

# NATIONAL PARK AUTHORITY

16 March 2016

Present: Councillor M James (Chair)

Mr A Archer, Mr D Ellis, Councillor P Harries, Councillor S Hudson, Mrs G Hayward, Councillor L Jenkins, Councillor R Kilmister, Councillor RM Lewis, Councillor PJ Morgan, Councillor D Rees, Mrs M Thomas, Councillor A Wilcox and Councillor M Williams.

(NPA Offices, Llanion Park, Pembroke Dock: 10.00am – 1.30pm)

## 1. Apologies

Apologies for absence were received from Councillor ML Evans, Ms C Gwyther, Councillor R Owens and Mr AE Sangster.

## 2. Welcome

The Chairman welcomed Ms Karen Maddock-Jones who was taking part in the Authority's Mentoring scheme.

## 3. Disclosures of Interest

A disclosure of interest was received from Mr A Archer in respect of the report on Consultations in relation to Governance issues and he withdrew from the meeting while this was considered.

## 4. Minutes

The minutes of the meeting held on the 3 February 2016 were presented for confirmation and signature.

It was **RESOLVED** that the minutes of the meeting held on 3 February 2016 be confirmed and signed.

## 5. 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 Committees held on 27 January and 2 March 2016
- (ii) Sustainable Development Fund Committee held on 20 January 2016

Members were advised that a report providing an update on projects previously granted funding [*Minute 6 refers*] would be made to a future meeting of the Authority.

- (iii) Audit and Corporate Services Review Committee held on 24 February 2016



Members' attention was drawn to Minute 5 which stated that Members, as well as staff, were encouraged to report incidents of aggression to the Authority. It was also noted at that meeting that Members had been encouraged to complete their Member Development Self-Assessment forms and paper copies of these were available should Members wish to have one.

## **6. Composition of the Chief Executive Performance Review Panel for 2016**

The composition of the above-mentioned panel for 2016 was confirmed as the Chair and Deputy Chair of the Authority and Chair of Audit and Corporate Services Review Committee. This would provide the necessary 2:1 ratio of County Council to Welsh Government appointed Members.

It was **RESOLVED** that the composition of the Chief Executive Performance Review Panel for 2016 be confirmed as comprising Councillor M James, Mr D Ellis and Councillor M Williams.

## **7. Local Development Plan Review Report and Delivery Agreement**

Apologising for the absence of the Head of Park Direction, the Director of Planning drew Members' attention to the two documents appended to the report which they were asked to approve for consultation over an eight week period.

The first document, the Local Development Plan Review Report set out the areas where the Plan was delivering, areas where it needed to change and why, the key issues and the impact on the strategy, policies, sites and their interrelationship. It also set out the evidence base that had been considered. Members had had an opportunity to contribute to the drafting of the Report through workshops and had also had the opportunity to comment on a first draft of the report. Amendments had been made to the document as a result of the informal consultation which had also included Welsh Government, Welsh Water and Natural Resources Wales. The Review Report concluded that a full revision of the Local Development Plan was required and set out the procedure that the Authority intended to follow to achieve that.

The second document was a draft Delivery Agreement which contained a timetable of key stages of Plan preparation and the methods by which the community would be engaged. It also detailed how and when the Authority would carry out the Sustainability Appraisal for the Plan and its approach to Supplementary Planning Guidance. While it had been intended that the preparation of the Delivery Agreement would follow the Review Report drafting, Welsh Government had asked that consultation on it should be at the same time. Welsh Government had further advised that it was expected that the timeframe for the preparation of a



replacement Plan should be considerably less than four years and therefore the timescale of stages set out in the Agreement was stringent. Unfortunately, as Members had already been advised, it had been necessary to cancel the workshop which was to have been held that afternoon and which would have focussed on the Delivery Agreement.

The covering report set out the next steps in terms of the proposed timetable, which anticipated the results of the consultation exercise being shared with Members at a future Workshop and more formally at a meeting of the National Park Authority in June or July.

With regard to the Local Development Plan Review report, Members expressed concerns over the impact of the Review of Designated Landscapes and the work of the Future Landscapes Working Group which was currently ongoing. Also the issues regarding flexibility of the Local Development Plan as raised by the Scrutiny report on Economic Activity.

Turning to the Delivery Agreement, Members also expressed some concern regarding the timetable for review of the Plan, with a two month tolerance for slippage considered too low given the likely requests for more time from consultees and other possible delays. Several Members feared that there would be little engagement by Town and Community Councils in the process due to the size and confusing nature of the documents upon which it was proposed to consult. Although Members were aware that workshops for Councils had been arranged, some members of those Councils had little idea of what they were about. It was suggested that an additional letter should be written reminding Town and Community Councils of the workshops and highlighting their importance. Members in nearby Wards could also attend the meetings. It was further suggested that shorter and more accessible versions of documents could be produced to improve levels of engagement.

It was **RESOLVED** that the Next Steps approach to progressing the Pembrokeshire Coast National Park Local Development Plan Review Report and Delivery Agreement as set out in the report be agreed.

#### **8. Draft Sustainability Appraisal Scoping Report for the Replacement Pembrokeshire Coast National Park Local Development Plan**

The Research and Sustainability Appraisal Officer explained that the draft Scoping Report set out the context and objectives for the Sustainability Appraisal of the replacement Local Development Plan, and Members had previously had the opportunity to comment on an earlier draft of the document.

It was proposed that the draft Scoping Report would be circulated for consultation for a period of eight weeks, with the results of the



consultation and any consequential changes to the final Scoping Report to be reported back to the Authority in due course.

Thanking the officer for his report, Members had found the report to be interesting and demonstrated the cross-boundary nature of the Development Plan work.

It was **RESOLVED** that the Scoping Report for the replacement Local Development Plan be approved for consultation purposes.

## **9. Strategic Equality Plan 2016-2020**

The Chief Executive explained that the Authority was required to prepare a Strategic Equality Plan under the Equality Act 2010 and this had to be updated at least every four years. The draft Plan before the Authority would replace the Plan published in 2012.

The Plan set out four equality objectives and the projects, initiatives and actions that it was hoped would deliver these, as well as outlining the evidence base which had been used to identify the objectives. The document took a more integrated approach drawing on the goals of the Wellbeing of Future Generations Act.

Members were happy to approve the document for consultation, but it was noted by one Member that having attended a training session on equality and diversity in another capacity, this might prove interesting as part of the Authority's Member Development Programme. The Chief Executive agreed that such a training session should take place.

It was **RESOLVED** that the Strategic Equality Plan 2016 - 2020 be approved for consultation.

## **10. Pre-application Fees and Charging**

Members were reminded that the Authority currently provided a pre-application service for planning applications at no charge, with officers endeavouring to provide a substantive response to queries within 30 days. The Director of Planning reported that the Welsh Government was making it mandatory for Planning Authorities to have a minimum statutory pre-application service which it proposed should be charged for and which would come into force on that day - 16 March 2016. The fees to be charged were prescribed by Welsh Government and were set out in the report together with the minimum levels of service to be expected by those submitting pre-applications under the service.

Officers were keen to ensure that there was some consistency of service throughout Pembrokeshire, and to this end officers from both local planning authorities had met to attempt to shape a service which was comparable across both boundaries.



She added that it was therefore necessary to withdraw the current free non-statutory service, and in order to give applicants some notice and lead in time it was proposed that this would be discontinued as of 1 April 2016. Publicity had been given to this through the local press and on the Authority's website.

The Welsh Government intended to monitor the new pre-application process and all Local Planning Authorities would be required to submit information on this as part of the quarterly development management returns.

While some Members welcomed the introduction of charging, others felt that the proposed fees were too high, particularly for minor applications, with the danger that fewer applications would be received. Concern was also expressed at the additional pressure the requirement for a response to be provided within 21 days would put on officers. The Director replied that the Authority would continue to offer a weekly planning surgery which offered half-hour appointments for general planning questions

It was **RESOLVED**:

- a) that the Authority adopt a charging policy for statutory pre-application advice as set out in Welsh Government guidance.
- b) That a fee be required on pre-application enquiries as from 16 March 2016 in accord with Welsh Government's service requirements;
- c) That the Authority discontinues its free pre-application service as of 1 April 2016.

## **11. St Brides Scouts Lease Renewal**

The Estates Officer reported that the Authority had an extensive freehold land ownership at St Brides which included the grade II listed complex of buildings and structures comprising a walled garden and abutting terrace of three former cottages. The site had been used and occupied by the Scout Association Corporation Trust as a camping and activity centre under the terms of an occupational lease which had expired in 2002. Since that time the tenant had remained in occupation by holding over at the historic passing rent of £200pa.

Officers had been in discussion with the tenant for some years regarding a new legal agreement to provide for their continuing occupation of the site and had reached provisional Heads of Terms of Agreement for a new 25 year lease under which the tenant would be responsible for all aspects of the site's maintenance and up keep at their own cost with the exception of the historic garden walls and fruit trees within the garden which the Authority would retain direct responsibility for. A mechanism by which the Authority could recover a proportion of the cost of maintaining the historic



walls from the tenant had also been proposed and capped at a maximum of £3000 in any one year.

It was reported that there were only two outstanding issues to be agreed, namely the new commencing rent to be paid and the amount of contribution that the tenant was willing to make towards the up keep of the walls.

On the matter of the new commencing rent, both parties had recently agreed to the joint appointment of the Valuation Office Agency to provide an independent expert opinion of market rent reflecting the benefits and burdens of the provisionally agreed Heads of Terms. This was intended to guide and inform the continuing discussions over rent.

The Valuation Office Agency had reported a rental value in October 2015 of £8,250. However the tenant had now advised that they wished to see the commencing rent under the proposed new lease remain unchanged at £200 and that they were not willing to make any financial contribution to the maintenance of the walls. A copy of a letter from the Pembrokeshire Scout Council was appended to the report, and a second letter received by the Authority since the report had been printed had been circulated to Members before the meeting for their information.

The report set out the options open to the Authority for concluding the current lease renewal discussions and these included the serving of a Section 25 Notice on the tenant under the Landlord and Tenant Act 1954. This would have the effect of bringing the existing lease to an end at the termination date of the notice and triggering a statutory mechanism that would allow the Authority to make an application for an interim rent, pending a negotiated rental agreement between the parties, or in default of such agreement, a market rent determined by the County Court. Refusal by the tenant to accept the interim rent award would lead to the option of commencing possession proceedings and the return of the site to the Authority with full vacant possession.

The Monitoring Officer pointed out to Members that it was the Pembrokeshire Scout Council which was in negotiations with the Authority, rather than the national organisation which had much more substantial resources.

Members expressed admiration and support for the work of the Scout movement but agreed that a rent of £200pa was too low. They wondered whether the national Scout Association could assist the Pembrokeshire group with additional resources, however dealing with the proposal before them they felt that the site was not being used to its full potential even though they acknowledged that it would benefit from further investment. In response to a question regarding the possibility of other uses of the



site, the officer replied that although the market had not been tested, he felt that the site's planning use as a camping and activity centre would make it a good residential base in the south of the county for an outdoor activity centre. Members agreed that it was a valuable commercial site and the recommendation to serve a notice under S25 of the Landlord and Tenant Act 1954 was moved and seconded.

Some Members did have sympathy with the tenant, noting that the percentage increase from the current to the proposed rent was quite large, and an amendment was proposed and seconded that an initial rent of £3,000 be charged, increasing incrementally to £4,000 over three years and including a level of liability for maintenance of the walls. This was put to the vote, but was lost.

It was **RESOLVED** that the serving of notice under S25 of the Landlord and Tenant Act 1954 upon the Scouts be approved, this confirming that the Authority had no objection to them renewing the lease on the terms provisionally agreed subject only to the matter of rent, and that the Authority would make an application to the Court while negotiations continued for an interim rental award of £4,125 reflecting 50% of the Valuation Office Agency's recent opinion of rent.

*[Mr A Archer disclosed an interest in the following item and withdrew from the meeting while it was considered]*

## **12. Consultations recently undertaken by the Welsh Government/ National Assembly in relation to governance issues**

It was reported that in January of this year the Authority had responded to two consultations on technical changes to the Members' Code of Conduct and a proposed extension of the powers of the Public Service Ombudsman for Wales.

The first of these was a 'technical consultation' on the drafting of the statutory instruments concerning Members' interests under the Code of Conduct which related to the general requirement that Members should not prefer the interest of their own ward/area to that of the interests of the whole authority upon which they sat. The documents had been circulated to members of the Standards Committee for comment and the response attached to the report was submitted to Welsh Government on 6 January 2016.

The Monitoring Officer updated Members at the meeting that the amended order would come into force on 1 April 2016 and the Authority would have 6 months from that date in which to adopt the amendments to the Model Code of Conduct. A report on this would be presented to a future meeting of the Authority.



The second consultation related to the extension to the powers of the Public Service Ombudsman for Wales through the Draft Public Services Ombudsman (Wales) Bill. The report summarised the key parts of the draft Bill, most of which did not affect National Park Authorities. A copy of the response was appended to the report. The Monitoring Officer added that it was unlikely that there would be any significant developments regarding the implementation and enactment of the relevant Statutory Instruments until after the Welsh Government elections in May.

**NOTED.**

### **13. Calendar of Meetings 2016/17**

Members were reminded that the current calendar of meetings came to an end in June 2016 following the Annual General Meeting and a calendar for the forthcoming year was therefore presented to the Authority for approval.

It was noted that there were no meetings scheduled for April 2017 due to Local Government Elections in May of that year, however one Member asked about the arrangements for the meetings scheduled for 10 May 2017. The Administration and Democratic Services Manager clarified that, irrespective of whether they were re-elected or had decided not to stand for re-election, Members appointed by Pembrokeshire County Council remained Members of the National Park Authority until such time as new Members were nominated by the County Council.

It was **RESOLVED** that the calendar of meetings for 2016/17 be approved.

### **14. Corporate Events**

The Administration and Democratic Services Manager reported that the National Park Authority was invited to attend various events during the course of a year, and the report listed those to which Members had been invited to date. An update was provided with regard to the date of the National Parks Wales Annual Members' Seminar which would take place on 2<sup>nd</sup> and 3<sup>rd</sup> November 2016 in Snowdonia. Members were asked to let officers know if they were interested in attending any of the events.

It was **RESOLVED** that Members be authorised to attend the following events:

- a) RTPI Wales Planning Conference (Chair/Deputy Chair of Development Management Committee)
- b) WLGA Annual Conference (up to 5 places including officers)
- c) Members' National Induction Course (new Members)
- d) National Parks Wales Annual Members' Seminar (all Members)
- e) Europarc Conference





## 15. Members' Salaries 2016/17

It was reported that the Independent Remuneration Panel for Wales had recently published its final Annual Report for 2016/17. It had determined that there would be no increase in Member remuneration and the salaries would remain at £3,600 per annum basic salary; £12,300 per annum senior salary payable to the Chair of the Authority; and £7,300 (level 1) or £6,000 (level 2) senior salary payable to the Deputy Chair of the Authority and the Chair of other committees. Currently the level 2 senior salary was payable to the Deputy Chair of the Authority and the Chair of the Development Management Committee. The Authority was entitled to pay a Senior Salary for up to four posts.

Travel and subsistence rates had changed slightly for overnight stays in London and for staying with family or friends, however the Panel had decided not to change the fees for Independent Standards Committee Members, or the level of care costs available.

The new salary framework would come into effect on the date of the Annual General Meeting which this year was 15<sup>th</sup> June 2016.

Members were asked to determine which posts would be eligible to receive a senior salary for 2016/17 and what level of remuneration should be payable to the posts of Deputy Chair of the Authority and Committee Chair(s). They were also asked to determine the maximum number of days for which Independent Standards Committee Members could be paid in any one year (currently 4 days per annum).

It was **RESOLVED** that:

- a) the Independent Remuneration Panel for Wales Annual Report for 2016/17 be noted.
- b) The Chair and Deputy Chair of the Authority and the Chair of the Development Management Committee be remunerated with a senior salary.
- c) Level 2 of the senior salary be paid to the Deputy Chair of the Authority and the Chair of the Development Management Committee.
- d) The maximum number of days for which Independent Standards Committee Members could be paid in any one year remain at 4 days per annum.

## 16. Update on the Oriel y Parc Café Tender

The Estates Officer reported that following a marketing exercise by RK Lucas & Son three tender applications had been received, and following interviews, a decision had been reached regarding the preferred party to be appointed. It was noted that the current incumbent had chosen not to re-tender and so therefore there would be a period of transition over the summer with the new company taking over in November.



The officer clarified for Members that it was a concession that was being offered rather than a tenancy and the licence would be for 5 years from 1 November 2016 with a fixed rent being charged for the duration of the licence.

Members were reassured regarding the track record of the preferred concession holder and asked that a letter be written from the Committee to Katie Smith, the current tenant to thank her.

**NOTED.**

**17. 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.

**18. Ty Mawr, Porthgain**

The Estates Officer reported that the Authority owned the above mentioned building and that part of it was rented out and operated as "The Shed Bistro". The business was successful and in 2008 the lease had been varied to allow the kitchen to be extended. A further extension had been granted planning permission in 2011 and the tenants were now requesting an extension to the footprint of the land that they leased so that they could complete the extension before planning permission ran out later this year. This had been provisionally agreed, subject to the lease being re-gearred and an increase in the rental value from £5,000 to £6,000; the other terms would remain unaltered.

Members asked about the use of the remainder of the building and were advised that it was used as a Ranger base and for storage of boats by Porthgain Rowing Club. Prior to the economic slowdown ideas had been discussed which would make better use of the building through the creation of a first floor business unit, but this had not been progressed.

It was **RESOLVED** that the lease for The Shed Bistro be re-gearred and the rent increased to £6,000 pa to allow the tenants to progress the business' extension programme.

*[Councillor S Hudson tendered his apologies and left the meeting during the following presentation].*

**19. Presentation by the Friends of the Pembrokeshire Coast National Park**

The Chair welcomed Peter Heard and Edward Holdaway from the Friends of the Pembrokeshire Coast National Park which was this year celebrating its 25<sup>th</sup> Anniversary. Mr Heard, the Chairman, explained that the Friends had no paid officers and outlined some of the work



undertaken by what was a dedicated band of volunteers. Mr Holdaway, who was Chair of the Policy Sub-Committee, went on to outline the Friends' draft revised strategy and its involvement in the Alliance for National Parks Cymru and through that in the current Future Landscapes Programme.

Thanking them for an interesting presentation, Members of the Authority praised and complimented the Friends on the work that they undertook practically and thanked them for their views when commenting on planning applications. Their influence through the work of the Alliance for National Parks Cymru was also considered to be substantial.

The Chairman concluded by wishing the Friends well on their forthcoming celebratory dinner on behalf of the Authority.

**NOTED.**

## **20. Presentation by Visit Pembrokeshire**

Thanking them for their patience in waiting for the end of what had been a long meeting, the Chairman welcomed Chris Osborne, Jayne Rees-Baynes and Julia Horton-Powdrill, the Chair and members of the Shadow Board of Visit Pembrokeshire. Mr Osborne set out the reasons behind the need to change the tourism structure in Pembrokeshire, the partners involved and the work that had been undertaken to date. He went on to outline the planned structure of the new organisation, together with the proposed timeframe when it would be operational. He stressed that the new organisation would have to be socially, environmentally and financially sustainable within three years.

The Shadow Board answered a number of questions from Members of the Authority and the Chairman concluded by thanking them for their presentation and wishing them well for the future.

The Chief Executive added that any request for funding for the new organisation would be brought to a future meeting of the Authority.

**NOTED.**