

ITEM 4(1)

EXMOOR NATIONAL PARK AUTHORITY

Minutes of the meeting of the Exmoor National Park Authority held on Tuesday 1 February 2005 at 2.00pm in the Committee Room, Exmoor House, Dulverton.

PRESENT

Mr S J Pugsley (Chairman)
Mrs A Amory (Deputy Chairman)
Mr J C Edwards (Second Deputy Chairman)

Mr F J Bray	Mr R Morrison Smith
Mrs A M Clitheroe	Mr F Rawle
Mr M A Collins	Mr M E Taylor
Mr J Dallyn	Dr J F Travis
Mr M H Knight	Mr R J Webber
Mrs C M Lawrence	Mr B O Windsor
Mr A Moore	

Apologies for absence were received from Mrs J Clark, Mrs A Foxhuntley, Miss E Stacey, Mr J Dyke, Mr M Gammon, Mr R Martin, Mr M J Pile and Mr J Yabsley.

60. DECLARATION OF INTEREST

Mr Bray declared personal and prejudicial interests in respect of the report regarding the use of land owned by the Authority arising from the Hunting Act 2004 (Minute 69) as in the past he had ridden as a member of a hunt.

Mr Collins declared personal and prejudicial interests in respect of the report regarding the use of land owned by the Authority arising from the Hunting Act 2004 (Minute 69) as he was a non-hunting member of the Devon and Somerset Stag Hounds.

Mr Rawle declared personal and prejudicial interests in respect of the report regarding the use of land owned by the Authority arising from the Hunting Act 2004 (Minute 69) as he was Chairman of the West Somerset Hunt.

Mr Windsor declared personal and prejudicial interests in the report regarding the use of land owned by the Authority arising from the Hunting Act 2004 (Minute 69) as he was a member of the Exmoor Foxhounds Supporters Club.

61. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members that a special meeting of the Authority would be held on 11 February at 1.00pm to consider adoption of the Exmoor National Park Local Plan incorporating the First Alteration (Subsequently, the meeting took place on 1 March 2005)

62. MINUTES

(i) Confirmation

The Minutes of the Authority meetings held on 16 November and 7 December 2004 were signed as correct.

(ii) Matters Arising

Minute 34(1) – Membership – Mark Robins, Secretary of State Authority Member

It was reported that Mr Robins had declined the invitation to join the Exmoor Consultative Forum because of pressure of work.

Minute 56 – Consultation on proposed wind farm at Fullabrook Down, North Devon

Mr Knight informed members that consideration of the planning application had been postponed as additional information was being sought from the applicant.

63. SCHEDULE OF PROPOSED MEETING DATES FROM JUNE 2005 TO JUNE 2006

Members considered a schedule of proposed meeting dates prepared by the Member Services Officer.

The Chairman said he foresaw no immediate problems with the proposed dates, but if members encountered difficulties they should liaise with Martin Palmer.

The National Park Officer drew attention to a member visit to Dartmoor scheduled for 14 June 2005.

Mrs Amory reminded Members about the ANPA Member Workshop being held in April.

RESOLVED: to agree the dates set out in the schedule.

64. RESOURCES COMMITTEE

The Authority received and noted the Minutes of the Resources Committee's meeting held on 16 November 2004

65. EXMOOR CONSULTATIVE FORUM

The Authority received the Minutes of the meeting of the Exmoor Consultative Forum held on 5 November 2004.

66. DISTRICT AND PARISH FORUM

The Authority received the Minutes of the meeting of the District and Parish Forum held on 26 November 2004.

Mrs Amory said she would like to start discussions about merging the Exmoor Consultative Forum and the District and Parish Forum, and was aware that this had been considered in the past. Attendance at the District and Parish Forum had recently been disappointing, and both groups had agendas which were generally similar. She envisaged the combined fora meeting 3 times a year, with one meeting being in a workshop format which could consider topics such as the Design Guide, Renewable Energy etc.

67. SCHEME OF MEMBERS' ALLOWANCES

The Head of Business Management presented a report setting out the proposed Scheme of Allowances for 2005/06 which had to be adopted before the start of the next financial year. A draft job description for members which had been prepared by ANPA and submitted to the Government for consideration was circulated for members' information.

RESOLVED: to agree the updated Scheme of Members' Allowances.

68. **INDEMNITY OF OFFICERS AND MEMBERS**

The Authority's solicitor said that the Local Authorities (Indemnities for Members and Officers) Order 2004 enabled Authorities to provide from public funds an indemnity to any of its members or officers for personal liability arising from actions or decisions taken by them in the course of their official duties.

He said that the terms of indemnity he was recommending were drafted to take full advantage of the order, which recognised the new ways in which local authorities were working. He said that Members should be aware that if they were the subject of a Standards Board inquiry, then legal costs were only met if they were found not guilty of misconduct.

RESOLVED: (1) to adopt the indemnities set out in the report

(2) to authorise the National Park Officer to investigate whether insurance cover may be provided and report back to the Resources Committee.

69. **CONSIDERATIONS FOR USE OF LAND OWNED BY THE AUTHORITY ARISING FROM THE HUNTING ACT 2004**

Messrs Bray, Collins, Rawle and Windsor, having declared personal and prejudicial interest (minutes 60 above) withdrew from the meeting during the item's consideration.

The Authority considered a joint report from the National Park Officer and Solicitor/Monitoring Officer regarding the future access to Authority land by local hunt organisations in a way that was consistent with that applied to other recreational event organisers who requested access to the authority land from time to time.

The National Park Officer said that although the Authority owned approximately 4370 ha of land within the National Park, vendors had reserved or assigned hunting rights over much of it. The Authority's Solicitor indicated that his preliminary interpretation of the Hunting Act 2004 indicated that the Act might well mean the exercising of hunting rights would no longer be lawful as the wording of the hunting reservations refer to the 'pursuit of deer, fox and hare' and the Act is intended to prevent 'pursuit'. The position was less clear on the matter of "exempt hunting" as, though lawful, it was not clear that the wording of the hunting reservations covered flushing and shooting. He said that this interpretation was open to challenge and the Authority was willing to discuss this aspect with those holding hunting rights over its land.

The Chairman of the Authority confirmed that he and National Park Officer had met representatives of local hunts who understood the Authority's interpretation of the law, whilst acknowledging that this was still a grey area. He said the Authority wanted to work closely with the organisations involved, and to agree to them using National Park land for legal activities.

It was emphasised that the Badgworthy Land Company owned a large area of moorland and hunting rights over much of Exmoor (including much of the National Park Authority's land), and as such was a significant organisation that needed to be involved.

The Solicitor said that it was important that the Authority protected its position to avoid committing an offence under section 3 of Part One of the Hunting Act.

RESOLVED: that the Authority shall be supportive of efforts to maintain equestrian activity once the Hunting Act 2004 comes into effect, including legal activities organised by the existing local hunting organisations. Requests for access to Authority land for the purpose of

running organised events would continue to be generally supported, subject to the normal assurances and considerations on matters such as insurance, scale of event, location etc. and to ensure compatibility with the Authority's overriding duty to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park.

70. **MOORLAND INITIATIVE**

The Head of Conservation and Land Management gave a brief verbal update on proposals to maintain the momentum created by the Exmoor Golden Jubilee Moorland Review. A report would be presented to the next meeting of the Authority setting out further details. In summary he said consideration was being given to holding an annual Moorland Forum for all those with an interest in Exmoor's moorlands.

It was suggested that a Moorland Initiative Board might be established to manage the initiative.

An Officer Working Group to support the Moorland Initiative Board would co-ordinate activity, including the development of a new "moorland vision" for the new National Park Management Plan.

Concern was expressed that the larger interests would dominate the activity of the Moorland Initiative Board, and to be successful in improving the moorland the smaller landowners and tenants needed to be positively involved. Dr Wills said that representatives of these would be included on the Board.

The National Park Officer emphasised that the Board's responsibility was to drive the process and it would be vital to have a range of people working at a practical level on each of the individual blocks of moorland.

RESOLVED: to note progress on the Moorland Initiative.

71. **THE FUTURE PROVISION OF TOILETS**

The Head of Business Management presented a report which restated the Authority's approach to the provision of public toilets within the National Park and summarised the responses made as a result of a consultation exercise with Parish Councils and others with an interest in the matter.

Public Question Time Mrs R Thomas, Chairman of the Exmoor Society, said the society supported many aspects of the Authority's approach, but because the Authority had a responsibility to promote the enjoyment of Exmoor and encourage people to visit the moor it could not escape the responsibility of providing basic amenities like toilets. The Society was concerned about the emphasis on expecting some of the smaller parish councils to assume more financial responsibility for the toilets in some areas.

It was pointed out that the review was not a cost cutting exercise, but the Authority could no longer afford to maintain the status quo.

Members had each received a letter from Mr John Burge regarding the toilets at the Lorna Doone (Malmsmead) Car Park, which North Devon District Council was proposing to cease to maintain from 1 April 2005. He was seeking a financial contribution from the Exmoor National Park Authority to enable him to take over the provision of the toilet facility. It was also mentioned that the West Somerset District Council toilets at Exford (which were leased from Exmoor National Park Authority) were in poor condition and it was suggested that the replacement of these might be a potential partnership project.

The National Park Officer pointed out that the duty to further National Park purposes applied to local authorities as well.

RESOLVED: (1) to note the results of the consultation exercise and maintain the approach set out in the consultation document, but in response to the concerns raised, to amend the final bullet point of the Authority's approach to " favouring the partnership approach with joint effort and financial responsibility, but if this approach fails the ultimate step of closure could take place."

(2) to ask the officers to investigate what options exist with regard to the Malmsmead toilets.

(3) to note the position regarding the toilets at Exford.

72. **PROPOSED REMOVAL OF "UNDERUSED" PAYPHONES IN EXMOOR NATIONAL PARK**

The Authority considered the report of the Head of Planning and Community regarding a consultation from BT Payphones which, following a comprehensive review, was proposing to remove certain payphones within the National Park.

Members felt that the Authority should write to all Parishes to ensure that they were aware of BT Payphones' proposals.

Members pointed out that an important factor in determining the removal of payphones should be whether mobile phone coverage existed.

It was noted that one of the two payphones in Parracombe was intended to be removed, but although it was only 600m from a payphone that was being retained, it was felt that given the geographical situation, it was justified to retain both of the payphones at Parracombe.

RESOLVED: to object to the removal of the BT payphones in the three locations set out in paragraph 2.4 of the report and also object to the removal of the payphone in Parracombe.

73. **PUBLIC RIGHTS OF WAY AND MECHANICALLY PROPELLED VEHICLE USE**

The Authority considered a report setting out legal issues surrounding mechanically propelled vehicle use of un-metalled roads on Exmoor, seeking members' views regarding the current legal situation and members' agreement regarding the management of these routes.

Public Question Time: Mrs R Thomas, Chairman of the Exmoor Society, said that the Exmoor Society had some serious concerns on this issue. She said that National Parks were designated because of their special qualities. They should not have to provide for every sort of activity. It was important that public enjoyment of the National Park reflected the special qualities.

The Society felt that wider use of Traffic Regulation Orders would be appropriate in managing the use of un-metalled roads in some places. Additionally the position statement did not reflect completely the Authority's views expressed in the Rights of Way Improvement Plan.

The National Park Officer said that the report constituted an interim position statement on a difficult matter.

He said that lanes maintained in good condition tended to discourage 4x4 drivers as driving along the lane ceased to offer any challenge. He added that Traffic Regulation Orders had been used, but mainly to cover the duration of repairs being carried out. Members pointed out that enforcement of Traffic Regulation Orders could be a problem. Members were concerned that 4x4 use was likely to grow and the Authority needed to engage with these groups.

RESOLVED: to approve the Position Statement set out in the report.

74. **COUNTRYSIDE AND RIGHTS OF WAY ACT 2000 –
NATIONAL OPEN ACCESS CALL CENTRE**

Members received a report regarding the National Open Access Call Centre and the proposed Accession Agreement and Memorandum of Understanding relating to Exmoor National Park Authority's use of the Centre's services for those wishing to register CRoW access land in order to be able to apply for closures or restrictions.

RESOLVED: to agree that Exmoor National Park Authority enters into the Accession Agreement and Memorandum of Understanding with the Countryside Agency and IBM as provided to Exmoor National Park Authority's Solicitor and Head of Business Management in relation to the Open Access Call Centre.

75. **REVIEW OF TREE PRESERVATION ORDERS**

A report from the Head of Conservation and Land Management outlined a recent Review of Tree Preservation Orders which was carried out following advice from the Government and sought the Authority's approval for the revocation, variation and reserving of various Orders and approval of revised procedures for making Tree Preservation Orders.

Officers were asked to make sure that Members were kept informed of new orders.

RESOLVED: (1) to note the Report;

(2) to authorise the revocation of 4 Orders, modification of 2 Orders and reserving of 5 Orders as set out in the Report; and

(3) to approve the revised procedures set out in the Report for making Tree Preservation Orders.

76. **CONSULTATION ON THE CRITERIA FOR CONSIDERING NATIONAL PARK /
AREAS OF OUTSTANDING NATURAL BEAUTY BOUNDARY CHANGES**

Members considered a consultation from the Countryside Agency regarding the criteria to be used when undertaking a review of the boundary to a National Park or on Area of Outstanding Natural Beauty.

RESOLVED: to support the criteria proposed by the Countryside Agency for considering boundary changes to a National Park or Area of Outstanding Natural Beauty.

77. **TREASURY MANAGEMENT STATEMENT AND ANNUAL INVESTMENT
STRATEGY**

The Head of Business Management presented a report which reminded members of the requirements of the new CIPFA Prudential Code and the Guidance of Investments and which proposed the strategy to be adopted for 2005/06.

RESOLVED: (1) to note the report of the Chief Finance Officer

(2) to adopt the Treasury Strategy Statement and Annual Investment Strategy for 2005/06 and

(3) to cover the unlikely possibility of the need for an overdraft by setting the overall borrowing limit at £100000.

78. **MEMBERS REPORTS**

The Authority received and noted reports from Mrs Amory on the Regional Spatial Planning and Transport Group meeting, a meeting with the Western Territory Director of English Heritage and the CNP decision to the Bluestone Development Judgement appeal and from Mr Collins on a meeting of the Somerset County Council's Environment and Transport Policy Panel.

(The meeting closed at 4:27 p.m.)

Chairman