 Proposed route**

3.1 The proposed new route is shown on the plan as a bold dashed line (A-C-D) on the attached plan. The new route would start at point A and continue along the edge of the field in a generally easterly direction for a distance of 51 metres to rejoin the existing bridleway at point D. An existing stile at point C would be replaced with a self-closing hand gate.

3.2 The new route (A-C-D) would have a recorded width of 2 metres.

- 3.3 The new route would only come into operation on the date of confirmation of the diversion Order and the existing right of way would only be stopped up on the date when the new path is certified as suitable for public use.

#### **4 Accessibility and convenience issues**

- 4.1 The new route is through open pasture and along a firm, wide access track from the road, which is considered to be more convenient for the public. Even if the existing route through the hedgerow were to be made available, users would still need to negotiate a steep bank, which would require the installation of steps due to the gradients of the site. A gate to replace the existing stile at point C will be installed in accordance with the Authority's policy for gaps, gates and stiles on public rights of way.
- 4.2 The length of the existing route to be diverted is 14 metres, whilst the proposed new route will be 51 metres. The additional length of the route is not considered to be substantially less convenient to the public.

#### **5 Informal consultation**

- 5.1 Pre-order consultations on the proposed diversion of the public right of way have been undertaken with user group organisations, statutory undertakers, local community groups and other interested parties. A total of ten responses were received supporting the proposal and stating that they considered the proposal to be sensible and expedient. No objections were received.

#### **6 Accommodation works**

- 6.1 The new route will require the installation of a roadside fingerpost and the replacement of the existing stile with a self-closing hand gate for livestock purposes. These works will be carried out by the Ranger Service.

#### **7 Financial Implications**

- 7.1 The costs for making and advertising a public path diversion order, along with any accommodation works would be met from within existing access budgets. If objections are received, the Authority may decide not to proceed with the Order, or to refer the opposed order to the Secretary of State for determination, by way of written representation, a hearing or public inquiry.
- 7.2 The additional cost to the Authority would be associated with officer time to prepare for an inquiry or hearing, providing a venue and for legal representation at any inquiry. There is no risk of an adverse costs award unless the Authority is found to have acted unreasonably.

#### **8 Equality and Sustainability Impact Assessment**

- 8.1 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.

## **9 Conclusion**

- 9.1 It appears to the Authority that it is expedient to make the diversion Order in the interests of the public and the proposed route will not be “substantially less convenient” than the existing route.
- 9.2 Any objections received during the formal consultation process and not subsequently withdrawn, will be reported to the Authority in due course for decision whether to seek confirmation of the Order (see para 1.4).

ANDREW WATSON

**Attachments: Appendix 1 – Informal consultation site plan**

20141003 AW Footpath Diversion – Higher Lettaford

# DARTMOOR NATIONAL PARK AUTHORITY PROPOSED PUBLIC PATH DIVERSION FOOTPATH 6 NORTH BOVEY



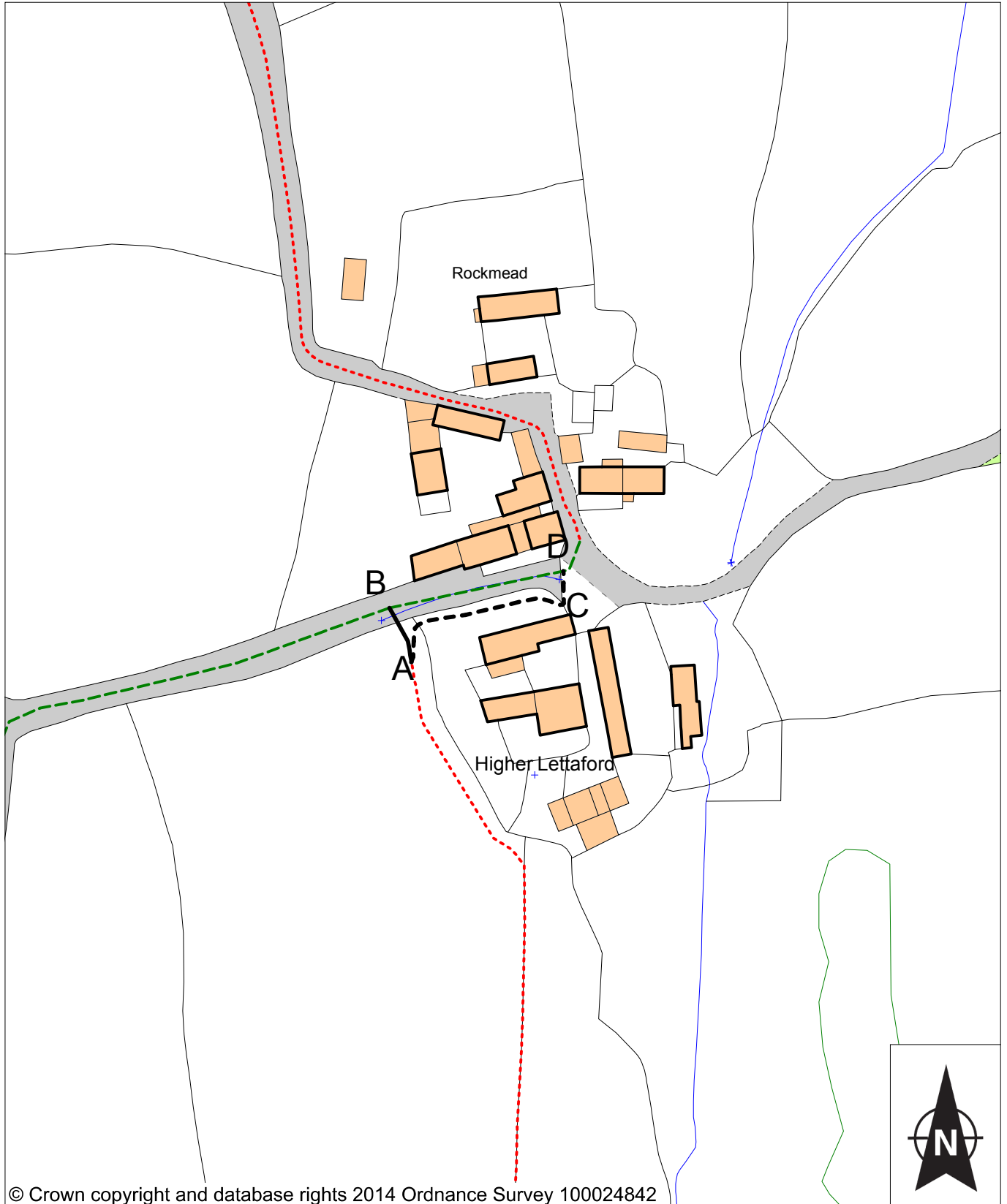
DIVERTED ROUTE    - - - - -  
EXISTING ROUTE    \_\_\_\_\_

File No. North Bovey 6

Date 23/09/2014

Grid Ref. SX7014 8401

Scale 1:1250



DARTMOOR NATIONAL PARK PLANNING AUTHORITY

3 October 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: 14/0024            3 Fullaford House, Buckfastleigh            SX 7333 6585**

Application to crown lift and crown reduce a mature beech tree. The works will have minimal impact on the health and appearance of the tree. Consent was granted subject to the following conditions:

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.

**Ref: 14/0025            52 Miners Yard, Ashburton            SX 7604 7036**

Application to coppice a willow tree. The tree is suppressed and in poor condition. Consent was granted subject to the following conditions:

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.
3. The coppice stems are allowed to regrow after cutting.

**SECTION 211 NOTICES**

**West Devon**

**Ref: 14/0026            Froggy Cottage, Drewsteignton            SX 7359 9094**

Notification to fell a semi-mature sycamore. A dominant stem has collapsed and there is a high risk of further branch failure and the tree poses an unacceptable risk to an adjacent building.

A Tree Preservation Order has not been made.

**Ref: 14/0027**

**Roscrea, South Zeal**

**SX 4804 8134**

Notification to fell a semi-mature cypress. The tree is growing very close to a dwelling and, if retained, may damage the property. The felling will have minimal impact on the character of the Conservation Area.

A Tree Preservation Order has not been made.

**Ref: 14/0028**

**Church House, Throwleigh**

**SX 6680 9078**

Notification to fell a holm oak. The tree is in very poor condition with a large basal cavity.

A Tree Preservation Order has not been made.

### **Teignbridge**

**Ref: 14/0029**

**5 Stapledon Lane, Ashburton**

**SX 7553 6998**

Notification to fell a willow. Part of the tree has collapsed and the remaining tree is in poor condition.

A Tree Preservation Order has not been made.

**BRIAN BEASLEY**

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

**Friday 16 August 2014**

**Present:** Members:  
J Nutley (Chairman), P Harper, D Lloyd, J McInnes, M Retallick, P Vogel

Officers:  
Stephen Belli (Director of Planning)  
Alison Kohler (Director of Conservation and Communities)  
Donna Healy (Head of Resources)  
Neil White (Head of Human Resources)  
Andrew Watson (Head of Recreation, Access & Estates)  
James Aven (Planning Team Manager)  
Simon Lee (Sector Ranger)

R Blackshaw - observing

**Apologies:** P Sanders, J Shears

**355 Minutes of the meeting held on 16 May 2014**

The Minutes of the meeting held on 16 May 2014 were signed as a correct record.

**356 Declarations of Interest**

None

**357 Items Requiring Urgent Attention**

None

**358 Public Participation**

None

This being the first meeting of the A&G Committee since the Authority's AGM in July, the Chairman congratulated Mr Peter Harper on being elected as Authority Chairman. He also welcomed Claire Uffindell & Geraldine Daly from Grant Thornton, Gemma Beringer (DNPA) and Matthew Kent (student placement from Bicton College) to the meeting.

**359 Annual Statement of Accounts 2013/14**

Members received the report of the Head of Resources (NPA/AG/14/046)

There are no significant changes to the format, or content, of the Statement of Accounts to report this year. However, the Authority has applied one change of accounting policy which relates to the presentation and disclosure of



post-employment benefits. Overall, measurement of the Authority's net pension liability has not changed.

Whilst aspirations & ambitions remain, the practical capacity to deliver has dropped significantly due to reduced levels of expenditure and staffing levels, reflecting the available budget. However, with healthy reserve balances and a robust revenue budget the Authority is well positioned for the future.

The financial statements record that, as a result of careful management of resources, a reasonable level of reserves has been maintained, leaving the Authority in a sound financial position to cope with future challenges.

The Chairman thanked the Head of Resources and her team for all their hard work.

A Member queried whether there were adequate resources in the pension fund.

The Head of Resources replied that a pension fund valuation had taken place last year. Contributions are unchanged and the Authority has been advised by an Actuary, and Section 151 Officer, that we are moving in the right direction.

A Member queried heritage assets and what headway had been made with regards Higher Uppacott.

The Director of Conservation & Communities responded that, funding through 'Moor than meets the eye' will be used to improve the fabric of the building and increase visitor numbers. A longer term ambition is to develop a trust to support the future of Higher Uppacott. It was agreed that this matter would be discussed at the spring meeting of the Park Management Working Panel.

Two Members wanted their thanks to the Head of Resources and her team to be minuted. "To get a budget and surplus in these challenging times is not to be underestimated – thank you."

**RESOLVED:** (i) Members noted the content of the report; and  
(ii) Agreed that the Statement of Accounts go before the Authority Meeting on 5 September for approval.

### **360 Human Resources Service – Annual Report 2014**

Members received the report of the Head of Human Resources (NPA/AG/14/047)

The aim of the report was to provide Members with an overview of activity within the HR service.

Following interim arrangements made in 2014, the Head of Human Resources is now responsible for managing the complaints procedure, handling compliments and leading on the equalities agenda.

The Head of Human Resources provided an overview of progress regarding performance management, in particular the ongoing phased introduction of the competency framework. He also advised Members that, with positive support from the Leadership Team, the new methodology for managing project (Parke House

Project Management) has improved communication and understanding when planning work.

Working in partnership with Teignbridge District Council and others, the Authority provides access to a wide programme of training. The E-Academy (e-learning) Partnership goes from strength to strength, with two other National Parks (Exmoor and Yorkshire Dales) joining this year.

Apprenticeship opportunities are being explored, and a Business Administration Apprentice will be recruited later this year.

The HR Service also leads on ensuring equality issues relating to all aspects of employment are considered

A health & safety service level agreement (SLA) continues, with Teignbridge DC, this includes an appointed Health & Safety Adviser working from Authority premises for two days a month.

The Head of HR provided an overview of compliments and complaints received from 2013/14 to date. He wanted Members to note the high number of compliments received across the Authority. He also drew their attention to the annual review letter from the Local Government Ombudsman, stating that for the year ending 31/3/14, they had received only four complaints in relation to the Authority, all pertaining to planning & development; none of which were upheld.

The effective management of sickness absence remains a priority and HR continues to proactively support all staff when dealing with short and long-term absences.

The Chairman expressed his thanks to the Head of Human Resources and his team for their efforts, particularly in supporting staff and managers through such stressful times.

On behalf of the Dartmoor Commoners' Council, a Member wanted to personally thank the Head of Human Resources, and his team, for the help and advice they had given to the Council during recent staff recruitment. The Council, and he, had been very impressed with their work.

A Member wanted to ensure that when taking on apprentices, HR ensures the type of candidate the Authority requires is employed, and not just those that colleges put forward.

The Head of HR confirmed that this was already the case.

It was suggested that some of the comments and compliments received should be uploaded on to the Authority's website home page for all to see. The Head of HR agreed and would follow this up with the Communications Team.

Another Member was delighted that Teignbridge District Council and Dartmoor National Park Authority are working together on managing events on Dartmoor. He felt it should be 'flagged up' so that people can see how/where these events originate.

In one Member's view, Human Resources is the engine house that keeps the machine working and the way the Head of HR and his team have managed the recent changes is exemplary. He congratulated the HR Service for their efforts.

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

James Aven joined the meeting.

**361 Quarterly Performance Report – progress on Implementing the Business Plan 2014/15**

Members received the report of the Director of Conservation & Communities (NPA/AG/14/048)

The aim of the report was to inform Members of the progress towards implementation of actions within the Business Plan.

The Director of Conservation & Communities stated that, rather than report progress against all the key actions, she had highlighted the 'exceptions' ie those actions where progress was delayed, or causing concern. Generally, progress towards implementation of key actions is good and the only areas causing concern are:

- Preparation of a new Minerals Local Plan;
- Superfast Broadband;
- Masterplanning;
- Consideration of options for car park charges on sites operated by the Authority; and
- Retail strategy for the Visitor Centres.

She continued by saying that Moor than meets the eye is starting to pick up and that permission for a start was expected later that day.

At this point, performance against key indicators is showing no cause for concern.

The Chairman thanked the Director of Conservation & Communities for her very concise and informative report.

With regards the Ashburton Masterplan, one Member welcomed the fact that officers have listened to the residents and was delighted that, in future, he could direct the people of Ashburton to item 2.1 of the report and tell them "look, the Park has listened to you".

Another Member stated that all the people he had spoken to, who were directly affected by the Masterplan, were impressed that officers appeared to have listened to their views.

The Director of Planning thanked the two Members concerned for their comments and advised the others that a further update on Masterplanning would be given at the Planning & Sustainable Development Management Working Panel on 22 August.

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

## 362 Review of Function & Delivery of Public Rights of Way Work

Members received the report of the Head of Recreation & Estates (NPA/AG/14/049)

The Authority manages the public rights of way (PROW) within the National Park, on behalf of the local highway authority (Devon County Council), via a service level agreement (SLA). A Member/Officer Working Group was recently established to undertake a review of our responsibilities under the SLA.

The aim of the report was to provide an update on the work undertaken thus far; highlight key issues; and identify likely areas for change. The benefits for, and possible implications of continuing with the SLA were also highlighted.

There appear to be three options.

- Maintain the status quo with DNPA continuing to subsidise the work through officer time and occasional project funding;
- Discontinue the SLA and hand responsibility back to DCC;
- Maintain the SLA but look for further savings in costs to the Authority and in doing so, consider renegotiating provision of the SLA.

The Working Group is of the view that the SLA be continued, but the review should identify how to significantly reduce costs to the Authority. To that end, the Group has undertaken initial work looking at options for doing this.

Members were asked to discuss the options in the report. The Working Group would then undertake a cost benefit analysis and provide a costed programme of activities for discussion and approval at the November meeting.

A Member was of the opinion that we should stick with the SLA, but we should be realistic. Like all authorities, Devon County Council is suffering from financial restrictions and whether the SLA is in place or not, members of the public would come to DNPA with any complaint regarding access. He continued by saying that the Authority should be grateful to take anything that DCC can give and that responsibility for the PROW should be kept in the National Park. "Although it is good to engage with volunteers, dealing with them takes time and money. Lack of funds hits all sorts of things that need doing, but we should not be unrealistic. More volunteers potentially leads to more phone calls, and more officer time being taken up. There has to be a balance of what we can do – it has to be incredibly organised so that we, and they, can achieve good outcomes."

### **RESOLVED:**

Members agreed with the preliminary findings of the Review to keep the SLA and asked officers to undertake a cost benefit analysis of the options to reduce costs to the Authority.

## 363 Planning Directorate Performance Report – Quarter 1 (April – June 2014)

Members received the report of the Director of Planning (NPA/AG/14/050)

The Planning Team Manager took Members through the figures in the report and hoped they would view them as a 'good news' story.

Members had no questions regarding the Quarter 1 figures for minor applications, or appeals, and congratulated those in the Planning Directorate for their hard work. The Planning Team Manager continued with an update of enforcement cases, of which 80% had been resolved without the need of action being taken and Members were of the opinion that this should be publicised for all to see.

The Director of Planning continued by giving a snapshot of the work of the Forward Planning Team and advised that updates on both the Ashburton and Chagford Masterplans would be given at the forthcoming Planning & Sustainable Development Working Panel meeting on 22 August.

A Member stated that he wanted to congratulate the Communities Officer for her work on seeing the removal of the last of the overhead pylons on Walkhampton Common and to the Head of Communications and her team for their work in publicising the event. He stated it was good for the Authority to be seen doing something for the environment.

Another Member referred to the housing development at Holne and how pleased he was to see, and hear, the good publicity and positive outcome now the project was complete, following the adverse publicity that had surrounded it in the beginning.

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

#### **364 Charging for Pre-Application Planning Advice**

Members received the report of the Director of Planning (NPA/AG/14/051)

The report set out the business case pertaining to potential pre-application charges and included a draft charging schedule and a list of exemptions.

The Director of Planning spoke of the advantages and disadvantages of charging for pre-application advice and the importance of monitoring impact and potential workloads.

Householder pre-application enquiries are the highest number received however, in his view, charging for this type of enquiry would be a backward step. The proposal is not to charge householders for pre-app advice but ensure officers limit any time spent on these enquiries to two hours maximum without a site visit.

He felt planning agents accept that charges will be levied for pre-app advice on commercial or residential type developments. Some neighbouring authorities have a sliding scale of fees based on numbers of residential units, which makes sense when compared to the rise in development land values.

Currently, there is no charge for pre-app advice on Listed Building Consent and it is considered that to introduce one could be problematic and lead to poor quality applications being submitted, or work being carried out without permission. However, there could be a distinction drawn when a site visit is needed. Members agreed a charge could then be levied.

Any specific advice regarding trees on potential development sites can be incorporated as part of the charges levied for residential/commercial development. Members were keen to ensure we do not offer free advice on minor works, such as pruning.

The Director of Planning concluded by asking for Members' for views on whether the Authority should proceed with charges; their thoughts on the proposed fees and exemptions; and finally, the payment method proposed.

One Member suggested offering an initial 'free session' on the understanding that thereafter a fee would be charged. It should also be stipulated that the 'free session' would not include a site visit.

Members agreed that charging for pre-application advice on large developments, where planning permission would lead to an appreciation in the value of the land, was fair.

A Member stated his dislike of the idea that householders might use a 'free session' as a way of getting advice for information other than pre-application advice. He could not see a problem with charging for Listed Building pre-application advice. If officers had to research something, there should be a charge, but this could be discretionary.

Members were happy for householder advice to be done as a desk top exercise initially, with a charge being levied for site visits. They felt officers should not be pressurised into giving advice if they were unhappy to do so without the advantage of a site visit. It should also be made clear that officers may not be able to give pre-app advice without a site visit, particularly on listed buildings.

It was agreed that an upfront fee, payable on line, would be the best solution. It was noted that if invoices were raised and cheques received the administration costs would rise.

Members also concurred that it should be made very clear to people that just because pre-application advice had been paid for, it would not automatically follow that an application would be approved.

The Director of Planning thanked Members for their comments and will now prepare a report for the Authority meeting in September.

- RESOLVED:**
- (i) Members considered the report and draft charging schedule; and
  - (ii) Agreed that a report be put to the September Authority meeting to approve a public consultation paper based on the charging schedule and recommendations contained with the report.

The Chairman concluded by thanking the Head of Resources for her work in undertaking extra duties since the retirement of the Director of Communications and Business Support.

The meeting closed at 12:35