

**DARTMOOR NATIONAL PARK AUTHORITY**

**Friday 2 May 2014**

**Present:** Mr Gribble, Mr Harper, Mr P Hitchins (Chairman),  
Mr J Hockridge, Mr M Jeffery, Mr J Kidner, Mr D Lloyd, Mrs C Marsh,  
Mr J McInnes, Dr I Mortimer, Miss D Moyse, Mr J Nutley, Mrs N Oakley,  
Mr M Retallick (Deputy Chairman), Mr P Sanders, Mr J Shears,  
Mr P Vogel, Mr N Way, Mr D Webber

**Apologies:** Mr K Ball, Mr S Barker

**3043 Minutes of the meeting held on 4 April 2014**

The Minutes of the meeting held on 4 April 2014 were signed as a correct record.

**3044 Declarations of Interest**

Mr Jeffery declared an interest in the Public Path Diversion Order at Ellacombe Farm, North Bovey (NPA/14/023) due to having attended the site. Mr Gribble declared an interest in the Public Path Diversion Order at Ellacombe Farm, North Bovey (NPA/14/023) due to his role at Devon County Council. Mr Sanders declared an interest in the Public Path Diversion Order at Ellacombe Farm, North Bovey (NPA/14/023) due to his role at Devon County Council. Mr Shears declared a personal interest in the Public Path Diversion Order at Ellacombe Farm, North Bovey (NPA/14/023).

**3045 Chairman's Report**

The chairman reported that he had attended the West Devon Mayor's dinner at the Two Bridges Hotel on behalf of the Authority which was well attended and an enjoyable event.

**3046 Items Requiring Urgent Attention**

None.

**3047 Public Participation**

The Chairman welcomed Mr Warner of Wow Wow We Company who spoke regarding the Authority's decision to withdraw an offer of a mobile vending licence at Haytor top car park. Mr Warner said that he regretted having to bring this matter to Members, but he felt that the mobile vending tender process had been prejudicial, unfair and undemocratic. There had been contradictions and breaches of the rules of the tender process. He had been denied a reasonable mobilisation time and was now taking legal advice. He believed his lost revenue to amount to £100,000 and he felt that the tender process needs a thorough review.

The Chairman confirmed that a written response will be sent to Mr Warner within 14 days with a copy to Members.

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Date 6.5.14 .....

Item 7 – NPA/14/023 Public path diversion order Ellacombe Farm, North Bovey – Dr Hazel Jones (North Bovey Parish Council representative), Mr James Paxman (Dartmoor Preservation Association) and Mrs Jo Pye (applicant).

**3048 Public Path Diversion Order at Ellacombe Farm, North Bovey**

Speakers: Dr Hazel Jones – North Bovey Parish Council.  
Mr James Paxman – Dartmoor Preservation Association representative  
Mrs Jo Pye - Applicant

The Members received a presentation from the Head of Recreation, Access & Estates (NPA/14/023).

Following discussion on 7 June 2013 Members had decided that despite objections being received to the proposal, a diversion order should be made and advertised.

This process has been completed and the Officer reported to Members the representations and objections received.

Members were reminded that the Authority cannot confirm an opposed order, but must decide whether the Order should be submitted to the Secretary of State for confirmation. If Members decide not to submit the Order for confirmation it will effectively bring the matter to a close.

The application made by the owners of Ellacombe Farm is to remove the bridleway from the garden area of the property, to a new route following the edge of the adjacent field.

The Authority is required to consider making of diversion order against Highways Act 1980 criteria. In making the order, the Authority needs to be satisfied that it is in the interests of the owner; but also to take into account the effect the diversion would have on the public use and enjoyment of the bridleway and that the new route is not less convenient than the existing route.

Representations in support of the order confirmed the desire of the owners to improve security and privacy.

Objections received were of a similar nature to those made at the informal stage:

- Loss of historic route
- Precedent this sets for other Public Rights of Way through farms
- Suitability of new route

The Head of Recreation Access and Estates confirmed that the loss of historic route is not a reason in itself to reject changes to path network. Most Public Rights of Way are historical in nature. Legislation exists to allow changes to be made to meet modern needs, provided interests of the public are taken into account.

The decision on the suitability of new route needs to take into account distance, width, levels and condition, convenience, future maintenance of surfaces and structures. The width and distance is satisfactory but it is recognised that works

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Date ..... 6.6.14 .....

would be necessary to bring the new route into use. In its current form it is a poorer route than the existing one. The owners have given an undertaking to meet the full costs of all works necessary. This would include, regrading of the surface to address changes in levels, surfacing, dealing with the boggy area around the water trough, fencing and hedging. The owners of Ellacombe have since stated that there would be no gates along the new section of bridleway.

In view of the concerns raised from objectors the applicants were invited to submit details of existing ground levels for both the existing bridleway and the new route and to show what levels could be achieved along the new route. The detail is shown on the survey plan in the appendices to the report.

Officers are of the view that the new route is likely to require some surfacing with crushed stone to make it robust enough for equestrians through winter months, and installation of cross drains may also be necessary. The new route would become maintainable at public expense. Whilst the costs of bringing the new route into use would be met in full by the owner, longer term maintenance of the surface would fall to the Authority.

The extent and nature of the works is considered to require planning consent with the removal of a short section of hedge bank and cut of up to 1.0m at the ends of the route to tie into existing levels.

The Head of Recreation, Access and Estates concluded that the Diversion Order was made clearly in the interests of the owner and not of the public. There appears to be no great impetus from the public to relocate the bridleway and there were no responses from the Ramblers Association or British Horse Society.

The Authority is required to take into account the effect the diversion would have on public engagement. If the ground works are carried out, then a route could be created that would provide a similar experience for users. An application for planning consent would need to be made by the owners to enable that to happen.

Dr Hazel Jones, speaking on behalf of North Bovey Parish Council, informed the Members that Members of the Parish Council have visited and walked the route on behalf of parishioners and wish to retain it in its current form. At a recent open community event, members of the public expressed the value of the local environment and history. Dr Jones stated that if there is clear signage and gates are maintained, there would be no need to move the right of way.

Mr James Paxman, speaking on behalf of Dartmoor Preservation Association echoed the points raised by Dr Hazel Jones. He has had two visits to the site and discussed proposals with the applicant and the Trustees of Dartmoor Preservation Association. He feels there will be a small loss to the historic community and the heritage but it will still be a loss. With regard to parking issues these appear to be on vehicles on business of the applicant. Grids are in place to tackle the problem of straying ponies and with regards to security risks, he does not see why these would be any different to any other property near a public right of way. Mr Paxman stated that there is no compelling reason to proceed with the diversion order.

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Date .....

*P. J. M. Jones*  
6.6.14

Mrs Jo Pye, speaking as the applicant, stated the reasons for the application including: nowhere for vehicles to park, have to park one mile away, the bridleway cannot be fenced off as used as a turning point for cars, garden gate left open allowing ponies and sheep in the garden, security being an issue. Mrs Pye confirmed she had already made improvements by cutting out the two gates and cutting the hedges to open up the views. She asked that the application be submitted to the Secretary of State.

Following discussion and questions from Members to Mrs Pye and the Head of Recreation, Access and Estates, Mr Harper proposed the recommendation not to proceed which was seconded by Mr Sanders.

**RESOLVED:** Members resolved that the Order should not be forwarded to the Secretary of State for confirmation.

**3049 Planning Performance and Planning Contributions  
Government Consultation – March 2014**

Members received the report of The Director of Planning to decide on the Authority's response regarding the Government's latest consultation on proposed changes to the way in which Local Planning Authorities (LPAs) are designated as poorly performing for 'major' category applications and a change to the S106 threshold whereby LPAs can seek an affordable housing contribution. The consultation closes on 4 May 2014. (NPA/14/024)

Members agreed that these proposals could have very serious implications for the Authority:

- o reduce the Authority's ability to deliver affordable housing by removal of section 106 planning obligations on schemes involving less than 10 houses
- o result in the Authority potentially being labelled as a 'poor performer' in terms of speed in determining major planning applications and enabling applicants to apply direct to the Secretary of State and effectively bypassing the Authority

The Chief Executive confirmed that he and Mr McInnes, will be outlining these concerns in the forthcoming meetings scheduled with 2 local MP's and that National Parks England are seeking a meeting with the Planning Minister.

Members all strongly expressed their support. The recommendation was duly proposed and seconded. The Director of Planning will respond accordingly to the consultation on behalf of the Authority and circulate to Members.


**RESOLVED:** Members agreed the Authority's responses to the Government's consultation as set out in the report of the Director of Planning (NPA/14/024).

**3050 Local Development Scheme**

Members received the report from the Senior Forward Planner (NPA/14/025) who confirmed the importance of the review and update to maintain a robust and up to date Local Development Scheme.

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As a minerals planning authority we should have an up to date set of minerals policies for the National Park supported by a robust and up to date evidence base. The current development management policies are in the minerals local plan (2004) and were therefore clearly prepared and adopted in a different time.

Work is intended to begin now on a new Dartmoor Minerals Plan, with a view to undertaking evidence gathering and initial consultation in 2014/15 and submission and examination in 2015/16.

The Authority's Core Strategy dates back to 2008 and although there is currently an up to date and robustly evidenced local plan in the DMD the Core Strategy reflects times past in respect of key policy areas such as strategic housing and economic policy. It is proposed that a review of these policies commence in 2015/16 considering evidence on the implementation of current policies, their consistency with national policy and guidance, and the robustness of the evidence base, in order to consider the scope and options for local plan review.

It would seem an opportune time to consider the review of the Statement of Community Involvement which is five years old and pre-Localism Act, prior to undertaking consultation on development plan work.

The recommendation is that the Authority adopts the Local Development Scheme with immediate effect, with a further review within three years.

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

**RESOLVED:** Members adopted the revised Local Development Scheme with immediate effect.

**3051 Tree Preservation Orders and Section 211 Notifications (Works to Trees in Conservation Areas) Determined Under Delegated Powers**

Members received the report of the Trees and Landscape Officer (NPA/14/026).

**RESOLVED:**

Members noted the content of the report.

**3052 Draft Minutes of the Audit & Governance meeting held on Friday 21 February 2014**

Members received the draft Minutes of the Audit and Governance meeting held on Friday 21 February 2014.

**RESOLVED:**

Members noted the draft minutes.

Signed .....  .....

Date ..... 6.6.14 .....