

# NATIONAL PARK AUTHORITY

5<sup>th</sup> November 2014

Present: Councillor M James (Chair)

Mr A Archer, Mr D Ellis, Councillor P Harries, Mrs G Hayward, Councillor O James, Councillor L Jenkins, Councillor R Kilmister, Councillor PJ Morgan, Councillor R Owens, Mr AE Sangster, Councillor A Wilcox and Councillor M Williams.

[Ms C Gwyther arrived during consideration of the report on the Off-Street Parking Order (*Minute 11 refers*).]

(NPA Offices, Llanion Park, Pembroke Dock: 10.00am – 12.10pm)

## 1. Chairman's Announcements

The Chairman welcomed Mrs Judith Wainwright to the meeting. Mrs Wainwright had recently been appointed as an independent member of the Authority's Standards Committee.

Congratulations were also given to the Authority's Communications and Marketing Team which had received two Chartered Institute of Public Relations Cymru Wales PRide Gold Awards at a recent ceremony held in Cardiff. The Authority's visitor newspaper Coast to Coast was named Best External Publication, while the team was recognised as Wales's Outstanding In-House Publications Relations Team.

## 2. Apologies

Apologies for absence were received from Councillors S Hudson, RM Lewis and D Rees; and Mrs M Thomas.

## 3. Disclosures of Interest

Mr A Archer disclosed a personal but not prejudicial interest in report 59/14 'Revision to Procedures where members take planning decisions counter to officer recommendation at Development Management Committee' due to his work with the Public Services Ombudsman.

## 4. Minutes

The minutes of the meeting held on the 24<sup>th</sup> September 2014 were presented for confirmation and signature.

It was **RESOLVED** that the minutes of the meeting held on 24<sup>th</sup> September 2014 be confirmed and signed.



**5. Matters arising**

**2014 Annual Monitoring Report on the Pembrokeshire Coast National Park Local Development Plan (Item 10)**

The Chief Executive reported that a Consultation on the Local Development Plans Process Review had been issued by Welsh Government which sought views on proposed changes to its Local Development Plan guidance documents and Regulations. A report would be brought to the meeting of the Authority in December.

**NOTED.**

**6. Development Management Committee – Report of Meeting**

It was **RESOLVED** that the report of the meetings of the Development Management Committee held on the 10<sup>th</sup> September 2014 and 22<sup>nd</sup> September 2014 be received.

**7. Sustainable Development Fund Committee – Report of Meeting**

It was **RESOLVED** that the report of the meeting of the Sustainable Development Fund Committee held on the 17<sup>th</sup> September 2014 be adopted.

**8. Joint Scrutiny Committee – Report of Meeting**

It was **RESOLVED** that the report of the meeting of the Joint Scrutiny Committee held on the 17<sup>th</sup> September 2014 be adopted.

**9. Operational Review Committee – Report of Meeting**

It was **RESOLVED** that the report of the meeting of the Operational Review Committee held on the 15<sup>th</sup> October 2014 be adopted.

**10. Member Development Management Strategy Working Group – Report of Meeting**

It was **RESOLVED** that the report of the meeting of the Member Development Management Strategy Working Group held on the 22<sup>nd</sup> October 2014 be adopted.

**11. Off-Street Parking Order**

Members were reminded that Pembrokeshire County Council, as the local Highway Authority, had been asked to prepare a new Off-Street Parking Order for the Authority, to replace the current Order which had been issued by Dyfed County Council in 1991. The new Order would apply to 37 of the Authority's car parks, rather than 8 at present, and would allow enforcement of the provisions of the Order, however it would not affect the scheme of charging. Enforcement could, in the future, be carried out by Pembrokeshire County Council, which would increase its effectiveness and therefore fees, but the details of any such arrangement had not yet been agreed. Before the Order could be confirmed it had to be subject to a public consultation process and the responses to any comments



approved by both the National Park Authority and Pembrokeshire County Council.

While supporting the recommendation, one Member did not believe that the cost of enforcement would be off-set by the revenue gained in the longer term. He referred to evidence across the UK that after 2 or 3 years, other Authorities had found it necessary to either reduce levels of enforcement or to put up parking charges to cover their costs. The Business and Performance Manager reiterated that discussions were ongoing with Pembrokeshire County Council with regard to an appropriate business case.

It was **RESOLVED** that Pembrokeshire County Council make the new Off Street Parking Order on behalf of the Pembrokeshire Coast National Park Authority.

## 12. Future Generations – Early Adopters

Members were reminded that Welsh Government was working towards enacting the Future Generations Bill during 2015. This would place a legal duty on the Welsh public sector to have sustainable development as their ‘central organising principle’.

The Welsh Local Government Association was helping a number of local authorities to prepare for this legislation through an ‘Early Adopters’ project and the three Welsh National Parks had signed up to this. As part of this process the early adopters were requested to carry-out an assessment of how their Members and management considered they already complied with the new requirements and how much work would be involved to satisfactorily meet all the requirements. An anonymous online questionnaire had been prepared and Members were requested to complete this by mid-November.

The Business and Performance Manager informed Members that the questionnaire was not easy, and was likely to take 1 – 2 hours to complete. Nevertheless he hoped that some Members would participate as this would demonstrate to Welsh Government whether implementation of the Bill was likely to prove easy or difficult.

The officer clarified for Members that the questionnaires could only be attributed to a particular Authority and whether completed by an officer or Member and agreed to circulate a list of Authorities which had signed up to the early adopters project.

It was **RESOLVED** that Members would complete the Early Adopters questionnaire.



### **13. Member Representation on Outside Bodies**

The Administration and Democratic Services Manager explained that in February 2014, the National Park Authority had adopted a suite of role descriptions for various Member roles within the Authority; however the role description for Members appointed by the Authority to serve on outside bodies was missing from that suite.

She reported that the Member Development Strategy Working Group had agreed the documents at their meeting on 22<sup>nd</sup> October, subject to minor amendments, and the amended documents were now before the Authority for their approval. It was noted that the protocol was based on the Welsh Local Government Association's guidance on this matter.

Noting that the role description and protocol both required Members to provide feedback to the Democratic Services Team, it was suggested by Members that on occasion it might be more relevant to provide feedback to another officer. It was agreed to amend the wording of the documents to allow feedback to be provided to an officer and/or the Administration and Democratic Services Manager.

It was **RESOLVED** that the role description and protocol for Members appointed to represent the Authority on outside bodies be approved subject to the above amendment.

### **14. Independent Remuneration Panel for Wales Draft Annual Report**

It was reported that the Independent Remuneration Panel for Wales had issued its consultation draft Annual Report on the proposed level of Members' salaries for 2015/16 and the relevant extracts from it had been circulated to Members for information. In essence, the Panel had decided that there would be no increase in the level of remuneration for the forthcoming year given the continuing constraints on local government spending.

It was **RESOLVED** that the Annual Report be noted but that no response be submitted to the Independent Remuneration Panel for Wales.

### **15. Revision to Procedures where Members take planning decisions counter to officer recommendations at Development Management Committee**

Members were reminded that the Authority had an existing procedure in place to be followed when Members were minded to take planning decisions contrary to the advice and recommendation of officers. A review of this had been undertaken, looking at the latest position in Authorities across Wales, to understand how the existing procedure fitted with current thinking. As a result, a revised procedure had been proposed which broadened and strengthened the existing, and this was appended to the report.



During the presentation of the item, it was clarified that the reference to an application being brought back to a future meeting did not necessarily mean the next scheduled meeting but, rather, the next appropriate meeting and that the section on appeals should also include court proceedings.

Members agreed that the revised procedure should lead to more clarity in the process and should therefore improve decision making by allowing time for both officers and Members to think about the implications of a particular decision and to draft suitable conditions. Members sought further explanation on a number of points, particularly regarding the use of Members as the Authority's witnesses in appeal hearings and the circumstances when officers may not be able to support them due to a conflict with their professional code of conduct. It was clarified that in such circumstances consultants could be used to support Members, and Members should be aware of cost implications for the Authority.

It was **RESOLVED** that the revised policy where Members take planning decisions counter to officer recommendations at Development Management Committee be approved, with the section on appeals being amended to read:

#### *Appeals*

*12. In the event that any decision taken contrary to officer advice is subject to an appeal or court action, called-in application, recovered appeal or nationally significant infrastructure project examination, it will be usual for the proposer and seconder of the motion to defend the Authority's decision and / or act as its main witnesses, supported by officers / consultants / legal experts as necessary.*

## **16. Changes to the Part 24 (Telecommunications) Permitted Development Rights**

Members were reminded that at its meeting in October 2013, the National Park Authority had endorsed a response to a Welsh Government consultation paper "Proposed additional permitted development rights for Electronic Communications Code Operators" which outlined the proposed changes to Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (GPDO) to facilitate the provision of infrastructure to ensure access to next generation broadband at premises.

The report before Members set out the changes to the GPDO that would come into effect on 7th November 2014 as a result of the publication of the amended Order. The main implication for the National Park was that specific apparatus, such as telegraph poles, cabinets or lines, when used by a Code operator for the provision of fixed line broadband, would no



longer require prior approval. However the Planning Assistant explained that the Authority had a good working relationship with BT Openreach, the company involved, and they were committed to continued dialogue to ensure that the green cabinets were sited appropriately.

While welcoming the increased provision of broadband in the National Park, some Members were concerned that communities which were unhappy with the siting of a cabinet would no longer have the opportunity to submit their comments, however the officer reassured them that she understood BT Openreach wanted to continue to work with Communities and as long as a cabinet had not been made live, they were happy to re-position them. Members also asked about the effect of the changes on mobile operators and the provision of antennae and the officer clarified that while there had been changes to the thresholds for numbers and sizes, these were still subject to prior approval, so the Authority would continue to have control over their siting.

**NOTED.**

**17. Supplementary Planning Guidance Document: Affordable Housing (Replacement Guidance)**

Members were reminded that at the meeting of the National Park Authority in June 2014, the above mentioned updated Supplementary Planning Guidance (SPG) was approved for public consultation and to take effect for Development Management purposes with effect from 1<sup>st</sup> July 2014. It was reported that a 12-week consultation period on the document had now taken place, and a report of those consultations was appended to the report, together with proposed changes to the SPG. The main changes related to clarification of the types of affordable housing provided; clarification of when rounding up and rounding down would be applied where a percentage requirement resulted in a fraction of a unit; a new table of site allocations showing revised percentages; and changes made for sites not allocated in the Plan and single dwelling proposals to vary the percentage or financial affordable housing contributions regionally.

Updating Members on the performance of the policy, as set out in the Local Development Plan monitoring report which had been received at the previous meeting of the Authority, the Head of Park Direction advised that there had been quite a bit of activity recently, with completions this year so far at 81 (April to September) against a full year count of completions (April to April) where 90 completions would be a very good completion rate. The overall target for the 7 years of the Plan period was 720 and 453 units had now been completed. In terms of affordable units 67 of a target of 224 had been completed or under construction; there were, however, a number of schemes in preparation. With regard to contributions, these were as expected, with £147,664 paid in, £179k



currently due and several permissions where the charge will be known when an approval of reserved matters is in place. She added that Pembrokeshire County Council's Head of Housing Commissioning was hoping to report to her Cabinet in the near future suggesting sites where the money could be spent.

One Member was concerned that there was no clear plan for spending the contributions received, however officers reassured the Committee that the money was being monitored and officers were actively looking for ways to spend it. The Head of Park Direction agreed to speak to PCC to try to expedite the report to cabinet and to share this with Members once it was available.

Some Members continued to be of the opinion that the policy was too restrictive and was not working. They asked if there was more that could be done and whether preparations were being made for a wholesale review of the LDP housing policies. The Head of Park Direction advised that the policies would continue to be monitored, however at present, given the evidence, she was unable to recommend any further changes. Another Member pointed out that there was a lack of developable sites within the LDP and asked whether ruined dwellings could be rebuilt in order to increase the supply. Officers agreed that in some places there was a problem with land coming forward but that replacement sites were being sought in those locations; with regard to ruins, their rebuilding was contrary to Welsh Government Policy in most circumstances.

Other Members, however, considered that the changes that had been made to the SPG had to be given an opportunity to work and that these, together with the changing perception that the Authority's policy was flexible enough to respond to individual sites, would hopefully improve the situation. They also believed that historical land values were at the root of the problem and that people would adjust in time, as long as the policy remained consistent.

It was **RESOLVED** that:

- a) the Officer Responses set out in Appendix 1 to the report be agreed as the National Park Authority response to the consultation
- b) the Affordable Housing Supplementary Planning Guidance as amended in Appendix 2 to the report be approved as supplementary planning guidance to the Pembrokeshire Coast National Park Local Development Plan and adopted for Development Management purposes.

[Councillor M Williams and Mr D Ellis abstained from voting]



## 18. Planning (Wales) Bill

The Director of Park Direction and Planning reported that on 6<sup>th</sup> October the Planning (Wales) Bill had been introduced to the National Assembly for Wales. The Bill would go through a number of stages before being enacted. As part of stage 1, the Environment and Sustainability Committee would be undertaking an inquiry into its general principles and the Authority's response, as part National Parks Wales, to this call for evidence was the subject of a separate report to the Authority that day (*Minute 19 refers*). The Director had also been invited to give oral evidence to the Committee on 27<sup>th</sup> November.

The report went on to explain the main changes that the Bill will bring forward and outlined the associated consultations on subordinate legislation that had been published to provide further detail. A more substantive report looking at the issues in greater detail and including recommended responses would be brought to the next meeting of the Authority.

**NOTED.**

## 19. General Principles of the Planning (Wales) Bill

Further to the previous report to the Authority (*Minute 18 refers*) the Environment and Sustainability Committee of the National Assembly were undertaking an inquiry into the general principles of the Planning (Wales) Bill including the need for legislation in certain areas. Members were reminded that the three Welsh National Park Authorities had submitted detailed comments on the original consultation on the draft Bill and the report before Members provided an updated response to address any outstanding issues for the three Authorities. The most significant issue was in relation to delegation of planning decisions and the draft response considered that there should be some local discretion in terms of how some applications were dealt with.

One Member noted that there were other occasions when National Parks and AONBs were the subject of exceptions, and it did not seem unreasonable for this to apply to delegations also.

It was **RESOLVED** that the response to the Inquiry into the general principles of the Planning (Wales) Bill set out in the report be agreed as the National Park Authority's response to this consultation and submitted to the Environment and Sustainability Committee of the National Assembly for Wales.

## 20. Response to the Review of Designated Landscapes in Wales

Members were reminded that Welsh Government had recently invited the Authority to submit evidence to inform the Review of Designated Landscapes in Wales. This had been the subject of a Members'



Workshop and had also been a topic for discussion at the National Parks Wales' Seminar in Brecon in October. The draft response, which had been prepared in conjunction with the other two Welsh National Park Authorities, was appended to the report, and this took account of the key messages raised in discussions.

The Chief Executive reported that the Authority would be giving evidence to the Review Committee on 20<sup>th</sup> November. He noted that any significant change to Designated Landscapes would require legislation and therefore he believed there would be ample opportunity to comment on detailed wording in the years to come.

A number of Members had submitted their comments on earlier drafts of the response and were happy to agree the response before them that day. They also wished to compliment the CEOs on their work in preparing the response.

It was **RESOLVED** that the draft response to the Review of Designated Landscapes appended to the report be agreed.