

NATIONAL PARK AUTHORITY

23rd September 2015

Present: Councillor M James (Chair)
Mr D Ellis, Councillor P Harries, Mrs G Hayward, Councillor ST Hudson, Councillor Mrs L Jenkins, Councillor R Kilmister, Councillor PJ Morgan, Councillor R Owens, Mr AE Sangster, Mrs M Thomas and Councillor A Wilcox.

(Nevern Village Hall, Nevern: 10.00am – 12.15pm)

1. Apologies

Apologies for absence were received from Mr A Archer, Councillor ML Evans, Ms C Gwyther, Councillor RM Lewis, Councillor D Rees and Councillor M Williams.

2. Chair's announcements

- (a) The Chair informed Members that Mr Steve Brick, who was a Technical Officer, had just celebrated 40 years of employment with the Authority. He stated that Steve was a dedicated, respected and knowledgeable colleague and was a valued member of staff. He wished to record his congratulations to Steve on his achievement and his commitment to the work of the National Park Authority.
- (b) Members were informed that the Torch Theatre at Milford Haven was hosting a vintage season, with the film *Brief Encounter* being one of the films being shown. A retro poster, similar in style to the six commissioned by the Authority during its 60th anniversary, had been commissioned and this was presented to Members at the meeting.
- (c) The Chair wished to thank those members of the public who had come to listen to the Authority debating its work at the Village Hall. He hoped it would give them more of an insight into the work of the Authority.

3. Disclosures of Interest

Councillor P Harries disclosed a personal interest in Report No. 50/15 – Welsh Government Green Paper consultation: Improving opportunities to access the outdoors for responsible recreation (*Minute 12 below refers*).

Councillor PJ Morgan disclosed a personal and prejudicial interest in Report No.52/15 – Article 4 Direction to reduce specific permitted development rights which impact on the quality of Little Haven Conservation Area (*Minute 14 below refers*).



4. Minutes

The minutes of the meeting held on the 29th July 2015 were presented for confirmation and signature.

It was **RESOLVED** that the minutes of the meeting held on the 29th July 2015 be confirmed and signed.

5. Matters arising

(a) Minute 8 – Carew Mill – new roof

In response to a query from Councillor PJ Morgan, the Chief Executive reported that the second stage of the tendering process was underway, in that six contractors had been invited to tender for the work of replacing the roof at Carew Mill. Tenders were due to be returned by the 25th September 2015, when it was hoped the Authority would be in a position to issue the contract.

NOTED.

(b) Minute 15 – Final report and findings of the National Parks Joint Scrutiny Group on the Economy

Referring to the above-mentioned Minute, Mrs G Hayward asked whether progress had been made on the action plan to take forward the recommendations of the report. She also enquired whether Snowdonia National Park Authority, who had also taken part in the scrutiny process, had considered the final report yet in order that the document could be circulated to all who had taken part in the process.

The Chief Executive reported that the action plan would be presented to the next meeting of the Authority for consideration. He added that Snowdonia National Park Authority would be considering the findings in November. Nevertheless, he was of the opinion that the report could be circulated to those parties who were based in Pembrokeshire.

It was **RESOLVED** that the final report be circulated to the Pembrokeshire participants.

6. Reports of meetings of various of the Authority's Committees

The following reports of meetings of a number of the Authority's Committees were presented to Members for consideration/information:

- (i) Development Management Committee held on the 8th July 2015;
- (ii) Audit and Corporate Services Review Committee held on the 15th July 2015, and
- (iii) Member Development Strategy Working Group held on the 29th July 2015.



It was **RESOLVED**:

- (a) that the report of the meeting of the Development Management Committee held on the 8th July 2015 be received, and
- (b) that the reports of the Audit and Corporate Services Review Committee and the Member Development Strategy Working Group held on the 15th and the 29th July 2015 respectively be adopted.

7. ISA260 report to those charged with governance

The Chair welcomed Mr Richard Harries, who would be presenting the ISA260 report on behalf of the Wales Audit Office.

Mr Harries was pleased to announce that there was very little to bring to Members' attention, and that an unqualified report had again been presented for the third year in succession. He stated that the accounts presented were of a very high quality once again, and the cooperation of the Finance Manager and his team had been excellent; without their help, the Audit team's work would be a lot harder. He went on to say that the past year had seen some changes in the way the Audit team worked and, while most changes worked, there were some that didn't and these issues would be reviewed and a way forward discussed. However, both teams worked very well together on the whole.

The Chair thanked Mr Harries for attending the meeting and presenting the report to Members. Members also wished to acknowledge the fact that the Authority had been presented with a clean audit three years in succession, and thanked the Finance Manager and his team for all their hard work.

It was **RESOLVED**:

- (a) that the ISA260 Report from the Wales Audit Office be accepted, and
- (b) that the Authority's Statement of Accounts 2014/15 be approved, and signed by the Chair.

8. Wales Audit Office: Annual Improvement Report

The Chair welcomed Mr John Roberts of the Wales Audit Office to the meeting. Mr Roberts was presented the Annual Improvement Report on behalf of the Auditor General for Wales.

Mr Roberts stated that the Auditor General for Wales was required each year to audit the improvement planning and reporting arrangements of Welsh Councils, Fire and Rescue Authorities and National Park Authorities, and to assess whether each authority would meet statutory continuous improvement duties as required under the Local Government (Wales) Measure 2009. The report before Members that day focused on work carried out by the Authority in 2013/14. He stated that that was how



the audit process worked, but he considered that it added value to the work of the Authority. He apologised for the lateness in presenting the document, but its publication had been delayed in order to reflect some of the audit work that had been running concurrently on the Authority's planning service.

In introducing the report, Mr Roberts stated that he and his colleagues had come to the overall conclusion that the Authority had been effective in managing budget cuts and promoting health and well-being. It had also complied with its responsibilities relating to financial reporting and use of resources and they were satisfied that the Authority had appropriate arrangements in place to secure economy, efficiency and effectiveness in its use of resources. There were no recommendations to make, although there was one proposal for improvement with regard to developing a more robust approach to medium term financial planning that could help the Authority respond effectively to a range of possible reduced funding scenarios.

Members welcomed the report, but questioned the proposal, stating that it was extremely difficult to plan for the future when the Welsh Government did not publish the final figures until the very last minute. In fact, the Authority was already one month into the current financial year before receiving the final budget figure for 2015/16, which made forward planning extremely difficult. Mr Roberts took the view that the Authority therefore had to be more agile in its financial planning, although he accepted that it was difficult to achieve. He also accepted that the Authority used a range of options to 'balance the books', but this process was not formalised, hence the proposal to be "more robust", rather than "robust".

The Chief Executive reminded Members that they were provided with budget updates and scenarios through regular Workshops. However, Councillor R Kilmister queried whether Members should be undertaking regular public financial scrutiny of the budget, rather than discussing it in a Workshop setting; bearing in mind the fact that Members were running the Authority on behalf of the public, this was of concern to him.

Mr Roberts replied that the process itself was a matter for Members, although he warned that certain discussions – particularly concerning employees – had to be taken in private. He suggested that some of the issues debated at those sessions could then be made public at a later date. Mr AE Sangster reminded Members that they were forced into looking ahead at various scenarios because the information from Welsh Government was so late. He considered that the existing process was appropriate, whilst recognising that the reasons behind their decisions should be made public.



The Chairman thanked Mr Roberts for presenting the report on behalf of the Auditor General for Wales.

It was **RESOLVED** that the Annual Improvement Report 2014/15 be received.

9. Improvement Plan Part 2 2014/15

Under both the Local Government (Wales) Measure 2011 and the Wales Programme for Improvement, the Authority was required to publish Part 2 of its Improvement Plan by the 31st October 2015. This document reported on the progress made against the previous financial year's work programme as set out in Part 1 of the Improvement Plan 2014/15, which was approved on the 2nd April 2014.

Members welcomed the report, subject to clarification of a number of issues relating to the number of Welsh language events supported at Oriel y Parc, the target set for the percentage of planning applications determined within eight weeks, the progress made on designating additional Conservation Areas within the National Park, and progression of the scrutiny process on the economy.

It was **RESOLVED** that the Improvement Plan Part 2 2014/15 be approved.

10. Well-being of Future Generations Act: statutory guidance

It was reported that the Well-being of Future Generations Act had received royal assent earlier in the year and the duties imposed on public bodies in Wales would take effect in April 2016. Welsh Government had now published draft guidance for the public bodies that would be affected by this legislation, comments on which were required by the 16th November 2015.

In response to a question from Mrs M Thomas about how the Authority was going to comply with the Act's requirements, the Chief Executive replied that officers had been awaiting the guidance first. He added that he was not unduly concerned about the Authority's ability to comply with the legislation, although he was concerned about the accountability element; the Local Government (Wales) Measure required the Authority to produce an Improvement Plan each year, which conflicted somewhat with the requirements of the Well-being of Future Generations Act. On top of that, the Environment Bill was currently making its passage through the National Assembly for Wales, the requirements of which would also have to be taken into consideration.

Turning back to the requirements of the Act itself, he went on to say that the onus was on the Authority – as one of the public bodies listed in the Act – to set its own well-being goals, whilst taking into account (and



feeding into) the Pembrokeshire Well-being Plan, which would be published by the new local public services board. The Act would establish a whole new regulatory system by April 2017, and the next twelve months would be used to devise a process for delivering the new process.

Councillor R Kilmister referred to Chapter 6 of the guidance relating to “Collective role (public services boards)” where it required a scrutiny committee to be established to scrutinise the work of the public services board and asked whether the requirement would apply to the National Park Authority. If not, he suggested that it might be appropriate for a representative from the Authority to sit on Pembrokeshire County Council’s scrutiny committee(s) when scrutinising the work of the local public services board. The Chief Executive stated that he would raise the matter with County Council officers.

It was **RESOLVED** that the draft guidance on the Well-being of Future Generations Act be noted.

11. 2014 Annual Monitoring Report on the Pembrokeshire Coast National Park Local Development Plan

Members were reminded that the Annual Monitoring Report was produced annually, and assessed the extent to which the Local Development Plan strategy and policies had been achieved during the previous financial year. The 2014 Monitoring Report presented the ‘key findings’ of that assessment, setting out where issues had arisen and whether further action was required. It also provided a general portrait of the social, economic and environmental conditions in the Park for the year in question. Pembrokeshire County Council had had an opportunity to consider the document and their comments were appended to the report before Members that day.

Members asked for clarification on a number of points, including the possibility of being unable to use the affordable housing contributions that had already been received to provide more affordable homes. It was also queried why, when the National Park Authority was responsible for the affordable housing policy for the National Park, it was not responsible for collecting the affordable housing contribution attached to any planning permission. The Head of Park Direction replied that the affordable housing contribution was paid to the County Council, as it was the housing authority. She assured Members that the matter was monitored regularly, but large sums of money were required before potential development sites could be brought forward. However, some £10,000 had been agreed to go to a housing association to bring forward an exceptions site at Marloes.



The lack of progress with some allocated development sites, including some in the ownership of Pembrokeshire County Council, was also raised. The Head of Park Direction agreed that the matter affected how the Authority achieved its targets, but negotiations were ongoing in that regard. Officers had also alerted the County Council to other sites within the National Park, asking whether there were any intentions to develop those in the future.

In response to a query about nitrate viable zones, officers replied that they had taken the matter into consideration when reviewing whether the Local Development Plan was contributing to the sustainability appraisal objectives.

It was **RESOLVED** that the 2014 Annual Monitoring Report for the Local Development Plan be approved for submission to the Welsh Government by the 31st October 2015.

12. Welsh Government Green Paper consultation: Improving opportunities to access the outdoors for responsible recreation

Members were reminded that they had discussed the above-mentioned Green Paper at length at a meeting of the National Park Authority held on the 29th July 2015. Members had also been invited to attend a meeting of the Pembrokeshire Local Access Forum on the 4th September, at which a range of local groups would be represented, to hear their views on the matter.

A draft response to the Green Paper consultation was appended to the report before Members that day, and the Access and Rights of Way Manager stated that the response took into consideration the comments of officers from both Brecon Beacons and Snowdonia National Park Authorities. He added that the Local Access Forum would be responding in its own right to the consultation.

In summary, he went on to say that the response was characterised by an approach that sought to promote and develop linear access, via an improved public rights of way network, as the principal means of access to the countryside of Wales. Officers considered that it was the legal procedures that governed the administration of the network that needed to be reformed, rather than the introduction of a new access settlement in Wales. The response, therefore, put forward a range of suggestions that would, in officers' opinions, provide a way forward in this regard.

There was also concern that some of the proposals put forward in the Green Paper would not necessarily guarantee a reasonable standard of access to the countryside or deliver certainty of access in terms of management, and relationships with country landowners and farmers would outweigh the benefits. Having said that, there were a number of



other proposals to be welcomed, e.g. strategic planning for the development of countryside access, and the introduction of a more consistent approach to the rights and responsibilities of walking dogs in the countryside.

In conclusion, the Access and Rights of Way Manager stated that all three National Park Authorities strongly supported the commitment by the Welsh Government to increase participation levels in outdoor recreation and countryside access. However, officers were of the view that raising the public's level of awareness of what was a reasonably well provided for access provision was the key to delivering the desired increase in participation levels. In this regard, it was felt that the National Park Authorities were well placed to play a key role in educating the public and promoting existing networks in order to support a more physically active population.

Members congratulated officers on the content of the draft response, which had taken on board the comments made by Members at the July meeting of the Authority.

It was **RESOLVED** that the draft response be submitted as the National Parks Wales response to the Welsh Government Green Paper on Improving opportunities to access the outdoors for responsible recreation.

13. Evaluation of the trial of Development Management Committee meetings being held on a six-weekly cycle as opposed to monthly

The six-weekly cycle of Development Management Committee meetings had been introduced in June 2014 for a trial period of twelve months. However, as the Authority's calendar of meetings was to be presented for approval by Members before the trial period had been completed, Members agreed to continue with the six-weekly cycle for a further twelve months provided that a review was undertaken before the 2016/17 calendar of meetings was drafted.

The Director of Planning reported that the new cycle had not resulted in a large increase in the number of planning applications being considered by Members at Committee and that, on average, a meeting lasted approximately 2.5 hours. In addition, the percentage of planning applications determined in eight weeks or less was consistently above the Welsh Government target of 75%.

She went on to say that the reduction in the number of Committee meetings had enabled the Development Management team to establish a duty officer rota, which was mainly targeted at householder applications and those wanting further advice following a written pre-application response. Officers were also anecdotally reporting that the slightly longer Committee cycle was less stressful for them and that they were able to



more effectively programme their work and advise applicants of more realistic timescales.

The Director of Planning added that the Welsh Government had been consulting on proposals for a comprehensive scheme of pre-application charging by all Wales' planning authorities and that a response to the consultation and the methods by which authorities should charge would be published in the autumn. The Authority did not currently charge for this service, but officers would work closely with adjoining local planning authorities in the future in accordance with any Welsh Government directives on this matter.

It was **RESOLVED** that the six-weekly cycle for meetings of the Development Management Committee be continued on a permanent basis.

14. Article 4 Direction to reduce specific permitted development rights which impact on the quality of Little Haven Conservation Area

Members were reminded that, at the meeting of the National Park Authority held on the 17th June 2015, it had been resolved to make an Article 4(2) Direction for Little Haven Conservation Area. In the interests of conserving the character of the area, the Direction withdrew certain permitted development rights including alterations to doors, windows, boundary walls and hard-standings for dwelling houses fronting highways or public spaces.

The Direction had been published in the press, and the owners/occupiers of each dwelling affected by the Direction had been notified, informing the public of how to make representations if they so wished. The statutory 28-day consultation period had now elapsed, with no responses being received.

It was **RESOLVED**:

- (a) that the Article 4(2) Direction be confirmed in relation to the land within the Little Haven Conservation Area as highlighted on the map contained in the report before Members that day, and
- (b) that the formal Article 4(2) Direction for the Little Haven Conservation Area be noted.

15. Independent Member of the Standards Committee

The Monitoring Officer reminded Members that a vacancy had arisen on the Authority's Standards Committee following the resignation of Mr Jonathan Evans. The vacancy had been advertised, and two applicants had been interviewed by the Standards Committee Appointments Panel on the 14th August 2015.



In accordance with Regulation 16(2) of the Standards Committee (Wales) Regulations 2001, and the Standards Committee (Wales) (Amendment) Regulations 2006, the Panel had recommended that Mrs Victoria Tomlinson be appointed with immediate effect for a period of 5 years.

It was **RESOLVED** that Mrs Victoria Tomlinson be appointed an Independent Member of the Standards Committee with immediate effect for a period of 5 years.

16. Members' Personal Development Reviews: review of process

Personal Development Reviews (PDR) were an opportunity for Members to reflect on their role as Member of the Authority and to discuss any development/support requirements they would like to receive in order to help them in that role. The PDR process was adopted in 2013 following a review of the previous process, however it was apparent from Member take-up over the preceding two years that the current process was not fit for purpose.

In view of this, the Member Development Strategy Working Group had considered and agreed that a self-assessment form might be more appropriate, and this document was attached to the report before Members that day.

It was **RESOLVED** that the revised process for identifying the support and development needs of Members, as set out in the report of the Administration and Democratic Services Manager, be approved.

17. Economic profile of Pembrokeshire

It was reported that Pembrokeshire County Council had commissioned consultants to produce an *Economic profile of Pembrokeshire*, a copy of which was circulated to Members. The Chief Executive stated that the work would be used to support policy and decision-making, including developing an economic strategy for Pembrokeshire.

It was **RESOLVED** that the study on the economic profile of Pembrokeshire be noted.

18. Financial reserves policy

The Chief Financial Officer reminded Members that Section 25 of the Local Government Act 2003 required local authorities to have regard to the level of reserves needed to meet estimated future expenditure when calculating their annual budget requirement. He added that it was his responsibility to advise on the level of reserves that should be held, and to ensure that there were clear protocols for the establishment and use of any earmarked reserves. The policy document appended to his report set out how this would be achieved.



It was **RESOLVED** that the financial reserves policy to approved.

19. Urgent business

It was **RESOLVED** that by reason of special circumstances, the following items be raised as a matter of urgency, pursuant to Section 100(B)(4)(b) of the Local Government Act 1972.

20. Exclusion of the public

It was **RESOLVED** that the public be excluded from the meeting as exempt information, as defined in Paragraph 16 of Part 4 of Schedule 12A to the Local Government Act, would be disclosed.

21. Legal challenge to planning decision

The Chief Executive reported that an application had been issued in the High Court to seek a Judicial Review of a planning decision taken by the Authority. He had set in motion the process of getting advice from a Barrister and an update would be given to Members in due course. He added that, having consulted the Chief Finance Officer, a sum of £25,000 had been set aside to fight the application.

It was **RESOLVED** that the action taken by the Chief Executive be endorsed.

