

## NEW FOREST NATIONAL PARK AUTHORITY

### MINUTES OF THE MEETING OF THE NEW FOREST NATIONAL PARK AUTHORITY HELD ON THURSDAY 21 JANUARY 2016 AT 9.30 HOURS IN THE COUNCIL CHAMBER, LYMINGTON TOWN HALL, LYMINGTON

#### **Present:**

##### *Members*

Oliver Crosthwaite-Eyre (Chairman)

Edward Heron (Deputy Chairman)

Sally Arnold

David Harrison

Penny Jackman

Julian Johnson

Keith Mans

Harry Oram

John Pemberton

Leo Randall

Marian Spain

Ken Thornber

Judith Webb

Pat Wyeth

##### *Officers*

Alison Barnes

Steve Avery

Kevin Green

Julia Mutlow

Nigel Matthews

Mark Holroyd

Hilary Makin

David Stone

Nigel Stone

Sarah Applegate

Rosalind Alderman

Vicki Gibbon

Chief Executive Officer

Executive Director, Strategy and Planning

On behalf of the Chief Finance Officer

Senior Solicitor and Monitoring Officer

Head of Recreation Management and Learning

Transport and Tourism Manager

Communications Manager

Corporate Services Manager

Finance and Performance Manager

Senior Policy Officer

Member Services Officer

Member Services Administrator

## **PART I**

### **29. Apologies for absence.**

29.1 Apologies for absence were received from Richard Frampton, Barry Rickman, John Sanger and Judith Webb.

### **30. Declarations of interest.**

30.1 Oliver Crosthwaite-Eyre, Phil Marshall and Leo Randall each declared an interest in minute item 32 as a member of the New Forest Association ('NFA').

### **31. Chairman's announcements.**

31.1 The Chairman welcomed the news, delivered in the Chancellor's Autumn Budget statement, that National Park Authorities' grants would be protected for four years. This sent a clear signal that the importance of the work carried out by the NPA and

others was recognised, and that going forward there was a strong support for this work. The Chairman would be meeting with Rory Stewart, Minister for the Environment, Food and Rural Affairs, in early February.

31.2 The Chairman also drew attention to the amount of almost £2.9m that the NPA and its partners had received in special grants from the Heritage Lottery Fund.

31.3 Finally, the Chairman drew Members' attention to the late amendment to the Local Government Bill that would give National Park Authorities a specific power of competence, which would give the NPA a greater degree of freedom and flexibility in its work. He recorded his thanks to the New Forest's two MPs, Desmond Swayne and Julian Lewis, whose influence had been crucial in obtaining the amendment.

## **32. Minutes of meeting on 24 September 2015.**

32.1 The minutes of 24 September 2015 were agreed as a true record.

## **33. Public Question Time**

33.1 Brian Tarnoff, Chairman of the Habitats and Landscape Committee of the NFA, made a statement to the meeting. He explained that in September 1998 English Nature had published a set of guidelines for fungi collection, 'The Wild Mushroom Pickers' Code of Conduct'. Signatories to these guidelines included the Forestry Commission, the National Trust, the Woodland Trust, the Association of British Fungus Groups and the British Mycological Society. The code stated that culinary forage was inappropriate on SSSIs and National Nature Reserves, which would include all of the New Forest Crown Lands. The Code was also the source of the 1.5kg limit, which the NFA felt was intended as a limit per visit, and which they argued had subsequently been misinterpreted by the Forestry Commission ('FC') as "per person, per day", ignoring the prohibitions on culinary forage on SSSIs.

Mr. Tarnoff explained that the Code did not offer an alternative lower culinary collection amount for SSSI areas because the default was zero where collection was not permitted. He went on to explain his view that the FC's leaflets and posters omitted the key points in the code about SSSI and National Nature Reserves to the effect that culinary collecting should not occur in these areas. He felt that the result sent 'mixed messages', ignoring the special qualities of the New Forest SSSI and its extra protection enshrined both in law and best practice, whereas the message should be that the New Forest deserved respect and restraint. Mr. Tarnoff pointed out that the National Trust had now banned culinary collection on the commons that they managed on the New Forest, and that in September the NPA had resolved to engage with the Forestry Commission and Natural England towards updating and strengthening the current code of practice for fungi picking and, together with local landowners, develop a specific code of practice for the New Forest. Mr Tarnoff felt that this was a step in the right direction, but that stakeholders for a new code should include fungi specialist groups, and, as a campaigner for the New Forest's habitat, the NFA.

The NFA were calling for such an inclusive stakeholders' meeting, to develop the new code, review lessons learned, and discuss a common message going forward. This should happen near the end of the first quarter, so that consistent messages and materials could be in place before the New Forest Show. Mr Tarnoff asked that the NPA formally resolve to pursue this course of action. The NFA also asked

the NPA to cease distributing the current FC leaflets and posters through information points and interpretive staff, and offered a suggested alternative.

Members considered the above matter further at the end of the meeting and, following discussion, agreed to broaden its engagement to include specialist stakeholder groups such as the New Forest Association in developing a specific code of practice on fungi picking in the New Forest.

**Resolved**, that the Authority broaden its engagement to include specialist stakeholder groups such as the New Forest Association in developing a specific code of practice on fungi picking in the New Forest.

*Voting: unanimous*

### **34 Building Design Awards**

34.1 Steve Avery explained that the purpose of the Building Design Awards was to celebrate and recognise high quality development in the New Forest that made a positive contribution to the built environment of the National Park. These awards were judged by a panel drawn from the NPA's Planning Development Control Committee. The panel had been very impressed by the standard of the nominated developments.

34.2 The Chairman then presented the award for the best individual building to the independent Historic Buildings Consultant Kevin Stubbs for his superb restoration of a fire-damaged cottage in Woodgreen, the award for the best extension to Will Lycett of David Underhill Architecture for his innovative and sympathetic extension to a former Baptist Chapel that successfully blended the historical with the contemporary, and the award for the best larger-scale development to Neil Holmes of Quayside Architects for the attractive new homes he had designed in Gosport Lane, Lyndhurst.

### **35. Chief Executive's Report (NFNPA 491/16)**

35.1 Alison Barnes presented her report, drawing attention to key highlights over the last period since September 2015. She drew Members' attention to the celebration of the Partnership Plan and the Our Past Our Future HLF award that had taken place in October at Appleslade enclosure in Linwood. Alison Barnes congratulated the Partners and all the NPA staff who had been involved in this work, which represented a strong mandate for the New Forest and an endorsement for the type of partnership working that it was hoped stakeholder organisations and the NPA would continue to take forward in the New Forest.

35.2 Under the 'Protect' programme, Alison Barnes mentioned the CPRE Hampshire Countryside Awards, in which two of the winners had been projects that had been supported by the Local Communities Fund, the Pondhead Conservation Trust's work to improve local landscapes, and the Shipwrights' School at Buckler's Hard which had won the Green Building Award. The Chief Executive also explained that the Local Plan Update, referred to on page 7 of the report, continued apace, and the six week consultation had been launched in September 2015. During this initial consultation which had closed at the end of October responses had been received from a wide range of individuals and organisations and officers were now in the process of considering the issues raised, as well as more than 70 sites that had been submitted as part of the 'Call for Sites'. She also drew attention to the successful conclusion to two ongoing enforcement actions in the New Forest, to the

planning update and training event for Parish and Town Councils that had taken place in September, and to the Community Wildlife Plans Project which had now concluded (although the organisations and individuals involved would continue to take these forwards, with some support from the Land Advice Service staff with back up from the Ranger team where appropriate).

- 35.3 Under the 'Enjoy' programme, Alison Barnes updated Members on the Lidar exhibition at the New Forest Centre which had attracted over 15,000 visitors in the first three months and was likely to top 20,000 visits before the end of January, as well as the Open Art Competition which had received more than 14,000 visitors, with the prize going to local artist Sandy Poynter. The Chief Executive also mentioned the Family Trees event at Jubilee Fields in Sway in November at which approximately 180 people had signed up to have a tree planted in order to celebrate the birth, marriage, anniversary or life of a family member, and she also drew attention to the success of the recent walking festival that had featured over 80 guided walks. The Chief Executive also told Members that Karl Epps, one of the Mosaic Young Champions, had won the prestigious national award for Young Volunteer of the Year, which was excellent news for both Karl Epps and for the New Forest.
- 35.4 Under the 'Prosper' programme, the Chief Executive drew Members' attention to the two new cycle routes (the re-surfaced Ashurst-Lyndhurst and Marchwood-Eling) had been opened during the quarter as a result of contributions from the DfT Family Cycling Experiences Fund, as well as to the success of the bus routes. On 'Achieving Excellence' Alison Barnes also welcomed the new power of competence and the funding reassurances. Finally, she outlined to Members several events at which she had spoken, including the Regenerate South conference, the West Hampshire Clinical Commissioning Group conference and the Business South conference, and reminded Members of the forthcoming volunteering fair scheduled for the following Saturday.
- 35.5 In response to a query, Alison Barnes said that she would circulate further details on the solar scheme at Cadland that was referred to in her report. Members were pleased to hear that Alison had met with GPs and discussed the common agenda arising from the current emphasis on preventative health care and the potential for relaxation and healthy exercise offered by national parks. A Members' Day would take place on understanding ecosystem services, including climate change challenges and the relevant vocabulary and concepts, and another Members' Day was suggested for meeting with the Forestry Commission. Members also agreed that the Chairman should send a formal letter of congratulation on their behalf to Karl Epps on his Young Volunteer of the Year award. Members then congratulated the Chief Executive, NPA staff, and partnership organisations on all they had achieved during the quarter, and noted the report.

## **36. Oral Report from the Resources, Audit and Performance Committee Meeting on 7 December 2015**

- 36.1 David Harrison gave an oral update to Members on the Resource, Audit and Performance committee meeting on 7 December commenting that the Committee had considered and accepted the annual audit letter from Ernst and Young,.

During the meeting it had been agreed that the 'Management Plan' would in future be referred to as the 'Partnership Plan'.

Mr Harrison advised Members that the final payment from the Icelandic Bank had now been received by the Authority and that the budget Task & Finish group which had been set up two years ago had now come to an end.

**37. Adoption of Supplementary Planning Documents for Oil and Gas Development, and Minerals and Waste Safeguarding (NFNPA 492/16)**

37.1 Sarah Applegate introduced her report advising Members that the Authority had been working for several years in conjunction with partners Hampshire County Council, Southampton and Portsmouth City Councils on Mineral and Waste issues. The Hampshire Minerals and Waste Plan was adopted in 2013 and provided a planning policy framework for the National Park and rest of Hampshire. Officers had now prepared a number of supplementary planning documents which provide additional information on how the plan would be implemented. Ms Applegate commented that there would be no new policies or changes just additional guidance.

Ms Applegate said that with the recent concerns and debate regarding fracking in the National Park the report provided guidance on this and that the emphasis is that fracking would only take place within the National Park in exceptional circumstances.

Following further debate, Members resolved to adopt the report.

**Resolved**, that the Authority,

1. adopt the Minerals and Waste Safeguarding in Hampshire supplementary planning document as outlined in appendix 1 of the report.
2. adopt the Oil and Gas Development in Hampshire supplementary planning document as outlined in appendix 2 of the report.
3. delegate to the Executive Director of Strategy and Planning authority to make minor amendments to the two Supplementary Planning Documents provided that they do not change the substance of the document.

*Voting: unanimous*

**38. Update on the New Forest Cycle Event Organisers' Charter (NFNPA 493/16)**

38.1 Nigel Matthews introduced his report to Members commenting that a year ago Members resolved to support the New Forest Cycle Event Organisers Charter. During the past year, most events had caused little or no issues and complaints had reduced. Mr Matthews accordingly asked Members to support the ongoing work on the Charter as detailed in the report.

**Resolved**, that the Authority,

1. support the ongoing work proposed to seek compliance with the Charter by cycle event organisers and safer, more considerate cycling by participants.
2. review the effectiveness of the Charter in January 2017.

*Voting: unanimous*

**39. Establishing National Parks Partnership (NFNPA 494/16)**

- 39.1 Alison Barnes introduced her report which asked members to approve and sign up to an LLP (Limited Liability Partnership) agreement in line with the legal advice that had been received. She added that, pending the formal establishment of the partnership, a “board in waiting” has been appointed comprising National Parks Members, NPA employees (including Mark Holroyd, Transport and Tourism Manager, NFNPA) and individuals with private sector experience.
- 39.2 She then summarised the four key areas relevant to the partnership which had been discussed at the meeting of the Resources, Audit and Performance Committee on 7 December and which were addressed in her current report. In discussing the section on partnership leavers and the £10,000 capital payments by the respective NPAs, members noted that these had been referred to as non-refundable gifts to the LLP. Although members agreed that these would be non-refundable, they were of the view that the contributions should be referred to as investments in the set up costs of the partnership and not as gifts.
- 39.3 Members supported the formation of the LLP and signing of the agreement but requested that processes be put in place for members to monitor the progress of the partnership.

***Resolved***, that

1. the Chief Executive, in consultation with the Monitoring Officer, Chief Finance Officer and the Chairman of the Authority, be authorised to consider and agree subscription to a Limited Liability Partnership (LLP) or similar model for the proposed National Parks Partnership entity including the signing of the relevant agreement.
2. authority be delegated to the Chief Executive, in consultation with the Monitoring Officer, Chief Finance Officer and Chairman of the Authority, to take all such incidental and consequential steps as are reasonably necessary to implement this decision including entering into any agreements and signing any legal documentation together with any subsequent amendments.

*Voting: unanimous*

**40. Recommendation from the Standards Committee meeting on 11 January 2016 – amendments to the Members’ Code of Conduct**

- 40.1 Julia Mutlow advised that, as part of the Authority’s ongoing review of its governance arrangements, she had submitted a report to the Standards Committee on 11 January 2016 on possible amendments to the Members’ Code of Conduct in line with feedback received from other National Parks and adjacent Councils. She added that the report to the Committee, together with the minutes of the Standards Committee meeting had been tabled at the current meeting for the information and guidance of members.
- 40.2 Ms Mutlow advised that Part 2B of the current Code broadened the mandatory requirements in the first part of the Code to include a requirement to declare a series of non-pecuniary interests. After considerable debate on whether to dispense with this part of the Code, the Standards Committee had resolved to recommend to the Authority that it be retained, i.e. that the Code be retained in its existing form, subject to the minor amendments detailed in Annex 1 of the report to the Committee.

- 40.3 Leo Randell expressed the view that Part 2B of the Code was too broad and prescriptive and required members to declare interests on a wide range of issues which were often immaterial to the matter under consideration. He proposed that the relevant clause of the South Downs National Park Authority's Code, which was of a more general nature, be adopted by the Authority to replace the current Part 2B. Although seconded, this proposal was not carried (12: 3).
- 40.4 During the debate that followed, several members emphasized the importance of members erring on the side of caution when deciding whether they had an interest in a matter under consideration.
- 40.5 The recommendation of the Standard Committee was then adopted.

**Resolved**, that the Members' Code of Conduct be retained in its existing form, subject to minor amendments as detailed in Annex 1 of the report submitted to the Standards Committee on 11 January 2016.

*Voting: (12: 3)*

**41. Any other items that the Chairman decides are urgent**

- 41.1 An item of urgent business was raised in Part 2 of the meeting and minuted below and also in Part 2 of the minutes.

**PART II – ITEMS THAT MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC ON THE GROUNDS THAT EXEMPTED INFORMATION MAY BE DISCLOSED**

*Resolved, that the public be excluded from the meeting during the following item of business, as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during this item there would be disclosure to them of exempt information within Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, and further that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, namely the need to avoid disclosing sensitive information relating to the Authority's financial affairs*

**41.2 Devolution Update**

Members considered an oral update on aspects of the Hampshire and Isle of Wight devolution bid (this is a summary of a minute that contains exempt information).

The meeting closed at 12.30 pm.

Signed: .....  
(Chairman)

Date: .....