

DARTMOOR NATIONAL PARK AUTHORITY

Friday 4 September 2015

Present: G Gribble, J Christophers, P Harper, P Hitchins, S Hill, J Hockridge, J Kidner, J McInnes, I Mortimer, D Moyses, C Pannell, M Retallick,

Apologies: K Ball, S Barker, M Jeffery, D Lloyd, N Oakley, P Sanders, D Webber


3103 Minutes of the Authority Meetings

The Minutes of the meeting held on 5 June 2015 were agreed as a correct record.

The Minutes of the annual meeting held on 3 July 2015 were agreed as a correct record.

3104 Declarations of Interest

Mr Christophers declared a personal interest in the tabled item – Ashburton Masterplan.

 Mrs Pannell declared a personal interest in the tabled item – Ashburton Masterplan – due to her being a voluntary working member of the Ashburton Railway Association. She advised that she would not take part in the discussion and would not vote.

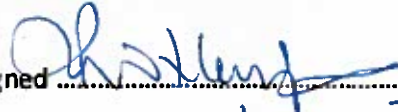
3105 Items requiring urgent attention

Ashburton Masterplan – The Head of Legal and Democratic Services presented his report to Members. He advised that the recommendation was in two parts:

- (i) Resolve to rescind the decision of 3 July 2015 to approve the Ashburton Masterplan, on the basis that legal advice has been received that the Masterplan should be prepared and presented for adoption as a Supplementary Planning Document; and
- (ii) Agree to the series of actions set out in the report to take forward the preparation of a Masterplan for Chuley Road, Ashburton.

A letter, from Richard Buxton Environmental and Public Law Solicitors, on behalf of the South Devon Railway Trust, expressed concern that the Authority had failed to adhere to correct procedure. In addition, South Devon Railway Trust reserved the right to seek permission from the Courts to judicially review the Authority's decision.

Cornerstone Barristers, London were instructed to advise the Authority on this potential legal challenge. Counsel advised that the Masterplan does not need to be prepared as a DPD as the policy framework is already provided in Proposal ASH2 of the adopted Development Management and Delivery DPD (the DMD). The advice from Counsel was that the Authority should consider proposing the Masterplan for adoption as a Supplementary Planning Document. In substance, the

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processes that have been undertaken meet the requirements for the preparation of a Supplementary Planning Document (SPD). However, there are some procedural omissions that need to be addressed. The actions to address these are as follows:

- Invite Members to rescind the decision of 3 July 2015 to approve the Masterplan;
- Add information to the Authority's website pages that refer to the Masterplan, and to the copies available for public inspection, to indicate the status as a final draft, pending further steps prior to finalisation;
- Undertake a review of the content and evidence base for the Masterplan to enable its adoption as a SPD;
- Prepare a formal Regulation 12 statement;
- Engage a further round of public consultation, issue copies of the Masterplan;
- Ensure that the re-issued Masterplan specifically states that it is to be a SPD;
- Consider any representations received;
- Ensure that any resolution for adoption by Members is made in accordance with s.17(8) and s.23(5) PCPA 2004;
- Upon determination, produce an adoption statement.

The Masterplan is likely to come back to Members early in 2016, following further public consultation and a fresh look at the evidence.

RESOLVED: Members:

- (i) Rescinded the decision of 3 July 2015 to approve the Ashburton Masterplan, on the basis that legal advice has been received that the Masterplan should be prepared and presented for adoption as a Supplementary Planning Document; and
- (ii) Agreed to the series of actions set out in paragraph 3.2 (ii) to (ix) inclusive to take forward the preparation of a Masterplan for Chuley Road, Ashburton.

Mr Hitchins asked that Members' thanks be recorded for the thorough and clear advice provided by the Head of Legal and Democratic Services.

3106 Chairman's Report

The Chairman reported that meetings have taken place with local MPs. Another is planned for next week, which will be attended by the Chief Executive (National Park Officer).

The Chief Executive (National Park Officer) thanked Members who were involved in securing the full involvement of the Authority in the Statement of Intent regarding Devolution published today.

3107 Public Participation

None.

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3108 Annual Statement of Accounts 2014/15

Members received the report of the Head of Business Support (NPA/15/024).

The financial outturn for 2014/15 was presented to the Audit and Governance Committee on 15 May 2015, then to Authority on 5 June 2015. The draft, unaudited, Statement of Accounts for 2014/15 were authorised for issue in June 2015 and made available for public inspection in July 2015. Grant Thornton undertook their audit in August 2015.

There are no changes to the format or content of the Annual Statement of Accounts, nor are there any changes to the outturn position or reserve balances which were reported in June 2015.

The accounts for the Authority are always prepared on the accounting concept basis of 'Going Concern'. Auditors had requested that Members and Management answered a number of questions about this issue; the responses are appended to the report.

With regard to the Pension Fund Liability, this is based on an actuarial valuation and represents the benefits accrued by scheme members. Assets and liabilities are valued on one particular day in time – a 'snapshot'. There has been strong asset performance by the Fund this year. The Actuary is currently predicting a 1-2% increase in the overall funding level at the next triennial valuation next year.

The Authority continues to enjoy a sound financial position through careful resource management, additional in-year income plus salary and efficiency savings. Once again, a reasonable level of reserves has been maintained.

No adjustments have been required following the audit and an 'unqualified opinion' is anticipated.

Mr Hitchins proposed the recommendations, which were seconded by Mr Gribble.

RESOLVED: Members:

- (i) Approved the 2014/15 Statement of Accounts;
- (ii) Authorised the Chairman to sign and date the Statement of Responsibilities on behalf of the Authority;
- (iii) Endorsed the conclusion of Management and the Chief Financial Officer that the Authority's accounts should be prepared on a Going Concern basis.
- (iv) Authorised the Chairman and the Chief Executive (National Park Officer) to sign the Letter of Representation on behalf of the Authority;
- (v) Authorised the Chairman and the Chief Executive (National Park Officer) to sign the Annual Governance Statement, approved by the Authority on 5 June 2015.

3109 Audit Findings Report

Members welcomed Geraldine Daly, Associate Director of Grant Thornton who attended the meeting to present the Audit Findings Report.

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She confirmed that all of the outstanding tasks detailed in the introduction of the Executive Summary have now been completed. An 'unqualified opinion' is to be recorded. With regard to risk, no issues have been raised in respect of revenue recognition, management override controls, operating expenses or employee remuneration. Rigorous tests were undertaken during 2014/15 regarding the revaluation of assets.

The final fee of £11,807 was confirmed for the audit. There were no additional fees for the provision of non audit services.

RESOLVED: Members adopted the Audit Findings Report.

3110 Local Plan Review

Members received the report of the Senior Forward Planner (NPA/15/025).

The Head of Planning reported that the recommendation was in two parts – to adopt the Local Development Scheme (LDS) and to form a Local Plan Steering Group. Last adopted in 2014, the Local Development Scheme, (a public statement of the DNPA's local plan preparation programme), now needs to be reviewed. It is planned that the Core Strategy and the Development Management DPD are combined to form the Local Plan for Dartmoor. There is no longer a requirement for a separate Minerals and Waste Plan; the LDS is updated to reflect this.

Member engagement in the local plan review process is needed, hence the recommendation to form a Steering Group. The Group will appraise current policies and assist officers in determining whether they are still relevant, require an update or in fact can be deleted.

Statement of Community Involvement (SCI) – this is a requirement under the Planning and Compulsory Purchase Act (2004). A new SCI has been published for consultation – from 2 September to 16 October 2015.

In response to Member queries, a measurement of success will be a good Local Plan which people will know how to use it, and how it is implemented. Success will be a set of succinct policies which are easy to understand and well supported by the public.

With regard to the formation of the Local Plan Steering Group, the Head of Legal and Democratic Services suggested that Members who are interested in serving on the group should advise the Chairman that they would like to be considered by the end of September.

Mr Retallick proposed the recommendation, which was seconded by Mr Hitchins.

RESOLVED: Members:

- (i) Adopted the Local Development Scheme with immediate effect
- (ii) Agreed to the formation of the Local Plan Steering Group; Member names to be notified to the Chairman by the end of September.

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Action: The Head of Legal and Democratic Services to email all Members re the Local Plan Steering Group.

3111 Interim Statement on Affordable Housing Adopted January 2015

Members received the report of the Head of Planning (NPA/15/026).

In January 2015 Members considered and adopted the Interim Statement on affordable housing. This materially altered the Authority's ability to require S106 contributions for affordable housing of development of 5 units or less.

In a judgement handed down on 31 July 2015 the High Court quashed the policy changes announced in Parliament on 28 November 2014, following a challenge by West Berkshire District Council and Reading Borough Council. The Government has indicated that it intends to appeal this decision.

It is therefore recommended to revert to the Core Strategy policy ie., a starting point of 50/50 for affordable housing provision. There is no need to review the SPD at this time as this will be undertaken as part of the Local Plan Review.

Mr McInnes proposed the recommendation, which was seconded by Dr Mortimer.

RESOLVED: Members:

- (i) Rescinded the Interim Statement adopted on 9 January 2015;
- (ii) Rescinded the lower threshold of five units or less;
- (iii) Noted that a separate Supplementary Planning Document (SPD) on affordable housing is no longer required at this time.

3112 Dartmoor Communities Fund

Members received the report of the Communities Officer (NPA/15/027).

The Head of Communications, Economy and Fundraising reported that the Dartmoor Communities Fund was set up and launched in September 2014 (this is the only fund available to communities now). Many applications were received; almost £40k was allocated to 10 projects.

Monies for the Fund are received from the local authorities covering the National Park – West Devon Borough and South Hams District Councils, and Teignbridge District Council, through the Government's 'New Homes Bonus' Scheme. Almost the whole of Dartmoor is now covered.

In response to Member queries, the Head of Communications, Economy and Fundraising advised that a community project has two years in which to achieve its goal. Should this not happen the grant allocated will be clawed back. The Chief Executive (National Park Officer) advised that representations have been made to Government that the National Parks should receive New Homes Bonus themselves as Authorities in their own right.

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Members requested that feedback would be welcomed regarding the success, or otherwise, of community projects benefitting from the fund.

RESOLVED: Members noted the content of the report and welcomed the commitment of West Devon Borough, South Hams District and Teignbridge District Councils to the Dartmoor Community Fund in 2015/16.

3113 Appointment of Independent Persons

Members received the report of the Monitoring Officer (NPA/15/028).

The Localism Act 2011 sets out a framework for standards matters in local authorities in England and Wales. Every local authority (which includes Dartmoor National Park Authority) is required to appoint at least one 'independent person'. As Mr Woodall and Mr Blackshaw were no longer eligible for re-appointment it was agreed at the Standards sub-committee meeting on 15 May 2015 to advertise and seek to appointment two new independent persons.

One application, from Mr Stapleton, was received and, after an informal interview and induction process, the Monitoring Officer considered Mr Stapleton to be highly suitable for the role and recommended him to Members.

To clarify for Members, the Monitoring Officer advised that the role of the Independent Person included involvement in the complaints process. They are also invited to take part in the Standards sub-committee meetings (although they are not permitted to vote), undertake observations of other committee meetings and provide valuable feedback, and are asked for advice when updating Standing Orders/Probity etc.

Mr Hitchins proposed the recommendations, which were seconded by Mr Kidner.

RESOLVED: Members:

- (i) Appointed Mr Timothy Stapleton as the Authority's Independent Person with immediate effect; and
- (ii) Agreed to hold a further recruitment process after a period of three months.

Mr Hitchins requested that Member thanks to Mr Woodall and Mr Blackshaw be recorded.

3114 Revisions to Standing Orders

Members received the report of the Monitoring Officer (NPA/15/029).

On 11 May 2015, amended Regulations came into force which every local authority in England was told to implement. These changes relate to the procedure to be followed in relation to any disciplinary action which is required against the Head of Paid Service (Chief Executive), the Monitoring Officer or the Chief Finance Officer (s.151 Officer).

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The Government's rationale for the changes was that the existing Designated Independent Person (DIP) process was bureaucratic and time-consuming and that it often led to authorities making inflated severance payments to senior officers in order to avoid taking the costly DIP route. The Authority is required to amend the Standing Orders to reflect these changes.

Mrs Pannell commented that the suggested amendments to Standing Orders and the proposed Protocol for Investigations and Hearings were sensible and reasonable and proposed the recommendation, which was seconded by Mr Hitchins.

RESOLVED: Members agreed to amend Standing Orders by the deletion of Appendix 4 and substitution of Appendix 4a with its accompanying Protocol, to take effect from the closing of the meeting.

3115 DNPA/DCC Partnership Naturally Healthy Project – Update

Members received the report of the Senior Learning and Outreach Officer (NPA/15/030).

Mrs Pannell left the meeting.

The Naturally Healthy Project is a three year partnership project with Devon County Council through the Public Health team which seeks to develop greater understanding of health benefits, particularly mental wellbeing benefits of accessing outdoor space; link GPs in a small pilot area with the National Park Authority through exploring a 'green prescription' programme and, through action research understand the barriers all stakeholders face.


Members enjoyed a presentation which highlighted the work undertaken, specifically the 'JellyTeenz' programme – a film project for 12-16 year olds with a focus on Dartmoor as inspiration. Evaluation of the programme has taken place, both before and after, and it is hoped that the evidence gathered will help to provide data to convince GPs that Dartmoor is the place to go.

The presentation also highlighted some of the barriers for young people, eg caring responsibility due to family member illness, fear/social isolation. Upon asking some of the young people what they had gained, 63% felt that they had achieved something, 100% stated that they would like to visit Dartmoor again and being outside made them feel good; many enjoyed meeting others and making new friends.

A similar project is being run by Exmoor National Park Authority. Both Dartmoor and Exmoor will be evaluated together; the two different approaches will be compared and it is hoped that a valuable toolkit will be put together as a result.

Discussion followed and Members agreed that it was important to try and discern the particular health benefits of National Parks as opposed to, for example, urban fringe countryside. The Senior Learning and Outreach Officer was encouraged to liaise with the Sports and Leisure department at Teignbridge District Council.

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RESOLVED: Members noted the progress of the Naturally Healthy Project.

3116 Tree Preservations 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/15/031).

RESOLVED: Members noted the content of the report.

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