



EXMOOR
NATIONAL PARK

EXMOOR NATIONAL PARK AUTHORITY
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25 November 2021

EXMOOR NATIONAL PARK AUTHORITY

To: All Members of the Exmoor National Park Authority

A meeting of the Exmoor National Park Authority will be held in the **Committee Room, Exmoor House, Dulverton** on **Tuesday 7 December 2021 at 10.00am.**

The meeting will be open to the press and public subject to the passing of any resolution under s.100(A)(4) of the Local Government Act 1972.

There is Public Speaking at this meeting, when the Chairperson will allow members of the public two minutes each to ask questions, make statements, or present a petition relating to any item relevant to the business of the Authority or relating to any item on the Agenda. Anyone wishing to ask questions should notify the Corporate Support Officer as soon as possible, or at the latest by 4pm on the working day before the meeting of the agenda item on which they wish to speak, indicating a brief summary of the matter or matters to be raised (contact Judy Coles on 01398 322250 or email jcoles@exmoor-nationalpark.gov.uk).

The meeting will be **recorded**. By entering the Authority's Committee Room and speaking during Public Speaking you are consenting to being recorded. We will make the recording available via our website for members of the public to listen to and/or view, within 72 hours of the meeting taking place.

Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings at this meeting. Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairperson so that those present may be made aware.

(The agenda and papers for this meeting can be downloaded from the National Park Authority's website www.exmoor-nationalpark.gov.uk).

Sarah Bryan
Chief Executive

AGENDA

The meeting will be chaired by Mr R Milton, Chairperson of the Authority.

1. Apologies for Absence

2. Declarations of Interest/Lobbying of Members/Unaccompanied Site Visits

Members are asked to declare:-

- (1) any interests they may have in relation to items on the agenda for this meeting;
- (2) any lobbying by anyone concerned with a planning application and any unaccompanied site visits where contact has been made with any person concerned with a planning application.

(NB. When verbally making these declarations, members are also asked to complete the Disclosures at Meetings form – attached for members only).

3. Chairperson's Announcements

4. **Minutes**
 - (1) To approve as a correct record the Minutes of the meetings of the Authority held on 2 November 2021 (Item 4)
 - (2) To consider any Matters Arising from those Minutes.

5. **Public Speaking:** The Chairperson will allow members of the public to ask questions, make statements, or present a petition. Questions of a general nature relevant to the business of the Authority can be asked under this agenda item. Any questions specific to an agenda item can be posed when that item is considered subject to the discretion of the person presiding at the meeting.

Agenda items relating to the Authority's role as sole local planning authority for the National Park area including determination of planning applications. This section of the meeting will be chaired by Mr S J Pugsley, Deputy Chairperson (Planning). If the Deputy Chairperson (Planning) is absent, the Deputy Chairperson of the Authority shall be preside.

6. **Appeals:** To note the **decision** of the Secretary of State for Levelling Up, Housing and Communities to allow the Appeal and grant planning permission in relation to Application 62/41/21/012 – Lynton Church of England Primary School, Market Street, Lynton, EX35 6AF
7. **Development Management:** To consider the report of the Head of Planning and Sustainable Development on the following:-

Agenda Item	Application No.	Description	Page Nos.
7.1	6/14/21/103	Proposed construction of a private equestrian sand school (60m x 20m) with landscape planting – The Old Vicarage, Simonsbath, Minehead, TA24 7SH	1 – 12

8. **Application Decisions Delegated to the Chief Executive:** To note the applications determined by the Chief Executive under delegated powers (Item 8).
9. **Site Visits:** To arrange any site visits agreed by the Committee (the reserve date being Friday, 7 January 2022 (am)).

- 10. Progress Implementing the Corporate Plan 2021-22:** To consider the report of the Head of Strategy and Performance (Item 10)
- 11. Visitor Management and Engagement During 2021:** To consider the report of the Head of Conservation and Access (Item 11)
- 12. National Working Update:** To consider the report of the Chief Executive (Item 12)
- 13. Review of Member Code of Conduction, Dispensations, and Amendments to Standing Orders for Regulation of Contracts:** To consider the joint report of the Head of Strategy and Performance, Monitoring Officer and Chief Finance Officer (Item 13)
- 14. Personnel Update**
 - Leaver**
 - 19/11/2021 – Molly Templar – Field Services and Estate Worker – resignation
 - 12/12/2021 – Debbie Ebsary – Assistant Ranger - resignation
 - 31/12/2021 – Dave Wilde, Centre Manager (NPC Lynmouth) - retirement
- 15. Any Other Business of Urgency**

Further information on any of the reports can be obtained by contacting the National Park Authority at the address and telephone numbers at the top of the agenda. Details of the decisions taken at this meeting will be set out in the formal Minutes which the Committee will be asked to approve as a correct record at its next meeting. In the meantime, details of the decisions can be obtained from Judy Coles, Corporate Support Officer, at Exmoor House.

ITEM 4

EXMOOR NATIONAL PARK AUTHORITY

MINUTES of the Meeting of the Exmoor National Park Authority held on Tuesday, 2 November 2021 at 10.00am in the Committee Room, Exmoor House, Dulverton.

PRESENT

Mr R Milton (Chairperson)
Miss A V Davis (Deputy Chairperson)
Mr S J Pugsley (Deputy Chairperson (Planning))

Mrs L Blanchard	Mrs F Nicholson
Mr M Ellicott	Mr J Patrinos
Mr D Elson	Mr B Revans
Mr J Holtom	Miss E Stacey
Mr J Hunt	Mr N Thwaites
Mr M Kravis	Mrs P Webber
Mrs C Lawrence	Mr V White
Mr E Ley	Mr J Yabsley

Apologies for absence were received from Mr A Milne, Dr M Kelly and Dr S Warren.

81. DECLARATIONS OF INTEREST: There were none

82. CHAIRPERSON'S ANNOUNCEMENTS: There were none

83. MINUTES

- i. **Confirmation:** The **Minutes** of the Authority's meeting held on 5 October were agreed and signed as a correct record.
- ii. **Matters arising:** There were no matters arising

84. PUBLIC SPEAKING: There were no public speakers

85. REVISED BUDGET FOR 2021/22

The Authority considered the **report** of the Chief Finance Officer

RESOLVED:

- (1) To approve the revised Core Budget for 2021/22 as set out in Appendix 1 to the report.
- (2) To note the position regarding reserves as set out in Appendix 3 to the report and the projected balance on the General Fund at 31 March 2022 of £300,000 and approve the changes to reserves set out in Section 5 of the report.
- (3) To authorise the Chief Executive and Chief Finance Officer to make such adjustments as are necessary to keep within the overall budget and with the object of transferring underspends that arise to reserves.

86. TREASURY MANAGEMENT MID-YEAR REPORT

The Authority considered the [report](#) of the Chief Finance Officer

RESOLVED: To note the Treasury Management Outturn for the first six months of the 2021-22 financial year.

87. EXMOOR NATIONAL PARK AUTHORITY CLIMATE EMERGENCY YOUTH ENGAGEMENT

The Authority considered the [report](#) of the Head of Strategy and Performance and Learning and Engagement Officer

The Authority's Consideration

Committee Members were appreciative of all the hard work the Authority's Education Team had put into engagement with young people regarding the climate emergency, and for extending this work into the Young Rangers programme which had enabled an initial group of young people to have real and hands on experience of working for the National Park.

A number of Members had been given the opportunity to meet with the Young Rangers at Pinkery Outdoor Education Centre and had been impressed by the balanced views that they were able to articulate. The importance of the journey they had been on to get to that stage was recognised, including that we have a duty to provide a balance of information and education to ensure they gain an understanding of all different view points. It was noted that a second Young Rangers event would be taking place at Pinkery during half-term in February 2022.

It was agreed that a Member/Officer Task and Finish Group should be set up to give further consideration on how to enable and facilitate the youth voice and incorporate it into the core work of the Authority.

RESOLVED: To note the contents of the Plan and identify up to 3 Members to join a working group to look at future youth engagement.

The meeting closed for recess at 11.17 am and reconvened at 11.30am.

88. EXMOOR NATIONAL PARK BYELAWS

The Authority considered the [report](#) of the Head of Conservation and Access and Access and Recreation Manager

The Authority's Consideration

The Committee noted that the proposals to create new Byelaws would enable the continuation or introduction of charging for parking in carparks on the Authority's owned or leased land, without the need for support from District and County Councils in relation to street parking orders, which could be costly and time consuming.

It was considered the proposals were a pragmatic way to reduce the administrative and economic burden of the existing process. However, Members were mindful that great care needed to be taken when communicating the

proposals publicly, to ensure that local residents had a clear understanding that carpark charging was already taking place across the National Park, and it was just the mechanism for charging that was being amended.

The Authority Committee wished to ensure they had input throughout the consultation process and requested that they have sight of, and opportunity to comment upon, the formal consultation documents before they were finalised.

It was further requested that a paper be brought back to the Authority, to include details of the formal consultation responses received, prior to submitting the proposed Byelaws to DEFRA for Secretary of State approval.

RESOLVED:

- (1) To agree to begin informal consultation on the Byelaws as set out in the document attached to the Committee Report.
- (2) If there are no unresolvable objections following the informal consultation, to continue with formal consultation subject to Member input regarding the formal consultation documents.
- (3) To ensure a Committee Report is brought back to the Authority for final approval, prior to submitting the proposed Byelaws to DEFRA for Secretary of State approval.

89. **EXMOOR CONSULTATIVE & PARISH FORUM:** The Authority received and noted the [meeting notes](#) from the Exmoor Consultative & Parish Forum meeting held on 16 September 2021.
90. **PERSONNEL UPDATE:** The Authority noted the recent staff changes as set out on the agenda.
91. **ANY OTHER BUSINESS OF URGENCY:** There was none

The meeting closed at 12.02pm

(Chairperson)

22 November 2021



The Planning Inspectorate

Appeal Decision

Site visit made on 17 November 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2021

Appeal Ref: APP/F9498/W/21/3280433

Lynton Church Of England Primary School, Market Street, Lynton EX35 6AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Governing Body of The West Exmoor Federation against the decision of Exmoor National Park Authority.
 - The application Ref 62/41/21/012, dated 5 May 2021, was refused by notice dated 5 August 2021.
 - The development proposed is replacement of doors/screens in 3no. locations with new aluminium of style and colour to match existing.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of doors/screens in 3no. locations with new aluminium of style and colour to match existing at Lynton Church Of England Primary School, Market Street, Lynton EX35 6AF in accordance with the terms of the application Ref: 62/41/21/012, dated 5 May 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: E2341 AL(0)01 Rev C, E2341 AL(0)02.

Procedural Matters

2. At my visit I saw that the existing doors labelled D1 and shown in a photograph on drawing Ref E2341 AL(0)01 Rev C have been replaced in a different style and material. In the interest of certainty, I made my assessment strictly on the basis of the photographs and proposed plans subject to the Authority's decision.
3. As the proposal is in a conservation area, I have had special regard to s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I am also cognisant of my duty to have regard to the purposes for which National Parks are designated, including to conserve and enhance their cultural heritage.

Main Issue

4. The main issue is whether or not the proposal would preserve or enhance the character or appearance of the Lynton Conservation Area (the CA).

Reasons

5. Lynton Church of England Primary School occupies a prominent position within the CA. The significance of the CA is, in part, drawn from the quality of its

historic architecture and the prevalent use of traditional materials, the latter under threat by inappropriate modern replacements, such as uPVC¹.

6. The school makes a positive contribution to the significance of the CA through the character and appearance of its Victorian core. This part of the building has been somewhat shrouded by a series of smaller later additions. Some are utilitarian in form and detract. Others, which I understand were added around 2002, utilise a more sympathetic, traditional design approach.
7. The doors/screens labelled D2 and D3 are within one of the 2002 extensions and are therefore likely modern not original. This extension is very visible from Market Street and Castle Hill. Despite this, its subservient scale, traditional form and finishes, particularly its pitched roof, brick dressings, and timber sashes with vertical glazing bars, ensure that it has an inoffensive presence within the CA.
8. The doors/screens, however, play little part in this because they are simple and not particularly refined. Given that they are also quite set back from the public realm, their like for like replacement but in aluminium, would do little to alter the current situation in my opinion. The doors labelled D1 form the front reception entrance to the school building, which I again understand to have been constructed circa 2002. Their like for like replacement in aluminium would not harm the CA, as the timber doors were likely modern, set within a modern part of the school, and within a discrete position largely away from public view.
9. Consequently, I conclude that the proposal would preserve the character and appearance of the CA. It would accord with the heritage aims of Policies GP1, CE-D3, CE-S4 and CE-S6 of the Exmoor National Park Local Plan 2011–2031 (adopted 2017) and the National Planning Policy Framework.

Conditions and Conclusion

10. In addition to the standard time condition, it is necessary for a condition to identify the approved plans in the interest of certainty.
11. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be allowed.

Matthew Jones

INSPECTOR

¹ As identified in the Lynton Conservation Area Appraisal

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Committee Report

Application Number:	6/14/21/103
Registration Date:	19-Jul-2021
Determination Date:	10-Sep-2021
Applicant	Ms T Gowlland
Agent:	Greenslade Taylor Hunt
Case Officer:	Kieran Reeves
Site Address:	The Old Vicarage, Simonsbath, Minehead, TA24 7SH
Proposal:	Proposed construction of a private equestrian sand school (60m x 20m) with landscape planting.
Recommendation:	Refusal
Reason for bringing before Authority Committee:	Exmoor Parish Council has a view that is contrary to the recommendation of Officers.

Relevant History

6/14/20/102 – Proposed manege (40m x 20m) – Withdrawn on 7th August 2020

Site Description & Proposal

The Old Vicarage is a two storey detached property with rendered elevations, a slate roof and timber windows. To the west of the dwelling lies a detached stone building with slate roof that is used for the stabling and care of horses. Both buildings are accessed via a private bridge off of the B3223 (a classified 2(b) road) which forms the main road through Simonsbath.

The proposed site for the manege is in the corner of a field approximately 210 metre to the north of the dwelling. The manege would measure 60 metres by 20 metres and it would be surrounded by a timber post and rail fence. Groundworks would be required to create a level surface. The applicant is also proposing to construct a hedgebank through the field along the western edge of the manege and to plant a hazel coppice next to the south eastern corner of the manege.

An application was submitted for a smaller manege (40 metres by 20 metres) in a field next to the dwelling (reference 6/14/20/102), but this was withdrawn after concerns were raised about the landscape impact and the proximity to the church.

Consultee Representations

Somerset County Council (Highway Authority) – Standing advice applies

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Exmoor Parish Council – The Exmoor Parish Council discussed this at their recent meeting and still hold the same view as before - they fully support the planning as it is in full agreement with the RT-D11- EQUESTRIAN DEVELOPMENT policy.

ENPA Landscape Officer – Consultation response dated 18th August 2021 – The site is in an elevated position some 210m to the north east of the Old Vicarage and north of Simonsbath church. A large sloping field and a smaller paddock lies between the dwelling and the proposed ménage.

At 60 x 20m in size, the ménage is a large feature that will dominate the field in which it is located and require considerable cut and fill in the sloping field. It would be cut into the slope at the eastern end, forming a bank of just over 3m in height as the finished level of ménage is shown at 366m on the proposed site plan (drawing 001) and the adjacent ground level is at 369m in the northern corner. The gradient of the resulting slope would be around 1:1. At the eastern end the ground would be built up, forming a bank of up to 1.5m in height. The sections on drawing 001 do not illustrate where the greatest amount of cut would occur. Fundamentally, the sloping ground would not accommodate such a large, flat arena without significant changes to ground levels.

The ménage would be partially visible from the open access land to the south with the trees along the field boundary screening it to some extent. It is likely to be more visible when the trees are not in leaf, when a rectilinear area of levelled ground of grey sand within the sweep of green fields would become more evident and the steep banks more visible. In views from the access land, the steeply sloping field to the south of the application site is visible, particularly shown in PV4 and PV5 of the landscape statement. Although not part of the application, the sloping ground is likely to become scarred with the tracking of construction vehicles and subsequent access to and from the sand school, which could potentially add to the wider visual impact of the development.

The hedgebank would screen the ménage from the adjacent Two Moors Way footpath where it passes through Ashcombe plantation. Without it, the bank and ménage would be visible.

This is part of the non-designated Ashcombe Gardens, an early 19th century designed garden landscape which is currently being researched and renovated. Lying this close to the gardens, the development would be within its setting.

The site is located within the Enclosed Farmed Hills with Commons (F2) landscape character type. Key features of this landscape include a broad, rolling terrain of hills and ridges offering extensive panoramic views across wooded valleys and open moorland. Land use is typically permanent pasture enclosed by beech hedging, in a regular pattern of fields giving the landscape a managed but tranquil feel. Retaining the historic field pattern is part of the landscape strategy for this landscape character type. The proposed hedgebank would disrupt the distinctive, regular field pattern and result in a permanent and awkward division of the field.

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My main concern relates to the impact on ground form and landscape character. I appreciate that the ground is even more sloping closer to the Old Vicarage, however the sloping site is not suitable for such a large, flat arena in such an elevated position. The ménage would introduce a feature which will result in significant change to the landform and is out of scale and out of character with the setting. The hedgebanks would break up the distinctive and regular pattern of fields and the development would not relate well to the dwelling it would serve or the settlement of Simonsbath.

Re-consultation response dated 22nd September 2021 – A revised scheme has been submitted which includes the creation of sections of hedgebank on a north-south axis and a hazel coppice on the southern side.

The creation of a hedgebank north to south across the field is on balance an improvement on the previous proposal to wrap the hedgebank around the sand school, which created an awkward division of the field. However, the two gaps in the hedgebank of around 7m each, are very wide for horses to pass through and fragment what would characteristically be a continuous linear feature with access via a gateway.

The large arena would still have an adverse impact on the landscape character in such an elevated and sensitive location, and on the landform through the substantial ground modelling required. It would remain partially visible from the access land to the south, more so in winter. Visual screening doesn't neutralise these impacts nor does the presence of existing properties at a higher elevation within 2km.

Local Plan Policy RT-D11 (Equestrian Development) states that development should demonstrate that it is sited sensitively in terms of visual impact and the landscape setting of the area and is of an appropriate scale. The amendments do not alter my view that the development of a large, formalised sand school in this location would have unacceptable adverse landscape and visual effects, remains out of scale and out of character with the setting and would not relate well to the dwelling it would serve or the settlement of Simonsbath.

ENPA Historic Buildings Officer – Consultation response dated 16th August 2021 – The site is located in an elevated position to the north of Simonsbath Church. The church is grade 2 listed and a prominent landmark in the moorland.

The previous application (6/14/20/102) for a ménage in a field adjacent to the church yard was invalidated, in part due to the proposals impact on the setting of the listed building.

The proposed site is some 170m north of the church and will not be directly visible from the church or church yard. It is also unlikely to be visible from elsewhere in the village. This is an improvement over the previous scheme. It will however, be visible from the open access land to the south as is demonstrated in the landscape statement, most notably in image PV4 on page 17. From this vantage point the

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moorland setting is clearly portrayed and the church is the only built form visible in the landscape. It is recognised that this area of land is not easy to access but this is the case for much of the open access land in the National Park.

An important point to make here is that the contribution of setting to significance does not depend on public access or the numbers of people visiting the asset. The Historic England guidance on setting states that this would downplay such qualitative issues as the importance of quiet and tranquillity as an attribute of setting, constraints on access such as remoteness or challenging terrain, and the importance of the setting to a local community who may be few in number. I have viewed the site from the footpath that runs through Birchcleave woods and was unable to see the site clearly. It is possible the site will be visible from this position when the trees are not in leaf. This is an important viewpoint as it is a popular footpath into the village. Clarification is required regarding the access track which doesn't appear to be part of the application or to run up to the sand school. This has the potential to cause a scar in the field immediately behind the church which could potentially have a greater landscape impact than the sand school itself.

Section 5.85 of the planning statement indicates that no other features of heritage significance lie within close proximity of the application site. There are in fact a number of non-designated heritage assets in close proximity, including Ashcombe gardens, a relatively poorly understood early 19th century designed garden landscape. The site will border this and be visible from the two moors way as it runs through Ashcombe.

Local Plan Policy CE/S4 (Cultural Heritage and Historic Environment) states that: Development proposals should make a positive contribution to the local distinctiveness of the historic environment and ensure that the character, special interest, integrity, and significance of any affected heritage asset and its setting is conserved or enhanced. Policy CE/D3 (Conserving Heritage Assets) states that: Development proposals affecting a heritage asset and its setting should demonstrate:

- a) a positive contribution to the setting through sensitive design and siting;
- b) the promotion of the understanding and enjoyment of the heritage asset and its setting or better reveal its significance and appreciation of the setting; and
- c) avoidance of unacceptable adverse effects and cumulative visual effects that would impact on the setting.

Paragraph 194 of the NPPF states that: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. This is qualified by paragraph 196 that states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

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Although I regard the application as a considerable improvement over the previous scheme, in my view it unfortunately still falls short of these policies.

Re-consultation response dated 7th October 2021 – I agree with the Future Landscapes Officer that the revised scheme showing a north-south hedge bank is an improvement over the previous scheme as it creates a less visually obtrusive sub-division of the filed. However, the large, regular gaps in the hedge bank may draw the eye as it will look very different in nature to other continuous hedge banks in the surrounding area. The additional information indicates there is to be improvement in the condition of the Two Moors Way boundary hedgerow to Ashcombe gardens but this is not shown in the revised application documents and will do little to reduce the harm caused to the wider setting of the designed landscape. Although the offer of interpretation space is welcomed as it does not form part of the application it can be given little weight as a public benefit. The revised scheme will also not reduce the impact of the sand school on the listed church.

ENPA Public Rights of Way Officer – Public footpath DU5/23 passes just to the west of the development site in woodland owned by ENPA, part of Ashcombe Gardens and forms part of the Two Moors Way promoted walking route. There is permitted open access on foot throughout Ashcombe Plantation and Birch Cleeve to the south of the B3223 but this is not designated access land under CROW Act 2000. It is also worth noting that there are two public bridleways to the south of the road approximately 200 metres from the entrance drive to the development.

The proposal does not have any direct impact on the rights of way and the proposed new planting will largely shield the view of the proposed development from those using the public footpath in addition to screening from nature vegetation in Ashcombe Plantation itself. The proposed development may be visible from access land to the south, particularly when the trees are not in full leaf and from public bridleway DU5/2.

Representations

Two public representations have been received in relation to this planning application. Both of which express support for the proposal. One person has commented that it would not have any negative impact on them and they feel that the applicant would be sensitive to the nature of the landscape and to the wider environment. The other person has commented that the proposal is sensitively designed, fulfils a requirement of the applicant and it would be well shielded and largely invisible from the surrounding area, with no impact on the church.

Policy Context

Exmoor National Park Local Plan 2011 – 2031

GP1 – General Policy: Achieving National Park Purposes and Sustainable Development

CE-S1 – Landscape and Seascape Character

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CE-D1 – Protecting Exmoor’s Landscapes and Seascapes
CE-S2 – Protecting Exmoor’s Dark Night Sky
CE-S4 – Cultural Heritage and Historic Environment
CE-D3 – Conserving Heritage Assets
CE-S6 – Design and Sustainable Construction Principles
CC-S1 – Climate Change Mitigation and Adaptation
RT-S1 – Recreation and Tourism
RT-D11 – Equestrian Development
RT-D12 – Access Land and Rights of Way

The National Planning Policy Framework (NPPF) is also a material planning considerations.

Planning Considerations

The main material planning considerations are the principle of development, the design, scale and materials, and the impact on the landscape, heritage assets and neighbouring amenity.

Principle of Development

Policy RT-D11 of the Exmoor National Park Local Plan 2011 – 2031 states that proposals for equestrian development will be permitted where it can be demonstrated that they:

- a) do not adversely affect the natural environment, amenity of the surrounding area, or neighbouring properties either directly or indirectly including through pollution;
- b) re-use existing traditional buildings or, where appropriate, non-traditional buildings in accordance with Policy CE-S5. Where the need for a new building is clearly demonstrated, siting should be well related to existing buildings;
- c) do not cause unacceptable levels of traffic in terms of the environmental or physical capacity of the road network, and do not prejudice road safety interests;
- d) are sited sensitively in terms of visual impact and the landscape setting of the area, and in terms of the intensity of use or activity;
- e) are of an appropriate scale, well designed and, unobtrusive in their form, in terms of their height, position and materials including by means of enclosure. Proposals should reflect the character and form of existing traditional development;
- f) have adequate and suitable grazing land to support the development proposed;
- g) are well related to suitable networks of equestrian routes which are capable of supporting the additional use in accordance with Policy RT-D12 (Access Land and Rights of Way). Where appropriate, horses will be regulated to a number which will not cause harm to equestrian routes, the landscape or nature conservation; and

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- h) ensure the site is managed in accordance with an agreed land management plan.

Additionally, the policy states that in the case of development proposals that involve the keeping of horses, the development shall be sited close to the dwelling it is intended to serve.

The proposed manege would be sited in an isolated position on elevated ground above the settlement of Simonsbath. It would be used for the private equestrian purposes of the occupiers of The Old Vicarage, but it would be located approximately 210 metres from the dwelling.

Although the property has existing stables with a suitable amount of grazing land to support those stables and the property is well related to the public bridleway network, the fact that the site for the manege is not well related to the dwelling it would serve is considered to cause an in principle conflict with Policy RT-D11.

Officers acknowledge that the references to the need for equestrian development to be well related to existing buildings and the dwelling it would serve is in relation to buildings, but it should be noted that the preamble to the policy advises that to minimise adverse landscape effects on the National Park, horse related development should always be close to the property it is intended to serve. This leads Officers to the conclusion that the requirement to be close to a dwelling or at least existing buildings should apply to all equestrian development, and the proposed manege in this case being so far from the dwelling at The Old Vicarage means that the proposal is not compliant in principle with the adopted Local Plan.

Design, Scale and Materials & Impact on the Landscape and Heritage Assets

As acknowledged above, the site for the proposed manege is in an isolated position away from existing built form. It is an open countryside location as it is not physically or visually well related to the built envelope of the Simonsbath settlement. The manege would sit in an elevated position where the buildings of Simonsbath are set down within the valley. The highest building is the Grade II listed Church of St Luke and the siting of the manege on higher ground means that it would visually compete with the designated heritage asset.

It is acknowledged that the site is not visible from the church or the churchyard, and it would also not be visible from within the settlement. However, it would be visible from the open access land to the south west and there is the potential to see it from public bridleway DU5/2 when the trees are not in leaf. Additionally, the site can also be seen from public footpath DU5/23, which forms part of the Two Moors Way and is on the edge of Ashcombe Gardens. Ashcombe Gardens is on the Exmoor Historical Environment Record and is considered to be a non-designated heritage asset.

Concerns have been raised by the Authority's Landscape Officer and Historic Buildings Officer. The scheme has since been amended to remove the hedgebank

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enclosing around the manege, and it has been replaced with a hedgebank that would run north to south along the western edge of the manege. The applicant is also now proposing a hazel coppice next to the south eastern corner of the manege.

The Landscape Officer has commented that proposed hedgebank being constructed from north to south across the field would be, on balance, an improvement on the previous proposal to wrap the hedgebank around the manege, which created an awkward division of the field. However, the Landscape Officer is concerned with the layout of the revised hedgebank as there would be two large gaps of approximately 7 metres each and these would represent very wide fragments in what would characteristically be a continuous linear feature with access via a gateway.

Even with the revised hedgebank and the coppice planting, the Landscape Officer is still concerned about large manege, which would be 60 metres by 20 metres. The Landscape Officer has advised that the proposed development would still have an adverse impact on the landscape character in such an elevated and sensitive location, and on the landform through the substantial groundworks required to level the site. It would remain partially visible from the access land to the south west, more so in winter. Visual screening does not neutralise these impacts nor does the presence of existing properties at a higher elevation within 2km of the site.

Policy RT-D11 of the adopted Local Plan states that development should demonstrate that it is sited sensitively in terms of visual impact and the landscape setting of the area and is of an appropriate scale. The Landscape Officer has concluded that the amendments have not altered her view that the development of a large, formalised manege in this location would have unacceptable adverse landscape and visual effects, remains out of scale and out of character with the setting and would not relate well to the dwelling it would serve or the settlement of Simonsbath.

Turning to the matter of the listed church and its setting, the Historic Buildings Officer has considered the revised scheme, but still has concerns with the proposal. The Officer is particularly concerned about the impact the proposal would have on the setting of the church when viewed from the open access land to the south west. The comments received state that from this vantage point the moorland setting is clearly portrayed and the church is the only built form visible in the landscape. The Historic Buildings Officer recognises that this area of land is not easy to access but this is the case for much of the open access land in the National Park and it is important to note that the contribution of setting to significance does not depend on public access or the numbers of people visiting the asset.

The view from public bridleway DU5/2 is also a concern to the Historic Buildings Officer, although he does acknowledge that the development would only be particularly visible in relation to the church during times of the year when the trees would not be in leaf. There are also concerns about the visibility of the development from Ashcombe Gardens, particularly when standing on the Two Moors Way that runs along the eastern boundary of this non-designated but historic landscape feature. The

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revised hedgebank would help to screen the development from the Two Moors Way, but it is commented that the large, regular gaps in the hedge bank may draw the eye as it will look very different in nature to other continuous hedge banks in the surrounding area.

The material harm to the setting of the listed church that would result from the proposed development is considered to be contrary to Policies CE-S4 and CE-D3 of the adopted Local Plan.

Paragraph 194 of the National Planning Policy Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Officers consider that the proposal would limited public benefit as the benefit that would arise from the proposed development would be to the applicant. As such, the material harm that has been identified is not considered to be outweighed by the public benefit and the proposal is therefore not supported by the NPPF.

The Historic Buildings Officer has advised that the revised scheme will also not reduce the impact of the proposed manege on the listed church. The Officer has commented that the additional information indicates there is to be improvement in the condition of the Two Moors Way boundary hedgerow to Ashcombe gardens but this is not shown in the revised application documents and will do little to reduce the harm caused to the wider setting of the designed landscape. Additionally, it is also commented that although the offer of interpretation space is welcomed, as it does not form part of the application it can be given little weight as a public benefit.

Impact on Neighbouring Amenity

The proposed manege would not be located near to a residential property. As such, Officers are satisfied that the proposed development would not cause material harm to neighbouring amenity.

Other Matters

In May 2019 the UK government declared a climate emergency, Exmoor NationalPark followed this by declaring a Climate Emergency in October 2019. To help meet this challenge the Local plan includes policies which seek to influence, contribute and challenge development to help meet the Climate Emergency.

Policy GP1 of the Local Plan sets out that the need to consider future generations,through sustainability and resilience to climate change and adapting to and mitigating the impacts of climate change.

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Policy CC-S1 states that climate change mitigation will be encouraged, development which reduces demand for energy, using small scale low carbon and renewable energy, looks to situate development which avoids sites that would put wildlife at risk together with measures which avoids the risk of flooding. Policy CC-S5 seeks to support small scale renewable energy schemes that assist in contributing towards reducing greenhouse gas emissions and moving towards a carbon neutral National Park and Policy CE-S6 seeks to incorporate sustainable construction methods which future proof against climate change impacts, including flood risk.

Paragraph 152 of the National Planning Policy Framework prescribes that the planning system should support the transition to a low carbon future in a changing climate taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

There would be an impact on the climate from the construction of the manege and the associated landscaping – including manufacturing and delivery of new materials and the construction process itself. It is considered that there would not be a notable impact on the climate from the ongoing use of the site as a private manege. Officers conclude that the proposal, on balance, would not lead to an impact on the climate that would warrant another reason for refusal of the application.

Human Rights

The provisions of the Human Rights Act 1998 and Equality Act 2010 have been taken into account in reaching the recommendation contained in this report.

Conclusion

Officers conclude that the impact on neighbouring amenity would not be materially harmful and the impact on climate change would not warrant a refusal on this particular ground.

However, the principle of the development is not considered to be policy compliant with Policy RT-D11 as it would not be well related to the dwelling at The Old Vicarage, and the material harm to the character and appearance of the landscape and the setting of the Grade II listed Church of St Luke would conflict with the landscape and heritage planning policies of the adopted development plan.

Officers have not been provided with a case that would suggest that there would be public benefit that would outweigh the policy conflict and Officers therefore recommend that the application be refused for the reason set out below.

7.1

Recommendation

Refuse for the following reason:

1. The proposed manege would be constructed on an elevated position on the edge of the valley where the settlement of Simonsbath sits. The site is isolated from existing built form and it would represent open countryside development that is not well related to the dwelling the manege would serve or the built envelope of Simonsbath. The application is therefore not compliant in principle with Policy RT-D11 of the Exmoor National Park Local Plan 2011 – 2031. Additionally, the isolated and elevated position of the manege would lead to notable landscape harm, when taking into account the requirements of Paragraph 176 of the National Planning Policy Framework, which requires great weight to be applied to the protection of the scenic beauty of National Parks. The position of the manege in an isolated and elevated position also means that the development would cause harm to the setting of the Grade II listed Church of St Luke. Particularly as it would visually compete with the designated heritage asset when viewed from open access land to the south west of the application site. This identified harm is not considered to be outweighed by any public benefit. The in principle conflict with Policy RT-D11, together with the harm to the landscape and designated heritage asset, means that the proposal is contrary to Policies GP1, CE-S1, CE-D1, CE-S4, CE-D3, CE-S6, RT-D1 and RT-D11 of the Exmoor National Park Local Plan 2011 – 2031, and the National Planning Policy Framework.

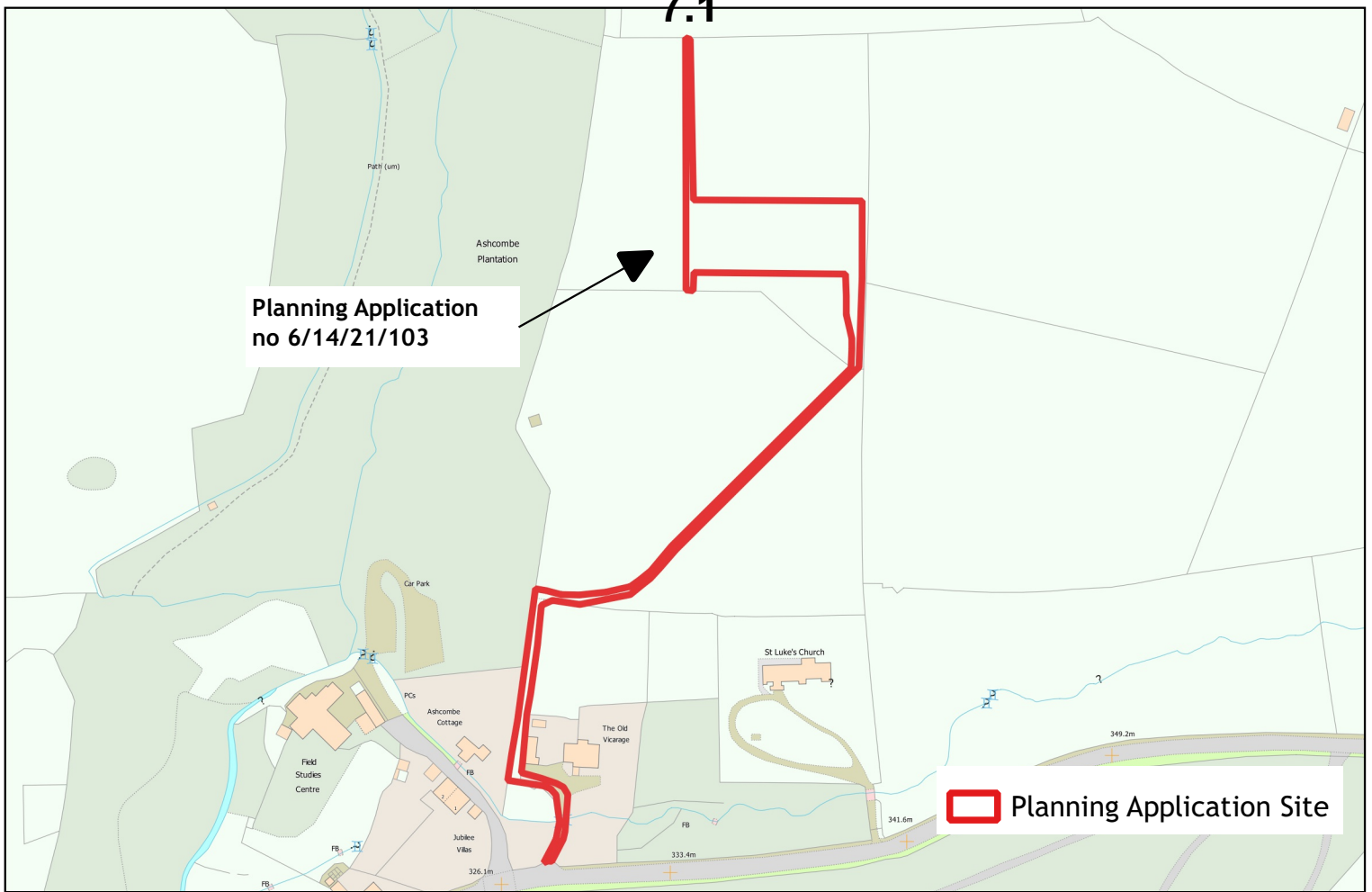
Informatives

Positive and Proactive Statement

This Authority has a pro-active approach to the delivery of development. Early preapplication engagement is always encouraged. In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application, Exmoor National Park Authority has endeavoured to work positively and proactively with the agent/applicant, in line with the National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed to achieve a positive outcome. In this case, the planning objections to the proposal could not be overcome.

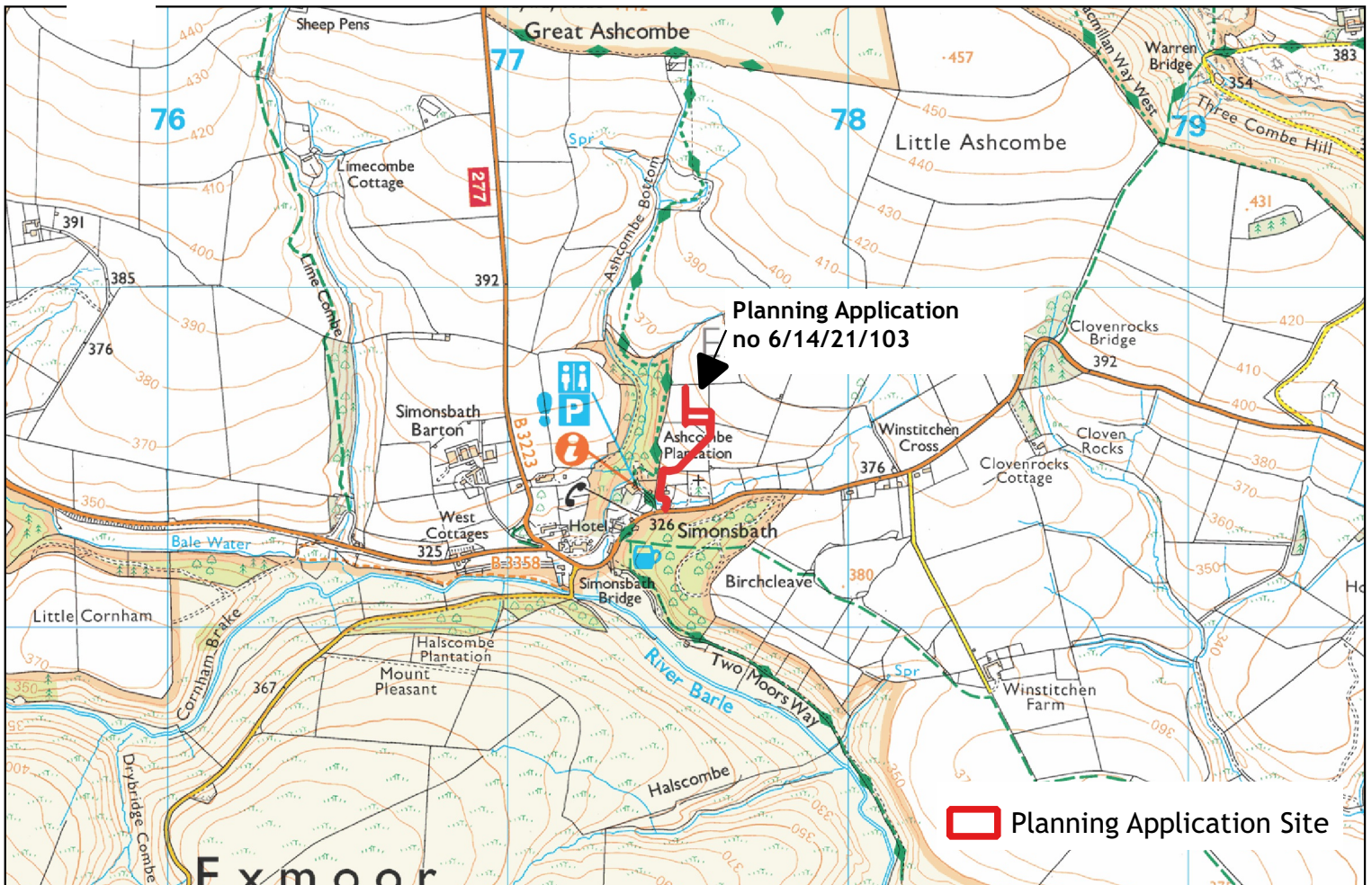
Appeal to the Secretary of State

If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.



Site Map
Scale 1:3,000

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Overview Map
Scale 1:20,000

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Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
6/14/21/106DC	Mr J Egan - Discharge of Condition 4 as per planning application 6/14/19/106LB (Discharge of Condition) - BOEVEYS RESTAURANT & TEA ROOMS, SIMONSBATH, MINEHEAD, TA24 7SH	Approved 13-Oct-2021
6/14/21/105DC	Mr J Egan - Discharge of Condition 4 of approved planning application 6/14/19/105 (Discharge of Condition) - BOEVEYS RESTAURANT & TEA ROOMS, SIMONSBATH, MINEHEAD, TA24 7SH	Approved 13-Oct-2021
WTCA 21/16	Mr. J Cordingley, National Trust - Work to Trees in Conservation Area: removal of four stems of ash in high risk areas affected by ash dieback; T1, a large ash tree adjacent to the main drive of Dunster Castle to be section felled to ground level and G1, removal of three stems located adjacent to Mill Lane, all section felled to bank level. (WTCA) - Dunster Castle Gardens, Nr Minehead, Somerset, TA24 6SL	Approved 15-Oct-2021
WTCA 21/15	Mrs. Barbara Burnard - Works to Trees in Conservation Area: T1 Ash with ash dieback - fell to ground level. T2 Sycamore pollard - fell to low pollard points. T3 Holly - Fell to ground level. T4 Holly - Fell to ground level. Trees are located in the north west corner of the churchyard and completely shade out the neighbouring property. The trees are relatively small, have little amenity value and there are many remaining mature trees located within the area. (WTCA) - The Parish Church Of St Mary The Virgin, Church Hill, Lynton, EX35 6HY	Approved 13-Oct-2021
WTCA 21/14	Ms A Elliott - Works to trees in Conservation Area: Tree 1 (Yew) - crown lift around whole tree to elevate the canopy for ease of access and health and safety concerns. Removal of branches to east side over roof to leave 1.2m gap between roof and tree.	Approved 06-Oct-2021
	No limbs thicker than 3 inches in diameter, or large branches originating from the main trunk, will be cut and all pruning will be carried out in compliance with BS3998 standard. All pruning will be restricted to the	

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
	removal of secondary branches and the shortening of primary limbs.	
	The height of the crown will be raised to no higher than 2.5m from ground level around the entirety of the tree. (WTCA) - All Saints Church, Wootton Courtenay, TA24 8RJ	
62/62/21/006	Mr K Tippett - Lawful development certificate for proposed installation of roof mounted solar panels to barn roof. (CLOPUD) - West Dean Farm, Dean, Trentishoe, Devon, EX31 4PJ	Approved 07-Oct-2021
62/43/21/003	Majorie Ng - Proposed change of use of main building to single dwellinghouse. (Full) - Martinhoe Manor, Woody Bay, Parracombe, Barnstaple, Ex31 4qx	Refused 20-Oct-2021
62/36/21/003DC	Mr. K Nicholas - Discharge of Condition 2 (landscaping scheme for screen planting) of approved application 62/36/21/002. (Discharge of Condition) - Silkenworthy Farm, Down Lane, Kentisbury, Barnstaple, EX31 4NH	Approved 22-Sep-2021
6/27/21/122	Mr S Lovegrove - Proposed conversion of part of outbuilding into 1 no. bedroom annex. (Householder) - STOWLEYS, BOSSINGTON LANE, PORLOCK, MINEHEAD, TA24 8HD	Approved with Conditions 11-Oct-2021
62/41/21/023	Mr W Bowden, Lynmouth Sailing Club CIC - Proposed erection of boathouse. (Full) - Memorial Hall, Lynmouth Street, Lynmouth. EX35 6EH	Approved with Conditions 06-Oct-2021
62/50/21/011	Mrs M Rooks-Dawson - Proposed replacement extension and alterations to dwelling, together with erection of single storey detached garage. (Householder) - Hillsvieview Cottage, Parracombe, Barnstaple, EX31 4QH	Approved with Conditions 12-Oct-2021
6/40/21/115LB	Mrs J Davis - Listed building consent for proposed replacement and repair of windows and doors, re-thatching of ridge, opening up of blocked side window and replacement of garage roof. (Amended	Approved with Conditions 14-Oct-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
	description) (Listed Building Consent) - Thorne Cottage, Winsford, Minehead, TA24 7JE	
6/40/21/114	Ms J Davis - Proposed replacement of garage roof and opening up of blocked side window in listed dwelling. (Householder) - Thorne Cottage, Winsford, Minehead, TA24 7JE	Approved with Conditions 14-Oct-2021
6/29/21/114LB	Mr. Dan Raymond, The National Trust - Proposed installation of secondary glazing. (Listed Building Consent) - Ivy's Cottage, 68, SELWORTHY GREEN, SELWORTHY, MINEHEAD, TA24 8TP	Approved with Conditions 06-Oct-2021
6/25/21/105	Mr R Martin - Proposed erection of wooden garden house. Retrospective. (Full) - Lillycombe House, Minehead, TA24 8JP	Approved with Conditions 19-Oct-2021
6/43/21/105	Mr D Preston & Mrs A Bamford - Proposed installation of ground source heat pump system. (Full) - RIDGEWOOD COTTAGE, WOOTTON COURTENAY, MINEHEAD, TA24 8RF	Approved with Conditions 04-Oct-2021
62/41/21/022	Mr N Clarke - Proposed rear two-storey extension and re-rendering of rear elevation. (Householder) - 9 Cross Street, Lynton, EX35 6HG	Approved with Conditions 06-Oct-2021
WTPO 21/04	Mrs S Mitchell - Works to trees subject to Tree Preservation Order F14/2/12r. Proposed removal of 1 no ash in G4. Medium sized ash, no sign of ADB displaying deep included union at risk of failure and damage to 23 Hollam Drive (WTPO) - 5, JURY ROAD, DULVERTON, TA22 9DU	Approved 30-Sep-2021
6/10/21/128DC	Mr. J Percival, National Trust - Discharge of Condition 3 (Written Scheme of Investigation) of approved application 6/10/19/113. (Discharge of Condition) - DUNSTER CASTLE, DUNSTER, MINEHEAD, TA24 6SL	Approved 22-Sep-2021
6/34/21/105	K Dowdeswell - Proposed addition of mono-pitched roof dormer to East Elevation. (Householder) - Bougham Farm, Timberscombe To Couple Cross, Timberscombe, TA24 7UN	Approved with Conditions 13-Oct-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
6/13/21/106	Mr & Mrs T and P C Greenland - Proposed extension of existing nursery building, erection of 3 no. polytunnels, formation of laying out area with growing frames, formation of 2 no. rainwater storage ponds, addition of 2 no. above ground water storage tanks, removal of 4.25m of bank, the creation of 225m of new hedge banks, and associated works. (Full) - Exmoor Trees Tree Nursery, Land North of Church Hill, Exford, Minehead	Approved with Conditions 20-Oct-2021
6/26/21/109	Mr R Towler - Proposed Loft Conversion and alterations to Conservatory (Householder) - Badgers Rest, 12 Brendon Close, Roadwater, Watchet, TA23 0RG	Approved with Conditions 08-Oct-2021
62/41/21/020	Mr & Mrs King - Proposed extension to garage and new bay window. (Householder) - 17 Grattons Drive, Lynton, EX35 6LW	Approved with Conditions 05-Oct-2021
6/10/21/125LB	Mr G Routley - Listed building consent for the proposed replacement of western roof slope with natural slate and refurbishment/replacement of guttering. (Listed Building Consent) - The Traditional Candy Shop, 2 High Street, Dunster, TA24 6SG	Approved with Conditions 11-Oct-2021
6/25/21/104	Ms. A Marsden, National Trust - Proposed replacement of overhead power lines with underground 3 phase electrical supply, together with associated trenching works. (Full) - Cloud Farm, Oare, EX35 6NU	Approved with Conditions 18-Oct-2021
6/9/21/123	Mr C Rawle - Proposed erection of a single storey rear extension. (Householder) - Windwhistle Cottage, Halscombe Farm, Dulverton, TA22 9JH	Approved with Conditions 07-Sep-2021
6/27/21/120	Ms S Payne - Proposed installation of dormer window. Amended Description following amended plans. (Original description: Proposed installation of roof light) (Full) - Mandala Cafe Flat, High Street, Porlock, TA24 8PT	Approved with Conditions 23-Sep-2021
6/27/21/119	Mr M Padgett - Proposed installation of replacement windows, doors and cladding. (Full) - 1 Riverside, The Old Tannery, Porlock, TA24 8PU	Approved with Conditions 01-Oct-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
62/11/21/009	Mrs K Bishop - Lawful development certificate for the existing use of building as a single residential dwelling (Use Class C3). (CLEUD) - Brookdale Farm, Wingate, Countisbury, Lynton, EX35 6NQ	Approved 01-Oct-2021
GDO 21/11	Mr A Davies - Prior approval for proposed demolition of fire damaged agricultural building and erection of new building (30.5m x 15.2m). (GDO - Agricultural/Forestry) - Horsecombe Farm, Horsecombe Lane, Cutcombe, Wheddon Cross, TA24 7PG	GDO - Prior Approval Approved 28-Sep-2021
6/26/21/106	Mr M Garrity - Proposed erection of replacement single storey side extension. (Householder) - Old Bridge Post Office, Roadwater, Watchet, TA23 0QY	Approved with Conditions 24-Sep-2021
6/15/21/102	R & C Norman - Proposed erection of agricultural building (32.2m x 18.3m), construction of yard area and associated works. (Full) - MARSHWOOD, EXTON, DULVERTON, TA22 9LD	Approved with Conditions 01-Oct-2021
6/9/21/110	Mr. R Nicholson, Manager - Proposed change of use from a large scale holiday let to a mixed use of large scale self-catering holiday let and wedding venue. (Full) - Northmoor House, Dulverton, TA22 9QG	Approved with Conditions 04-Oct-2021
6/40/20/114	Mr J Smith - Proposed construction of local needs affordable dwelling. (Full) - Long garden plot above the Council House, Ash Lane, Winsford, Minehead, TA24 7JH	Approved with Conditions 14-Oct-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
62/41/21/031	Mr. S Glover, Tors Park Estate Ltd - Non-Material Amendment (Full) of approved application 62/41/20/021 (NMA - Full) - The Tors Hotel, Tors Park, Lynmouth, Devon, EX35 6NA	Approved 18-Nov-2021
6/43/21/106	Minehead Harriers Hunt - Proposed variation of Condition 3 of approved application 6/43/16/103 to extend the date for the removal of the mobile home and any associated parking, hardstanding areas, fencing and paraphernalia and the restoration of the land to its former condition on or before 30th September 2022 (Alteration/Lift Condition) - Huntsham Cottage, Kennels, Ranscombe Road, Wootton Courtenay, TA24 8QZ	Approved with Conditions 18-Nov-2021
62/19/21/004	Ms M Whitchurch - Proposed erection of first floor balcony to front of house, together with enlargement of existing vehicular layby, re-positioning of access steps, re-design of front garden and replacement of existing garage roof. (Householder) - Sherracombe, Lester Point, Combe Martin, Ilfracombe, EX34 0DL	Approved with Conditions 11-Nov-2021
WTCA 21/17	Mr. J Cordingly, National Trust - Works to Trees in Conservation Area: T1 Horse Chestnut remove (diseased), T2 Horse Chestnut remove (diseased), T3 Horse Chestnut remove (diseased) and replace, T4 Acer remove (dead), T5 3x Cherry remove and replace (diseased), T6 Holm oak remove (poor form), T7 Larch remove (dead), T8 Douglas Fir remove dead branch, T9 Common Beech section fell and leave as 5-10m monolith (diseased), T10 Sycamore remove (diseased), T11 Sycamore reduce by 8m (diseased), T12 Holm oak repollard (currently not BS3998 standard), T13 Holly remove dead branch, T14 Oak remove deadwood, T15 2x Sycamore remove/ section fell to remove risk to historic wall, T16 2x Monterey Cypress remove deadwood from crown, T17 Leyland Cypress remove (fallen across river), T18 Sycamore remove (diseased), T19 Weeping Willow coppice to allow regrowth, T20 Misc trees crown lift to allow vehicle and pedestrian access. (WTCA) - DUNSTER CASTLE, DUNSTER, MINEHEAD, TA24 6SL	Approved with Conditions 10-Nov-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
62/13/21/004	Mr M Webber - Proposed change of use of land to domestic garden and existing building from agricultural to mixed use of agricultural and domestic storage, together with retention of extension to existing building for agricultural and domestic storage, retention of hard standing and proposed raising of roof of the existing building. (Full) - Rivers Mead, Challacombe, Barnstaple, EX31 4TT	Approved with Conditions 18-Nov-2021
6/25/21/106	Mr & Mrs P Burge - Lawful development certificate for the existing division of Oaremead Farmhouse into 2 no. dwellinghouses. (CLEUD) - Oaremead, Oare, Lynton, EX35 6NU	Approved 25-Oct-2021
6/9/21/131	Mr. M JAMES - Proposed installation of 8m x 4m in-ground swimming pool and a surrounding patio area, together with erection of 1.8m high privacy wall and installation of ancillary air source heat pump. (Householder) - Great Meadow House, 24 Jury Road, Dulverton, TA22 9DU	Approved with Conditions 04-Nov-2021
62/11/21/016LB	Mr D Raymond - Listed building consent for the proposed refurbishment and repair (internal and external) of the former Tourist Information Centre, to include repair of roof, external walls, doors and windows, works to internal wall surfaces, formation of new toilet cubicle, re-opening of fireplace, re-plumbing, re-wiring, new flooring throughout and installation of new air source heat pump system and flue for wood burner. (Listed Building Consent) - County Gate, Countisbury, Lynton, EX35 6NQ	Approved with Conditions 08-Nov-2021
62/11/21/015	Mr D Raymond - Proposed external refurbishment and repair of the former Tourist Information Centre, to include repair of roof, external walls, doors and windows, and installation of new air source heat pump system and flue for wood burner. (Full) - County Gate, Countisbury, Lynton, EX35 6NQ	Approved with Conditions 08-Nov-2021
62/41/21/025LB	Ms. K Wright, Diocese of Plymouth - Listed building consent for the proposed installation of 3 no. balanced flues and associated fittings through existing timber window to serve 3 no. internal boilers for central	Approved with Conditions 22-Oct-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
	heating systems. (Listed Building Consent) - Convent of Poor Clares, Lee Road, Lynton, EX35 6BX	
6/27/21/123	Mr R Martin - Proposed application for the replacement of an existing porch - and a replacement of existing covered area (Gazebo). Retrospective. (Full) - Culbone Inn Stables, Lillycombe House, Minehead, TA24 8JW	Approved with Conditions 26-Oct-2021
6/19/21/102	Mr. Dan Raymond, The National Trust - Proposed installation of below ground sewage treatment tank to replace existing system. (Full) - Land to rear of Honeysuckle Cottage & West Luccombe Farm Cottage, West Luccombe Road, Luccombe, TA24 8HT	Approved with Conditions 02-Nov-2021
6/29/21/116LB	Mr. D Raymond, National Trust - Listed building consent for the proposed installation of oil storage tank and external oil combi-boiler. (Listed Building Consent) - KITNORS, BOSSINGTON, MINEHEAD, TA24 8HQ	Approved with Conditions 03-Nov-2021
6/29/21/115	Mr. D Raymond, National Trust - Proposed installation of oil storage tank and external oil combi-boiler. (Householder) - KITNORS, BOSSINGTON, MINEHEAD, TA24 8HQ	Approved with Conditions 03-Nov-2021
6/20/21/103	Chargot Estate - Proposed grain store building (23m x 15m). (Full) - CHARGOT ESTATE, Langham Farm, LUXBOROUGH, WATCHET, TA23 0SL	Approved with Conditions 05-Nov-2021
6/35/21/104	Mark Weatherlake - Proposed additional use of agricultural land as dog exercise area, including erection of 1.9m high fencing with gates and pond, together with creation of 2 no. parking space (1 inside enclosure and 1 outside enclosure). (Full) - Land adjoining B3224 Treborough Common - Easting 300016, Northing 135120	Refused 17-Nov-2021
6/40/21/112	Mr & Ms Down & Geilinger - Proposed single storey extension, together with replacement of garage, installation of bio-digester and relocation of oil tank. (Householder) - East Glebe, Winsford, Minehead, TA24 7JF	Approved with Conditions 26-Oct-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
6/40/21/111LB	Mr P Webb - Listed building consent for proposed internal and external alterations, including alteration and creation of external openings, replacement of internal floor structure in kitchen and installation of internal partition walls and external boiler. (Listed Building Consent) - Lyncombe Farm, Exford, Minehead, TA24 7PD	Approved with Conditions 09-Nov-2021
6/10/21/127LB	Mr. D Raymond, The National Trust - Listed building consent for the proposed installation of secondary glazing and the installation of new central heating system, including installation of new boiler and flue, and removal of old Rayburn and demolition of old chimney/flue. (Listed Building Consent) - Lytes Cottage, 3 Castle Hill, Dunster, TA24 6SQ	Approved with Conditions 26-Oct-2021
6/40/21/110	Mr P Webb - Lawful development certificate for the proposed drilling of a borehole and digging a trench to connect it to the plant within existing building. (CLOPUD) - Lyncombe Farm, Exford, Minehead, TA24 7PD	Refused 18-Nov-2021
6/9/21/121	Mr. P Govier, Pegga Holdings Ltd - Proposed erection of agricultural and equestrian building (18.2m x 12.1m) for housing of livestock and storage of machinery, equipment and fodder, together with the creation of 3.2m wide track connecting existing driveway and 1.5m footpath. (Amended description) (Full) - Duxhams, 41 Jury Road, Dulverton, TA22 9EJ	Approved with Conditions 21-Oct-2021
6/9/21/114	Ms J Thrussell - Proposed erection of greenhouse on concrete base (3.84m x 2.66m), together with the construction of 4 no. raised beds (4.4m x 1.4m) and laying of brick paving connecting greenhouse and raised beds. Part retrospective. (Additional Plan - 29.10.2021). (Full) - BLACKLAKE, DULVERTON, TA22 9QG	Approved with Conditions 17-Nov-2021
6/20/21/102	EE Limited - Proposed installation of a 10.97m high monopole, 3 no. antennas, 1 no. meter cabinet, 1 no. generator and 3 no. equipment cabinets, with a 1.2m stock proof fence and the installation of a 35 square metres hardstanding area accommodating a RRV	Approved with Conditions 22-Oct-2021

Application decisions delegated to the Chief Executive

Ref and Grid Ref	Applicant & Location	Decision and Date
	location. (Full) - Land to the East of West Slowley Farm, Luxborough	
6/8/21/104	Mr & Mrs Cowling - Proposed retention of extension of agricultural building (298 square metres). Retrospective. (Full) - COMBESHEAD FARM, WHEDDON CROSS, MINEHEAD, TA24 7AT	Approved with Conditions 15-Nov-2021
6/15/21/101	Airwave Solutions Ltd - Proposed removal of existing 15m tower and replace with 18.3m lattice tower, together with the installation of associated equipment, construction of 10m x 8m stone gravel area to allow vehicular access, parking and turning purposes and construction of 150m x 3m stone gravel vehicular access track. (Full) - Airwave Site (Aaso35), Luckyard Farm, Exton, TA24 7HF	Approved with Conditions 22-Nov-2021
6/20/20/107	EE (UK) Ltd - Proposed installation of a 9.97m high monopole, 3No antennas, 1No Meter Cabinet, 1No generator and 3No equipment cabinets within a compound surrounded by a 1.2m stock proof fence. The installation of a second 35sqm hardstanding area accommodating a RRV location. A small access track to the compound from the nearby field. Resubmission of withdrawn application 6/20/19/107. (Full) - Land to the east of West Slowley Farm, Luxborough, Watchet, Somerset, TA23 0SY	Withdrawn 02-Nov-2021
6/27/20/108	Mr P Barrs - Proposed change of use of ground floor restaurant and first floor flat to a two storey residential dwelling. (Full) - PIGGY IN THE MIDDLE, HIGH STREET, PORLOCK, MINEHEAD, TA24 8PS	Withdrawn 08-Nov-2021

EXMOOR NATIONAL PARK AUTHORITY

7 December 2021

PROGRESS IMPLEMENTING THE CORPORATE PLAN 2021-22

Report of the Head of Strategy and Performance

PURPOSE OF THE REPORT: To inform Members about the progress made in implementing actions within the Corporate Plan for the period April - September 2021.

RECOMMENDATION: The Authority is recommended to:

- (1) NOTE the progress in implementing the Authority's key commitments set out in the Corporate Plan 2021-2022.
- (2) DELEGATE to the Finance and Performance Advisory Panel and Leadership Team further scrutiny of Authority performance across all the Corporate Plan actions for the next reporting period to 31 March 2022.
- (3) NOTE the progress with delivering the Partnership Plan and wide range of partnership working.

Authority Corporate Plan: The Corporate Plan outlines the priorities for the Authority for the period to March 2022 and how we will help to achieve the priorities in the *Exmoor National Park Partnership Plan*. It continues to closely follow Government priorities set out in the *25 Year Environment Plan*, and also indicates how the Authority will take forward the recommendations in the Landscapes Review.

Legal and Equality Implications: Section 65(4) Environment Act 1995 – provides powers to the National Park Authority to “*do anything which in the opinion of the Authority, is calculated to facilitate, or is conducive or incidental to:-*

- (a) *the accomplishment of the purposes mentioned in s. 65 (1) [National Park purposes]*
- (b) *the carrying out of any functions conferred on it by virtue of any other enactment.”*

The equality impact of the recommendations of this report has been assessed as follows: There are no foreseen adverse impacts on any protected group(s). Engagement through the outreach work within the plan is designed to have a positive impact on protected groups.

Consideration has been given to the provisions of the Human Rights Act 1998 and an assessment of the implications of the recommendations of this report is as follows: There are no implications for the Human Rights Act.

Financial and Risk Implications: No financial or risk implications have been identified. Performance management exerts a positive influence on financial and risk management.

Climate Change Response: Additional actions have been added to the Corporate Plan in response to the Climate Emergency Declaration

1. Introduction

- 1.1 The 2021-22 Corporate Plan was approved by the Authority in March 2021. It sets out the key priorities for the Authority for the period of the plan.
- 1.2 Performance is monitored quarterly by Leadership Team to ensure that the actions within the Corporate Plan are being achieved and, if necessary, to provide an opportunity for resources to be re-allocated or to review the proposed action. Oversight is provided by Members through the Finance and Performance Advisory Panel, although the Panel has not been able to meet during the last 18 months due to the Covid-19 (CV19) pandemic.
- 1.3 This current report before Members is a six-month review setting out progress against the Corporate Plan from 1st April to the 30th September 2021.

2. Corporate Plan at a Glance

- 2.1 The actions within the plan are grouped as follows:

People	<p>Exmoor for All: Where everyone feels welcome</p> <ul style="list-style-type: none"> • The Exmoor Experience • Well-managed Recreation and Access • Thriving Tourism built on Sustainability
Place	<p>Inspiring Landscapes: Diverse and beautiful, rich in wildlife and history</p> <ul style="list-style-type: none"> • Celebrated Landscapes • Wildness and Tranquillity with Dark Night Skies, and Sensitive Development • Valued Historic Environment and Cultural Heritage • Rich in Wildlife
Prosperity	<p>Working Landscapes: Thriving communities and a vibrant local economy</p> <ul style="list-style-type: none"> • Working Landscapes • Strong Local Economy • Thriving Communities • A Valued Asset
Monitoring and Research	Improving our knowledge and understanding of Exmoor's special qualities
Corporate Priorities	<ul style="list-style-type: none"> • Manage corporate finances and diversify income streams • Work with communities, businesses, and partners to deliver the National Park Partnership Plan and statutory purposes • Respond to the climate emergency and work towards becoming a carbon neutral National Park • Develop and maintain effective and efficient services • Manage the Authority's Estate and operations to support delivery of National Park purposes

3. Performance Report - Overview

- 3.1 Exmoor National Park Authority has faced the challenge of delivering the Corporate Plan objectives against a background of increasingly urgent actions required due to climate change, highlighted by the United National Climate Conference (COP26) in November 2021. The effects of the Covid pandemic are still being felt, with ENPA staff continuing to work from home, although most services continue to be delivered without significant impact, and Members have returned to in-person Authority meetings. Staff have worked hard to respond to new priorities particularly setting up the Farming in Protected Landscapes funding programme. The outcome of the Glover Review expected by the end of 2021. Despite these challenges, most Corporate Plan actions are being implemented, although some have fallen behind due to various pressures arising from CV19, staff changes, and other factors outside the control of the Authority. This has been made possible by a dedicated staff team with appropriate Member contributions.
- 3.2 A full assessment of progress with the actions in the Corporate Plan is given in Appendix 1. In addition to the numerous successes marked in green, areas where progress was not on target are marked in amber include areas where the timetable has slipped, and actions in red include where progress was not made due to competing priorities or factors outside the Authority's control.

4. Exmoor National Park Partnership Plan Progress Review

- 4.1 The Partnership Plan was adopted in 2018, and we are now mid-way through the five-year Plan period. In order to review how delivery of the ambitions in the Plan are progressing, we have produced a Progress Report highlighting some of the projects and successes that have been delivered to date. The Progress Report is available on the Key Documents section of our website [Exmoor-Partnership-Plan-Progress-Report-1.pdf \(exmoor-nationalpark.gov.uk\)](https://www.exmoor-nationalpark.gov.uk/Key-Documents/Exmoor-Partnership-Plan-Progress-Report-1.pdf).
- 4.2 The Progress Report demonstrates that there has been an amazing amount achieved in partnership, and some great stories to tell. The report has been shared with our Partnership Plan groups, who will help to shape the priorities for the remaining Plan period.

Clare Reid
Head of Strategy and Performance

Hazel Malcolm
Business Support Officer

November 2021

Background papers on which this report, or an important part of it are based, constitute the list of background papers required by Section 100 D (1) of the Local Government Act 1972 to be open to members of the public comprise:

Exmoor National Park Authority Corporate Plan 2021/22
Government's 25 Year Environment Plan
Protected Landscapes Review, Julian Glover September 2019

PROGRESS AGAINST CORPORATE PLAN ACTIONS 1ST APRIL TO 30TH SEPTEMBER 2021

PEOPLE. The Exmoor Experience: More people enjoy Exmoor, are inspired, get involved, and learn about its special qualities

- Generation Green project underway and first residential experiences delivered at Pinkery. Young Ranger week fully booked for October. Despite some Covid cancellations, numbers of young people visiting remain good (1,150) including a number of new schools.
- All volunteer roles are active once again, with the main areas of activity being invasive species, Ashcombe Gardens restoration guided walks, and litter picks (Plastic Free Exmoor). Over 450 volunteer days completed to date (c10% hard to reach groups).

PEOPLE. Well-managed Recreation and Access: Exmoor has a first-class rights of way network. Our paths, open access and recreational facilities are enhanced to offer more and better experiences for people who want to explore and enjoy the National Park

- Summer Assistant Ranger, Ranger Support casual contracts and volunteer effort have provided good capacity for visitor management over the summer. Eight Ranger led pop-up engagement events were run at popular sites. Campervan and new visitor leaflets were distributed. Complaints seem low in general, there was one formal complaint relating to RoW between April to September 2021.
- 98% Rights of Way easy to use 2020/21, our highest ever score and a great achievement for the team. The paring programme has been difficult this year due to a strong growth and no contractor support, and a backlog of overdue tickets has consequently built up as expected.
- Public consultation on family friendly cycle trails approved. Plans for Valley of Rocks car park enhancement progressing.

PEOPLE. Thriving Tourism built on Sustainability: The tourism economy is vibrant, innovative, and growing, and celebrates Exmoor's distinctive character.

- Lynmouth National Park Centre won the Gold Award in both the Devon and the South West Tourism Awards for Visitor Information Service of the year, a great accolade and recognition of the high levels of customer service provided.
- Tourism recovery network continues to meet to plan and implement support with local networks. Hospitality sector recruitment challenges impacting on ability of the sector to recover.

PLACE. Celebrated Landscapes: The natural beauty, distinct character and diversity of Exmoor's landscapes are celebrated, conserved, and enhanced

- Continued restoration of the Ashley Combe designed landscape through targeted woodland management and enhancement works.
- White Rock Cottage was transferred to Simonsbath Heritage Trust in a signing ceremony and celebration event held with the public in September.

PLACE. Wildness and Tranquillity with Dark Night Skies and Sensitive Development

- A Dark Skies Trail guide and film was completed for launch in October 2021. A second Dark Skies Hub is planned at Wimbleball. More than twenty Dark Sky Friendly Businesses have now been accredited.
- Work on a new design guide has commenced. Other National Park design guides reviewed, and broad format of proposed guide being put together. Aim to have final draft completed by 3rd quarter of 2022.

PLACE. Valued Historic Environment and Cultural Heritage: Exmoor's historic environment is better understood, cared for, and protected. Its cultural heritage and rural traditions are valued for their place in telling Exmoor's story and shaping its future

- Professor Robin McInnes was commissioned by the Exmoor Society with help from ENPA to explore Exmoor's landscapes of the past and future through art. Further work is planned to deliver a number of public engagement activities following on from this study.
- Porlock and Porlock Weir Conservation Area appraisals have been completed and are ready for adoption. Guidance for homeowners in potential new Conservation Areas is also being prepared.

PLACE. Rich in Wildlife: Exmoor is richer in wildlife. Habitats are in good condition, expanded, connected, and support a greater abundance of species

- Work on nature recovery continues. The results of several questionnaires undertaken at the beginning of the year were reviewed and a detailed report written to help guide further development of the Exmoor Nature Recovery Vision, with the aim to formally launch this in Spring 2022.
- A new Site of Special Scientific Interest (SSSI) for waxcap mushrooms has been designated on ENPA land.
- Diseased trees continue to be removed from Ashcombe gardens.
- An Exmoor Meadow Makers has been group set up to restore wildflower meadows and our new 'Sowing the Seeds' project will create a sustainable seed bank.
- Funding has been secured for trial woodland creation in Exmoor headwaters as part of Natural Flood Management.
- Visualisations have been prepared of woodland creation on ENPA land for engagement with public and other landowners. The timetable for engagement has not yet been agreed.
- Plans for a joint nature recovery and heritage project for the Exmoor Coast continue to be developed with the National Trust.
- The Mires Partnership has secured additional funding for further peatland restoration.
- Despite the CV19 pandemic, large amount of progress has been made on the Exmoor Non-Native Invasive Species (ENNIS) Project, with volunteers assisting with the control work on signal crayfish on the River Barle working with a crayfish expert. To date, 25,000 crayfish have been caught with the large males being sterilised and returned.

Skunk cabbage treatment has been carried out on 18 sites. Permission has been sought to treat over 800 knotweed sites (in autumn) and a baseline survey of fringe cups in the Heddon Valley has been carried out. Rootwave trials on several species are ongoing.

PROSPERITY. Working Landscapes: Exmoor's land-based communities and businesses are supported to provide health food and good quality timber, and ensure that Exmoor's landscapes continue to be well managed and cared for

- The Farming in Protected Landscapes programme was launched in July 2021 which will provide funding for farmers and land managers across the National Park as part of a new three-year Defra-funded grant programme. Good progress has been made, with a project team and Panel in place, and a joint programme of knowledge-sharing events being delivered with the Exmoor Hill Farming Network.
- The Eat Exmoor local food campaign continues with a series of Buy Local videos released on social media over the summer and continued uptake of Eat Exmoor branding in local establishments.
- ENPA Exmoor ponies. Six foals were born on Haddon during this period. All herds are in good condition, with Haddon mare numbers increasing.
- The impact of game shoots on Exmoor's special qualities remains complex but we are continuing to monitor impacts at a number of sites. Positive informal liaison with shoot managers has continued where possible although wider engagement has been limited due to covid.
- Work on the Exmoor Woodland and Trees strategy has been delayed by other priorities including Bye Wood planting but should be progressed in Q4.

PROSPERITY. Strong Local Economy: The local economy is more sustainable with increase innovation, entrepreneurship and improved economic prospects

- The Rural Enterprise Exmoor vision was developed and agreed with Members in August, with a successful launch in November. Partners are mapping current activity and gaps in relation to delivery of the Vision and are considering funding opportunities to take this forward.

PROSPERITY. Thriving Communities: Exmoor's local communities are thriving with strong connections to the National Park

- A 5-yearly check of Local Plan policies is underway, including a review of national policy, updated evidence, and monitoring. A stakeholder event is planned for November. The Authority Monitoring Report for 2019-2021 is nearing completion.
- A new Rural Housing Enabler for Somerset has been appointed. The Rural Housing Network was relaunched in October with over forty participants.
- The Partnership Fund is available to support community projects, although recently there has been a limited call for this. Additional promotion of the Partnership Fund is taking place in Quarter 3 with a focus on climate response to coincide with the United National climate conference in Glasgow (COP26).
- On rural crime the focus has mainly been on vehicle off-roading. ENPA have been provided with good evidence recorded by members of the public. This has allowed ENPA to work with the police to identify individuals and take appropriate action. One significant

fly tipping event took place in the Trentishoe Parish. ENPA are aware this could happen again next year and are working with North Devon District Council (NDDC). Known cases of poaching have been low due to low venison prices.

PROSPERITY. A Valued Asset: Exmoor is celebrated for the value it brings to the region and nationally

- The Government's response to the Landscapes Review by Julian Glover is still awaited and is expected in Q3. Discussions have been held between NPAs and National Parks England (NPE) on potential responses, and liaison with Defra has been ongoing.
- Plans for Exmoor hosting the UK National Parks conference in Autumn 2022 and the SNPS (Society of National Park Staff) conference in May 2022 are gathering momentum, with the programmes being developed including study tours and activities.

MONITORING AND RESEARCH. Our knowledge and understanding of Exmoor's special qualities is increased through monitoring and research to inform future decision making and delivery of our Ambitions

- The Natural Environment and Historic Environment Research and Monitoring Frameworks are being updated. A review of the State of the Park Report monitoring report has been carried out, and gaps in evidence or monitoring identified. Further discussions are being held with officers to identify how or whether these gaps can be addressed.
- Due to Covid the main deer count did not take place. ENPA worked with the National Trust to do a count around the Porlock Vale - Minehead area. Monksilver and Stogumber Deer Count went ahead as planned.
- The Tourism survey is underway although progress is slightly slower than hoped due to lack of available staff and volunteers.

CORPORATE PRIORITIES. Manage Corporate finances and diversify income streams

- A project pipeline of ideas for external funding projects has been established, and a number shortlisted for further development to go into a prospectus for potential funders. Progress has been slower than anticipated progress due to staff capacity.
- There has been good progress increasing income via the launch of the online shop, CareMoor for Exmoor Bye Wood campaign, car parking and the mobile catering licenses. The mobile catering policy is to be reviewed with Members prior to any sites being let next year.

CORPORATE PRIORITIES. Work with communities, businesses, and partners to deliver the National Park Partnership Plan and statutory purposes

- The Partnership Plan progress report has been finalised and shared with Partnership Plan Groups to stimulate discussion around progress in delivering the Plan, and where to focus delivery for the remaining Plan period. The Progress Report is available on the Key Documents section of our website [Exmoor-Partnership-Plan-Progress-Report-1.pdf](https://www.exmoor-nationalpark.gov.uk/Exmoor-Partnership-Plan-Progress-Report-1.pdf) ([exmoor-nationalpark.gov.uk](https://www.exmoor-nationalpark.gov.uk)).

CORPORATE PRIORITIES. Respond to the climate emergency and work towards becoming a carbon neutral National Park

- The ENPA Climate Action Plan was approved by Members in August 2021. The focus of priority actions is on decarbonising ENPA buildings which account for 70% of the ENPA carbon footprint. Analysis of the energy demands of ENPA buildings has been carried out, and this has identified key interventions to make to reduce energy demands, improve energy efficiency and increase renewable energy generation. Plans for decarbonisation of Pinkery Outdoor Education Centre including replacing the oil boiler are being developed and a funding bid submitted.
- Tree planting at our 12ha Bye Wood is underway, with the public and volunteers involved in planting and gathering seeds. We are championing plastic free tree planting and will use a mixture of species chosen for climate resilience. Plans for Exford tree nursery are also progressing.
- The ENPA Education team have been engaging with Year 10 children on climate change via an online survey, workshops in local schools, and the Young Rangers residential at Pinkery. The outputs were reported to ENPA members in November and will help inform future activity and engagement with young people.
- A film detailing the role of Exmoor National Park in responding to climate change was launched as part of our communications in the run up to the UN Conference on Climate Change in November 2021. This is available on the ENPA website along with ideas for actions that individuals can take [Exmoor - Climate Action \(exmoor-nationalpark.gov.uk\)](https://www.exmoor-nationalpark.gov.uk).
- A new volunteer co-ordinator has been appointed and is making good progress towards Plastic Free Exmoor status. A few more Community Allies are required before the application can be submitted although this has been a slow process as organisations and groups are meeting virtually and many currently have other priorities as we come out of the Covid pandemic.

CORPORATE PRIORITIES. Develop and maintain effective and efficient services

- Planning performance had improved but figures for dealing with minor applications have fallen again during the first two quarters of 2021. The Planning service remains under pressure due to staffing and capacity issues. We are seeking to fill vacancies in permanent roles and also appointing temporary staff to address this, including additional capacity to deal with the enforcement backlog.
- The Conservation Intern has secured a fixed term role with the Authority. Unfortunately, there was no interest or applications for any of the Kickstart vacancies, partly due to our location and driving tests not taking place during the pandemic. We wait to hear whether this programme will reopen for next year.
- A staff consultation was run on future working arrangements and plans for blended working are being taken forward, to start in January 2022.

CORPORATE PRIORITIES. Manage the Authority's Estate and operations

- The Ashcombe parking machine has been delayed by the need for a new ENPA byelaw which allows us to charge for parking without recourse to any other Local Authority. This is likely to take until summer 2022 to come to fruition.

- The key maintenance projects for this year are the external repair and redecoration of the Town Centre Offices (7-9 Fore St, Dulverton) and the Lynmouth Pavilion. Works have been delayed due to lack of contractor availability and partly because of the complexity of the procurement, but it hoped that they will be able to take place in spring 2022. Ongoing maintenance includes further works highlighted by the 2020 condition survey of our public conveniences and minor works to public toilets are now almost complete. There were no planned works at Weir Cleeve this year although some minor emergency rock slope work was required at Weir Cleeve in June. We have become aware of the need to re-roof Exmoor House in stages and a new condition survey will be commissioned for the building.
- A Facilities Manager has been recruited and started in Q3.
- Plans for improvements to National Park Centres and Pinkery are being prepared to enhance the visitor experience and incorporating climate actions.

EXMOOR NATIONAL PARK AUTHORITY

7 December 2021

VISITOR MANAGEMENT AND ENGAGEMENT DURING 2021

Report of the Head of Conservation & Access

Purpose of the report: To report on the implementation of the Visitor Management & Engagement Plan 2021 that was approved by Members on 6 April.

RECOMMENDATION: The Authority is recommended to NOTE the contents of the report.

Authority Priority: Support delivery of the Exmoor National Park Partnership Plan – The visitor management and engagement plan is designed to improve access to and engagement with Exmoor’s special qualities.

Legal and Equality Implications: It is considered there will be no adverse impacts on any protected groups.

Consideration has been given to the provisions of the Human Rights Act 1998 and an assessment of the implications of the recommendation(s) of this report is as follows: There are considered to be no human rights issues in relation to this report.

Financial and Risk Implications: The financial and risk implications of the recommendations of this report have been assessed as follows: none.

Climate Change Response: There are not considered to be any climate change mitigation implications from this paper.

1. INTRODUCTION / BACKGROUND

- 1.1 The Covid pandemic led to widespread disruption of people’s ability to move around freely and to take holidays away from their immediate home environment. During 2020, between the successive lockdowns, people sought out space and freedom within the UK, especially in areas that they considered safe and away from other people.
- 1.2 In some rural areas this caused tension between visitors arriving and the perception that they might be moving the virus around with them. Because of the unreliability of food supplies in shops and supermarkets at various points during 2020, there was further anxiety that food supplies to vulnerable people in remote rural areas like Exmoor would be put at risk by visitors who were coming to their second homes or by people escaping crowded urban areas.
- 1.3 ENPA had been forced to close its National Park Centres and for most of 2020 the ranger presence on the ground was needed to ensure public safety working in partnership with other agencies and also to be ‘eyes and ears’ on the ground for reports back to DEFRA.

- 1.4 ENPA's response on the ground during 2020 evolved in the face of various lockdowns and as issues arose. Experienced staff joined the duty rangers to boost capacity on the ground, and the overall approach was to engage with visitors, give gentle guidance where needed and to reassure visitors and the community. This approach was reactive in the face of immense uncertainty, but nevertheless was broadly successful.

2. VISITOR MANAGEMENT & ENGAGEMENT PLAN 2021

- 2.1 In early 2021 ENPA's Leadership Team agreed to a Visitor Management & Engagement Plan being produced. The Plan was intended specifically to set out the approach that the ENPA teams would take both to its own functions in respect of access and enjoyment as well as to managing its own facilities (National Park Centres, car parks, public toilets, rights of way, Pinkery, functions of the ranger team), and crucially its approach to communication with visitors and the community. In summary the plan was designed to:
- i. give corporate clarity on our approach, ii. make it clear to the community and our partners how we would go about managing our own assets and our own teams in respect of visitor engagement and management,
 - ii. provide a touchstone document for staff to refer to as the season progressed.
- 2.2 A small staff team, comprising Ailsa Stevens, Dan James, Dan Barnett, and Ben Totterdell, led by Rob Wilson-North, met regularly throughout the season to review what was happening out on Exmoor and any arising issues, review our communications and ensure that we were collectively in step with the Plan. That team is responsible for the content of this paper.

3. SUMMARY OF VISITOR ACTIVITY DURING 2021

- 3.1 Alongside our 'on the ground' visitor management plan, the Exmoor Tourism Recovery Group co-led by ENPA and Visit Exmoor has continued to meet regularly throughout the season and bring key tourism partners together. During 2020 figures suggest that the value of tourism was down by approximately 49% compared to 2019; given the dominance of tourism in the economy this is of significant concern. Many businesses when allowed to reopen in 2021 were operating at reduced capacity given a combination of Covid measures and staff recruitment challenges. This led to a significant challenge with an increase in demand combined with reduced supply and further limited the opportunity to reclaim lost business (especially as many bookings had been carried over from cancellations in 2020).
- 3.2 A range of partners including Visit Exmoor, ENPA and others had the opportunity to share issues with the Tourism Minister, Nigel Huddleston MP, who visited Minehead on 12 October.
- 3.3 From July we have conducted our usual biennial visitor survey (deferred from last year). To date over 400 face-to-face, randomly selected responses have been gathered and data gathering will continue until the end of December in order to gather responses from visitors during a range of seasons. The interim results suggest a slight increase in first time visitors and / or those visiting for the first time in over 3 years. Interim results also suggest that whilst some were unhappy with

the limited opening and capacity within some hospitality outlets (owing to the constraints outlined above) overall visitor satisfaction with Exmoor as a destination was at an all-time high. To date 81% report their experience as 'very good' and 19% as 'good' with a 'world-class' net promoter score of 86 (from a range of -100 to +100).

4. VISITOR MANAGEMENT, COMMUNICATIONS AND RANGER TEAM ACTIVITIES

- 4.1 Given the expected high visitor numbers, time was spent in January and February planning ahead to ensure resources were in place in time for Spring Half-Term, Easter and beyond. A Summer Assistant Ranger was recruited along with casual staff contracts to support Ranger weekend working. We put substantial extra resource into checking our most popular sites, clearing litter, and informally engaging with visitors, with two or three members of staff on duty each weekend rather than the normal one or two.
- 4.2 ENPA's Communications Officer developed a clear communication plan with media releases and messages prepared for key dates such as when restrictions were eased and before public holidays. We placed strong emphasis on a positive and welcoming style whilst ensuring key visitor behaviour messages were included.
- 4.3 An open letter from the Chief Executive issued upon the easing of Easter restrictions was widely distributed via the media, local Town and Parish Councils, partnership groups, social media, and e-mail lists. It received extensive positive coverage across regional newspapers and radio, securing mentions in some national press also, all of which included the core message to plan ahead in order to visit Exmoor safely and responsibly.
- 4.4 This was followed up by a visitor behaviour campaign on social media over the Easter holidays focused on encouraging people to plan their visit safely and make use of our website and National Park Centres for the latest information. It reached well over 300,000 people on Facebook alone, generating lots of constructive engagement around various aspects of positive visitor behaviour.
- 4.5 This was immediately followed by the launch of our Exmoor Explorer walks series, which was extremely well received and helped secure further media coverage, including TV and radio, allowing us to reinforce the message about responsible visiting, while also acting as a dispersal tool to discourage overcrowding.
- 4.6 This year's Exmoor Visitor included additional information about caring for the National Park in a pandemic, with the simple message that we have been caring and now it's your turn to care. There was added emphasis on the government's revamped Countryside Code, as well as information on simple steps to help protect wildlife and livestock, plus an activity for families encouraging them to engage in 'random acts of kindness' around the National Park.
- 4.7 We further supported the UK National Park #LoveYourLitter campaign over the summer, securing regional press coverage and positive social media engagement, as part of ongoing activity around the Plastic Free Exmoor initiative.
- 4.8 2 new leaflets were produced: one aimed at new visitors providing headline messages and information on where to find out more, and a second for campervan users that was distributed by our Ranger Team and private landowners as required.

- 4.9 A partner meeting was organised with South West Lakes Trust, the Police, and the local community to help coordinate the approach for Bessom Bridge (which had been the focus for exceptionally large numbers of visitors in 2020). This resulted in a dedicated line of communication, an on-site engagement event and extra resources for traffic management.
- 4.10 During the Summer of 2021 visitor numbers have been much higher than pre-covid levels but remained manageable with the additional resources in place. The weather was not as warm and dry as 2020 – which perhaps suppressed numbers in some waterside ‘honey pot’ locations.
- 4.11 The Ranger team ran a ‘pop-up’ events programme supported by various ENPA staff and other partners – it took engagement resources and family friendly activities out to popular sites such as Tarr Steps and the Valley of Rocks. These proved very popular and provided a great way to engage with visitors who may not otherwise come across our normal events programme.
- 4.12 Overall the 2021 season went well in part due to our co-ordinated approach building on the experience of 2020 and also in part because visitor numbers did not reach excessive levels. These factors also provided a great opportunity for visitors to enjoy Exmoor. Very few complaints or issues were raised with us by the landowners or the community.

5. NATIONAL PARK CENTRES

- 5.1 Our three National Park Centres reopened, in line with the Government’s Road map, on 12 April 2021 following the third national lockdown. Our Centres provide a shop window both to the National Park and to the work of the Authority and play a key role in informing, inspiring and engaging users of the National Park. Their role has been valuable during the pandemic responding to queries (in person and via phone / email), providing up-to-date advice and information, being responsive to changes on the ground and aiming to disperse visitors to minimise impact.
- 5.2 Visitor numbers to the centres were significantly reduced, especially whilst overnight visits were prohibited until early May and hospitality closed until late May. Whilst numbers remained lower than pre-pandemic, the drop was much less significant than in 2020 (-25% in 2021 vs -49% in 2020 for the peak season compared to 2019). Month on month the reduction in visitor numbers has lessened as consumer confidence has grown.
- 5.3 Despite the fall in visitor numbers Centre staff reported a significant rise in the levels of engagement with visitors. New audiences and first-time visitors were seeking detailed information and advice on enjoying the National Park. Staff took a proactive approach in pushing our core message of enjoying Exmoor safely and responsibly. They also supported the wider work of the Exmoor Tourism Recovery group by collating and distributing up to date information with regards to attractions and activities in terms of changes to opening and bookings.
- 5.4 Encouragingly spend has continued to grow significantly, despite the drop in visitor numbers. At this time net income for 2020/21 is almost matching the total for the 2019/20 financial year with 4.5 months to go (albeit our quieter months).
- 5.5 The table below compares the period April – October 2021 vs 2019 (pre pandemic):

	Net income			Visitor numbers			Spend per head
	2019	2020		2019	2020		
Combined	£83,730	£96,770	+16%	122,879	91,918	-25%	+54%

5.6 Throughout the season working practices have been adjusted in line with the latest guidance and we have been able to reopen the Centres more fully including the AV theatres and interactive exhibits.

5.7 During the season a customer satisfaction survey was undertaken within the Centres, demonstrating very positive views from service users across the board as demonstrated in the table below:

	Did you enjoy your visit? (out of 5)	How much did you learn about the National Park? (out of 5)	<u>Net Promoter Score</u> (from -100 - +100)
Dulverton	4.83	4.68	100
Dunster	4.8	4.47	88
Lynmouth	4.86	4.52	66
Combined	4.83	4.57	85

5.8 The Centre teams are now working on measures to improve the look and feel of the Centres, which are quite dated in parts, in a bid to boost visitor numbers and sustain the growth in income and engagement experienced in the last 2 years.

6. THE 2022 SEASON

6.1 This paper forms part of an Officer review of our activities in respect of visitor management and engagement during 2021. Once that review concludes, a further paper will be brought to Authority in Spring 2022 laying out our approach for the year. At this stage we envisage similar levels of visitors to Exmoor in 2022 (although we will obviously keep this assumption under review) and therefore our approach will be broadly in line with what has happened in the season just passed, with a simple, clear communication plan, additional staff resources on the ground, some refreshing of aspects of the Centres and a programme of pop-up events.

Rob Wilson North
Head of Conservation and Access
19 November 2021

EXMOOR NATIONAL PARK AUTHORITY

7 December 2021

NATIONAL WORKING UPDATE

Report of the Chief Executive

Purpose of Report: To update Members with recent developments in national working and to confirm subscriptions to national groups in 2022/23.

RECOMMENDATIONS: The Authority is recommended to:

- 1) Approve the increase in corporate subscriptions to £41,000.
- 2) Support the combining of UK Communications and National Parks Partnership over the three-year Business Plan 2022 – 2025.

Authority Priority: Achieve Best Value from our resources and improve our performance.

Legal and Equality Implications: Section 65(4) Environment Act 1995 – provides powers to the National Park Authority to “do anything which in the opinion of the Authority, is calculated to facilitate, or is conducive or incidental to:-

- (a) the accomplishment of the purposes mentioned in s.65 (1) [National Park purposes]
- (b) the carrying out of any functions conferred on it by virtue of any other enactment.”

The equality impact of the recommendations of this report has been assessed as follows: There are no foreseen adverse impacts on any protected group(s).

Consideration has been given to the provisions of the Human Rights Act 1998 and an assessment of the implications of the recommendations of this report is as follows: There are no implications for the Human Rights Act.

Financial and Risk implications: Financial and reputational risks are discussed in the report.

Climate Response: Response to climate change continues to be a focus for national working.

1. BACKGROUND

- 1.1 This paper is to update Members with progress on national working and to confirm subscriptions for 2022/23
- 1.2 Collective working continues to take place in England through National Parks England and more informally across the United Kingdom through the UK National Parks and various Officer working groups. Attracting commercial sponsorship across the UK is the responsibility of National Parks Partnership Ltd and raising the profile of national parks with the public is led by the UK Communications Unit, based in the Broads.
- 1.3 Members will recall that in March 2021, it was resolved:
 - (1) To note the intent to cap overall corporate subscriptions at £32k

- (2) To delegate to the Chief Executive and Chairperson to agree level of subscription to National Parks England
- (3) To confirm a £6,073 contribution to the UK Communications Unit
- (4) To support a subscription to National Parks Partnership Ltd of £8,500

2. NATIONAL PARKS ENGLAND

- 2.1 In 2021/22 ENPA paid a £15,000 subscription to National Parks England. All other NPAs paid the full subscription of £21,300. Discussions have taken place over the potential for proportional subscription, but this has not been widely supported.
- 2.2 Discussion over the last 6 months has focused on the four Delivery Plans, the Landscapes Review and the potential Government response. A Defra Contact Group has been established with 4 National Park Officers which meets regularly with the Defra team.
- 2.3 The temporary NPE Chief Executive, Hoda Gray has been retained. Paul Hamblin returned part time in December as a Senior Policy Officer.
- 2.4 In line with requests from Chairs, the operating budget of the company has been reduced. It has saved a total of £14,421 in 2021/22 by reducing the number of desks in its London office from 4 desks to 2, bringing the Executive Assistant post in house, and cancelling unused subscription services.
- 2.5 Savings were off-set by the reduction in Exmoor National Park Authority's subscription and the fact that salary spend was higher than average from January - July 2021 due to covering staff absence.
- 2.6 At the October AGM, NPE proposed that Directors of the company agree subscriptions for 2022/23 and indicative budgets for the next two financial years. Further cost reductions were proposed which would mean subscriptions could be reduced to £20k per NPA. Reducing costs includes;
 - only renewing the Coast Communications contract for 1d/month for APPG support
 - transferring web content to the NPUK website platform
 - reducing the number of seminars and events NPE attends and hosts
 - reducing meeting costs and travel costs
- 2.7 NPE is currently considering increasing capacity to take forward agendas as discussed in the Landscapes Review, and specifically to lead on the four Delivery Plans. Capacity would be temporary in 2022/23 (two short term contracts) with the possibility that wider expansion could be centrally funded.
- 2.8 The cost of running NPE in 2022/23 will be £250k. The NPA subscription for the ten National Parks in 2022/23 is £20,000. The additional £50k is proposed to be taken from NPE reserves.

3. UK NATIONAL PARKS, NATIONAL PARKS PARTNERSHIP AND UK COMMUNICATIONS

- 3.1 The wind up of National Parks UK is complete and a cheque of £391 will be sent to each NPA.

- 3.2 The UK Conference is planned for 2022 and ENPA will be the host (27 – 29 September 2022).
- 3.3 National Parks Partnership has been working with the UK Communications unit to explore how UK level commercial and communications services could be combined to increase influence, broaden public reach and improve access to funding and income generation. The priorities for NPP and UK Comms are Climate Change, Nature, Young People, Equality of Access to the Outdoors, and Health & Well-being.
- 3.4 Income projection from direct transactions with NPP is estimated at around £1.24m over the three-year Business Plan. In addition to direct transactions, NPP proposes to generate further funds that will not pass through NPP’s books: a projected sum of £3.15m over the period. Exmoor projects will benefit from access to these funds, but it is not possible to predict actual grant income at this stage.
- 3.5 Anticipated subscriptions will be £18,067 in 2022, £18,228 in 2023 and £18,393 in 2024 for the combined Communications and Income Generation services.

4. WIDER DISCUSSION

- 4.1 The Landscapes Review consultation is expected in December 2021. There has been some discussion about the National Landscape Service and the potential for alternative collaborative models involving NPE, the National Association of AONBs, Natural England and Defra as a potential alternative to the 44 into 1 model. Discussions are ongoing, but at the time of writing it seems sensible to continue to work collaboratively through NPE, while exploring emerging models.
- 4.2 The bringing together of NPP and NPUK Communications seems a logical step and Members are recommended to support this approach.

5. BUDGET

- 5.1 It is proposed that to support national working a budget of £41,000 is confirmed and the following sums are allocated. This is an £8k increase on the current provision which will put pressure on wider service delivery. If the recommendation is not accepted by Members there will be an ongoing negative impact on partnership working at a sensitive time in terms of national collaboration.

National Parks England	£20,000
NPUK Communications / NPP combined	£18,000
JC, NT, RSP, SW Councils, NFU, Europarc	£3,350
Total Corporate Subscription budget	£41,350

- 5.2 Members are recommended to support the subscription levels as set out in the table above.

Sarah Bryan
Chief Executive
November 2021

EXMOOR NATIONAL PARK AUTHORITY

7 December 2021

REVIEW OF MEMBER CODE OF CONDUCT, DISPENSATIONS, AND AMENDMENTS TO STANDING ORDERS FOR REGULATION OF CONTRACTS

Joint Report of the Head of Strategy and Performance, Monitoring Officer and Chief Finance Officer

Purpose of Report: To consider proposed amendments to the Member Code of Conduct and Standing Orders for the Regulation of Contracts.

RECOMMENDATIONS: Members are recommended to:

- (1) Agree the proposed amendments to the Code of Conduct recommended by the Standards Committee (Appendix 1)
- (2) Note the dispensations agreed by the Standards Committee (Section 2)
- (3) Agree the proposed amendments to Standing Orders for the Regulation of Contracts recommended by the Standards Committee (Appendix 2)

Authority Priority: To meet the requirements of legislation where applicable to National Parks and conduct Authority business in line with good practice and the 7 principles of public life.

Legal and Equality Implications: Section 65(4) Environment Act 1995 – provides powers to the National Park Authority to “do anything which in the opinion of the Authority, is calculated to facilitate, or is conducive or incidental to-

- (a) the accomplishment of the purposes mentioned in s. 65 (1) [National Park purposes]
- (b) the carrying out of any functions conferred on it by virtue of any other enactment.”

The Localism Act 2011 requires the Authority to promote and maintain high standards of conduct. The Coronavirus Act 2020 make allowances for changes to the way Authorities conduct their business due to the pandemic, until 7 May 2021.

The equality impact of the recommendations of this report has been assessed as follows: There are no foreseen adverse impacts on any protected group(s).

Consideration has been given to the provisions of the Human Rights Act 1998 and an assessment of the implications of the recommendations of this report is as follows: There are no implications for Human Rights Act.

Financial and Risk Implications: Reputational and other risks including criminal liability could arise should Members fail properly to comply with the provisions of the Localism Act 2011, particularly in relation to the declaration of relevant interests. Procurement Risk is often described as covering fraud, cost, quality and delivery risks. Updating and maintaining legally compliant procurement procedures is an important element in managing these risks

1. Member Code of Conduct

- 1.1 The Authority has a statutory duty to promote and maintain high standards of conduct by Members and co-opted Members of the Authority.
- 1.2 In December 2020, the Local Government Association (LGA) developed and published a Model Councillor Code of Conduct in association with key partners and following extensive consultation with the sector. This was in response to the recommendation of the Committee of Standards in Public Life Local Government Ethical Standards 2019.
- 1.3 The Monitoring Officer conducted a review of the Authority's existing Member Code of Conduct (adopted 4 December 2018) against the LGA Model Code. Changes to the Member Code of Conduct were discussed at the Standards Committee meeting 9 November 2021 and some amendments made.
- 1.4 A tracked changed version of the Member Code of Conduct is attached at **Appendix 1**. It is proposed that these changes are adopted by the Authority pursuant to Section 27(2) Localism Act 2011.

2. Dispensation to Authority Members

- 2.1 Dispensations for up to four years can be granted allowing a Member to speak and/or vote where s/he has a Disclosable Pecuniary Interest. The Authority delegated the power to make dispensations to this Standards Committee.
- 2.2 At its meeting on 9 November 2021, the Standards Committee granted the following dispensation for four years to all Authority Members:
 - (1) Who are elected Members or co-opted members of another public authority, or whose spouse or partner are elected or co-opted members of another public authority, and who have a Disclosable Pecuniary Interest in a matter only by virtue of the fact that s/he or his/her spouse or partner is in receipt of an allowance from that other authority:
 - (i) where the issue is a matter of dispute between the National Park Authority and the other authority, and the matter would affect the financial position of that other authority, the Authority Member may speak on the matter provided s/he immediately withdraws from the meeting room; and
 - (ii) in relation to other matters affecting that other authority, the Authority Member may speak and vote.
- 2.3 The reasons for the dispensation is to protect Members from inadvertent breaches of the requirements related to Disclosable Pecuniary Interests, due to omissions and ambiguities in the legislation and to ensure that the National Park Authority can conduct its business effectively. Without the grant of dispensation, the ability of Members to make representation on local issues would be significantly impaired.

3. Standing Orders for the Regulation of Contracts

- 3.1 It is now 2 years since the Authority began its professional relationship with Devon Procurement Services at Devon County Council. The relationship is working well and the Authority is benefitting from being able to access professional advice, pro forma tender documents and framework contracts.
- 3.2 In support of this relationship, it has been considered prudent to closely mirror the relevant Standing Orders that are operated by Devon County Council.

- 3.3 This report seeks to amend the conduct of business as regards the purchase of goods and services. Attached at **Appendix 2** is a tracked changes version of the Standing Orders for the Regulation of Contracts.
- 3.4 There is no change to the approach or underlying principles but there is a change to a particular key threshold. The point where staff members require a formal quotation is suggested to be raised from £10,000 to £20,000. This is also the point where bidders are obliged to use an electronic portal to submit tender documents.
- 3.5 There is a perception that the lower threshold was putting off local suppliers who may be less inclined to bid via online web portals and was a disproportionate bureaucratic hurdle for the size of the contracts.
- 3.6 Other changes to Standing Orders will be necessary as the legislative environment evolves.

Clare Reid
Head of Strategy and Performance

Andrew Yendole
Monitoring Officer

Gordon Bryant
Chief Finance Officer

November 2021



Member Code of Conduct

[Tracked change version November 2021](#)

1. **SCOPE**

The Authority has a statutory duty to promote and maintain high standards of conduct by Members and co-opted Members of the Authority. As a Member and representative of this Authority it is your responsibility to comply with this Code when you undertake Authority business, or when your actions would give the impression to a reasonable member of the public that you are acting as a Member of the Authority. This includes meetings, in written or verbal communications and in electronic and social media communications.

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As a representative of this Authority, your actions impact on how the Authority as a whole is viewed by the public. It is not sufficient to avoid actual impropriety, you should at all times demonstrate the highest level of integrity in public office and strive to avoid any occasion for suspicion or the appearance of improper conduct, taking advice from the Authority's Monitoring Officer if guidance is needed.

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2. **SEVEN PRINCIPLES OF PUBLIC LIFE – NOLAN PRINCIPLES**

2.1 This code is based upon the seven principles of public life, referred to as the Nolan principles. You must have regard to the following principles when acting in your official capacity:

Selflessness

You should act solely in terms of the public interest. You should not act in order to gain financial or other material benefits for yourselves, your family or your friends.

Integrity

You should not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits you should make choices on merit.

Accountability

You are accountable for your decisions and actions to the public, and must submit yourself to whatever scrutiny is appropriate to your office.

Openness

You should be as open as possible about all the decisions and actions you may take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands.

Honesty

You have a duty to declare any private interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

You should promote and support these principles by leadership and example.

3. GENERAL OBLIGATIONS

3.1 When undertaking Authority business you must:

- a) Deal with representations or enquiries from members of the community and visitors fairly, appropriately and impartially.
- b) Not allow other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing the interests of and the good governance of the Authority in a proper manner.
- c) Exercise independent judgment and not compromise your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties as a Member/co-opted Member of the Authority.
- d) Not improperly use knowledge gained solely as a result of your role as a Member of the Authority for the advancement of yourself, your friends, your family members, your employer or your business interests.
- e) Listen to the interests of all parties, including relevant advice of statutory officers, the Authority's Chief Financial Officer (S151) and the Authority's Monitoring Officer, taking all relevant information into consideration, remaining objective and making decisions on merit.
- f) Be accountable for your decisions, give reasons for decisions in accordance with statutory requirements, and cooperate when scrutinised internally and externally.
- g) Contribute to making the Authority's decision-making processes as open and transparent as possible to enable the public to understand the reasoning behind those decisions, but restricting access to information when the wider public interest or the law requires it.
- h) Not disclose any confidential or third party personal information, except:
 - i. with the consent of the person authorised to give it; or
 - ii. if you are required by law to do so;
 - iii. or where the disclosure is lawfully made to a third party for the purpose of obtaining professional advice (provided that the third party agrees not to disclose the information to any other person);
 - iv. or where the disclosure is made
 - in good faith; and
 - in the public interest; and
 - in compliance with the reasonable requirements of the Authority and data protection regulations, including the General Data Protection Regulations when these become law (May 2018);
 - v. in all instances seeking advice from the Monitoring Officer prior to confidential or third party information release.

i) Not prevent anyone from getting information that they are entitled to by law.

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- i) Behave in accordance with all legal obligations, alongside any requirements contained within the Authority’s policies, protocols and procedures including the use of the Authority’s resources which prohibit the use of such resources for personal purposes.
- k) Value your colleagues and staff and engage them in an appropriate manner and one that underpins the mutual respect that is essential to good governance and that maintains their impartiality and professional integrity.
- l) Treat people with respect, including the organisations and public you engage with and those you work alongside, even if you hold an opposing view to others, and act in accordance with the Equality Act 2010.
- m) Not bully or harass any person (bullying may be characterised as a single act or pattern of offensive, intimidating, malicious, insulting or humiliating behaviour, an abuse or misuse of power or authority which attempts to undermine or coerce or has the effect of undermining or coercing an individual or group of individuals by gradually eroding their confidence or capability which may cause them to suffer stress or fear; harassment may be characterised as causing alarm or distress on at least two occasions including repeated attempts to impose unwanted communications and contact in a manner that could be expected to cause distress or fear in any reasonable person).
- n) Not bring your role or the Authority into disrepute.

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3.2 As a Member of the Authority you must:

- a) undertake Code of Conduct training provided by the Authority.
- b) cooperate with any Code of Conduct investigation and/or determination.
- c) not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- d) comply with any sanction imposed on you following a finding that you have breached the Code of Conduct

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4. REGISTRATION OF INTERESTS

4.1 You must, within 28 days of your taking office as a Member or co-opted Member of Exmoor National Park Authority, and annually thereafter, provide written notification to the Authority’s Monitoring Officer of:

- (i) any disclosable pecuniary interest as defined by Regulations made by the Secretary of State (set out in paragraph 4.6 below), where the pecuniary interest is yours, your spouse’s or civil partner’s, or is the pecuniary interest of somebody with whom you are living with as if you are married or in a civil partnership; and
- (ii) any other personal interest laid down by the Authority, as set out at paragraph 4.7 below;

which will be recorded in the Authority’s Register of Members’ Interests and made available for public inspection including on the Authority’s website.

- 4.2 Within 28 days of becoming aware of any new interest or change to any interest already registered, you must register details of that new interest or change by providing written notification to the Authority’s Monitoring Officer.
- 4.3 Whether or not an interest within paragraphs 4.6 and 4.7 below has been entered on to the Authority’s register, you must disclose any interest to any meeting at which you are present in any matter being considered, in line with paragraph 4.12 below, where the matter is not a ‘sensitive interest’ (see paragraph 4.9 below).
- 4.4 Following any disclosure of an interest not on the Authority’s register or the subject of pending notification, you must notify the Authority’s Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
- 4.5 In relation to disclosable pecuniary interests, the expressions in the left hand column below have the meanings attributed to them in the right hand column:

“body in which the relevant person has a beneficial interest”	means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director or in the securities of which the relevant person has a beneficial interest
“director”	includes a member of the committee of management of an industrial and provident society
“land”	excludes an easement, servitude, interest or right over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income
“relevant authority”	means the authority of which you are a Member
“relevant person”	means you, your spouse or civil partner, a person with whom you are living with as if you are married or a person with whom you are living with as if you are civil partners
“securities”	means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society

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4.6 The interests you **must** register are:

Those disclosable pecuniary interests defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464) as set out below, namely:

- (a) any employment, office, trade, profession or vocation carried on for profit or gain by you or a relevant person;
- (b) any payment or provision of any other financial benefit (other than from Exmoor National Park Authority) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a Member, or towards your expenses, including any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;
- (c) any contract which is made between you or, so far as you are aware, a relevant person (as defined at paragraph 4.5 above) (in which the relevant person has a beneficial interest) and the Authority:
 - (1) under which goods or services are to be provided or works are to be executed; and
 - (2) which has not been fully discharged
- (d) any beneficial interest in land held by you, or so far as you are aware, a relevant person which is within Exmoor National Park;
- (e) any licence (alone or jointly with others) to occupy land in Exmoor National Park for a month or longer;
- (f) any tenancy where (to your knowledge):
 - (1) the landlord is Exmoor National Park Authority; and
 - (2) the tenant is a body in which you or, so far as you are aware, a relevant person has a beneficial interest.
- (g) any beneficial interest that you or, so far as you are aware, a relevant person has in securities of a body where:
 - (1) that body (to your knowledge) has a place of business or land in the area of Exmoor National Park and
 - (2) either:
 - (A) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (B) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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4.7 You **must** also register those other personal interests laid down by Exmoor National Park Authority. You have a personal interest where:

- (a) you hold an unpaid directorship in a body

(b) You are a member of, or hold any position of general control or management of:

- (i) any body to which you have been appointed by the Authority;
- (ii) any other body exercising functions of a public nature (e.g. County, District or Parish Council; Health, Police or Fire Authority or Quasi Autonomous Non-Governmental Body);
- (iii) any body directed to charitable purposes;
- (iv) any body whose principal purposes include influence of public opinion or policy or which, in your view, might create a conflict of interest in carrying out your duties as a Member of Exmoor National Park Authority (e.g. Political Party; Trade Union, Professional Association, Local Action Forum, Civic Society or Interest Group e.g. National Trust; RSPB; Greenpeace or membership of the Freemasons or similar body).

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4.8 A non-registerable interest may arise where a decision might reasonably be regarded as affecting the well-being or financial position of a *significant person* to a greater extent than the majority of other council tax payers, rate payers and residents affected by the decision. A *significant person* means a close member of your family or any person with whom you have a close association. In this instance you must declare to the meeting the existence and nature of that interest and withdraw from the decision making process by stepping outside the meeting room.

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4.9 You **must** also

(a) not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour from persons seeking to acquire, develop or do business with the Authority or from persons who may apply to the Authority for any permission, licence or other significant advantage;

(b) register the receipt of any gift or hospitality to the value of more than £50 and the identity of the donor of such gift or hospitality within 28 days of its receipt;

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(c) register any significant gift or hospitality that you are offered but have refused to accept;

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4.10 Where the Authority's Monitoring Officer agrees that any information relating to your interests is "*sensitive information*" namely information whose availability for inspection by the public is likely to create a serious risk that any person may be subjected to violence or intimidation, you need not include that information when registering that interest, or, as the case may be, any change to that interest.

4.11 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded is no longer sensitive information, notify the Authority's Monitoring Officer asking that the information be included in the Authority's Register of Members' Interests.

4.12 Unless a dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest as defined by Regulations referred to at paragraph 4.6 above and you must also observe any restrictions the Authority may place on your

involvement in matters where you have any interest as defined by the Authority and shown at paragraph 4.7 and 4.8 above.

- 4.13 Where you have any interest in any business of the Authority and you attend any meeting at which that business is to be considered, you must:
- (a) disclose to that meeting the existence and nature of that interest, but where your interest is sensitive you are not required to disclose the interest but merely the fact that there is a disclosable pecuniary interest in the matter concerned;
 - (b) disclose any interest in accordance with the Authority's reasonable requirements, no later than the commencement of the consideration of the business in which you have that interest, or (if later) the time at which the interest becomes apparent to you;
 - (c) where you have any disclosable pecuniary interest or a non-registerable interest as defined in paragraph 4.8 above, withdraw from the room or chamber where a meeting considering the business is being held at the commencement of the consideration of that business in which you have that interest, or (if later) the time at which the interest becomes apparent to you;
 - (d) not seek to influence improperly any decision about that business;
- 4.14 Dispensations will be able to be granted in the following circumstances:
- (a) That so many Members of the Authority or of a Committee or Sub Committee have disclosable pecuniary interests in a matter that it would impede the transaction of the business. In practice, that the Authority, Committee or Sub Committee would be inquorate as a result. The responsibility for the consideration and grant of dispensation in such circumstances is delegated to the Monitoring Officer.
 - (b) That the Authority considers that the dispensation is in the interests of persons living in the Authority's area. The consideration and granting of such dispensations is delegated to the Standards Committee.
 - (c) That the Authority considers that it is otherwise appropriate to grant a dispensation. The consideration and granting of such dispensations is delegated to the Standards Committee.

5. OFFENCES

- 5.1 It is a criminal offence to:
- (i) Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of taking office as a Member of the Authority
 - (ii) Fail to notify the Monitoring Officer within 28 days of a new disclosable pecuniary interest arising during office
 - (iii) Fail to notify a disclosable pecuniary interest at a meeting if it is not on the register of interests
 - (iv) Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
 - (v) Knowingly or recklessly providing information that is false or misleading when notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such an interest to a meeting
- 5.2 The criminal penalties available to a court are to impose a fine (up to £5000) and disqualification from office for up to 5 years. If a complaint is received in respect of non-disclosure of a disclosable pecuniary interest the matter may be referred to the Police to investigate because of the criminal nature of the breach.
- 5.3 Other breaches of the Member Code of Conduct will be dealt with internally with reference to the Monitoring Officer, Standards Committee and the Authority's Independent Person (appointed in accordance with the Localism Act 2011) in line with Standing Orders.
- 5.4 Members should note that breach of this Code may not only lead to criminal sanctions but also reputational damage to the Authority and individual Members committing a breach. You will be asked annually to review and update your register of interests and undertake to comply with this Code.

APPENDIX 3



STANDING ORDERS FOR THE REGULATION OF CONTRACTS

Tracked change version November 2021

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PROCUREMENT PROCEDURES

1 General

- 1.1 These procedures apply to all orders and contracts issued by the Authority for the carrying out of works, the supply of goods and services and the acquisition and disposal of assets. These procedures must be read in conjunction with the Sustainable Procurement Policy, Financial Regulations, Standing Orders, the Scheme of Delegation, the Minimum Standards for Tenders and Contracts and any other procurement guidance notes issued by the Chief Financial Officer (CFO).
- 1.2 "Officer" means any person holding office under the Authority, employed or seconded by the Authority, working under a Service Level Agreement or contract, or working for the Authority in any paid or unpaid capacity.

2 Quotation and Tendering Procedures

2.1 The minimum required numbers of tenders or quotations to be invited from appropriate contractors for a given estimated value of contract (net of VAT) are:

- Up to £2,500 (£5,000 for works) officers are not obliged to seek more than one quotation but staff may still choose to, to seek the most competitive price and demonstrate best value;
- Above £2,500 (£5,000 for works) and up to £20,000, Invite three organisations to submit written quotations;
- Above £20,000 and up to £100,000, Invite three organisations to submit written formal quotations submitted by a specified date and time and based on a written specification and evaluation criteria (referred hereafter as "formal quotation");
- Above £100,000, and up to EU thresholds, invite four organisations to submit tenders;
- Over EU thresholds, invite organisations to submit tenders in accordance with the requirements of the Public Contract Regulations.

The values are for single items or groups of items, which must not be disaggregated artificially.

From 1 January 2018 the sterling equivalents of EU thresholds (net of VAT) are £181,302 for supplies and services and £4,551,413 for works. The EU thresholds are changed on 1 January of each even-dated year. The CFO will advise Heads of Service of these changes.

- 2.2 Where quotations apply, they should be sought from suitable contractors through open competition or can be selected from a standing list if one exists.

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- 2.3 Where formal quotations are required, and if there is no standing list, formal quotations may be sent directly to a minimum of three organisations who have been selectively invited to bid, without recourse to open advertisement of the opportunity, or they may be selected through open competition.
- 2.4 Where tenders are required, Officers have a choice of tendering procedures. For contracts up to EU thresholds, organisations may be selected from a standing list. Where there is no standing list, and for contracts over EU thresholds, appropriate advertisement must be undertaken inviting suitable organisations to express an interest in tendering. Alternatively, a suitable Framework Agreement can be used (see para 3.2 below). Tenders may be received from either all who respond to an advertisement (open competitive tendering) and, for contracts over EU thresholds, from a selection of suitable contractors who have expressed an interest and who are invited by the Authority to tender (selective tendering). The number of tenderers to be invited to tender will depend on the particular market and the individual project procurement strategy.
- 2.5 If selection is to be from standing lists, arrangements for standing list compilation, maintenance, review and use must be approved in advance by the CFO.

Procurement Notification Process

- 2.6 Officers planning to carry out any procurement exercise with a value of £20,000 or more must submit an electronic procurement notification form to the Devon Procurement Service (DPS). This will be used to create an initial entry on the PNF Register held on the Sharepoint site.

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Appropriate Advertising

- 2.7 Tenders up to the EU thresholds where there have been no selective invitations to quote or tender, and all tenders above the EU thresholds, will be advertised on the Authority's e-tendering system. Any opportunities that are advertised on the Authority's e-tendering system must also be advertised on the government's Contract Finder website (if they are over a value of £25k).
- 2.8 For services, supplies and works where the total contract value, including any options to extend the initial term of the contract are expected to exceed EU thresholds, an OJEU notice must also be placed and must follow EU procurement requirements with particular regard to be given to the timescale for such tenders.
- 2.9 Any formal quotation (i.e. over £20k up to £100k) following the open competition procedure will be advertised on the Authority's e-tendering system. Any opportunities that are advertised on the Authority's e-tendering system must also be advertised on the government's Contract Finder website (if over £25k). Officers will consult with the CFO and or DPS to determine if further advertising in relevant local newspapers and trade publications is also required.
- 2.10 Officers will ensure that the e-tendering system website address is publicised appropriately within the quotation/tender documentation.
[www.supplyingthesouthwest.org.uk]

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Selective Tendering (i.e, above £100k)

2.11 Following advertisement of tenders above the EU thresholds for goods and services (whether in relation to goods, services or works), invitations shall be sent to the prospective tenderers who are best qualified to bid.

Invitation to Tender (i.e, above £100k)

2.12 Every invitation to tender must specify that the Authority's e-tendering system will be used to issue and receive tender documentation. The invitation must state the date and time by which the tender must be received by the e-tendering system and that the tender will be held in the secure area of the e-tendering system and cannot be accessed until after the deadline. Adequate time must be allowed for the preparation and return of tenders ensuring compliance where appropriate with EU requirements. Any exceptions to using the Authority's e-tendering system must be approved by the CFO and/or CEO.

Invitation to Quote (i.e. up to £100k)

2.13 The Authority's e-tendering system must be used for a formal quotation (i.e. over £20k & up to £100k), save for any exceptions approved by the CFO/CEO.

For quotations below £20,000 the e-tendering system may be used but in either case the invitation must state the place, date and time by which the quotation must be returned. Adequate time must be allowed for their preparation and return.

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Certification notice by Tenderers

2.14 Tenderers shall certify and give undertakings that:

- the tender is genuine and intended to be competitive;
- they have not fixed or adjusted the amount of the tender by or under or in accordance with any agreement or arrangement with any other person*;
- they have not done and will not do, at any time before the time and date specified for the return of the tender, any of the following:
 - inform any person* the amount or approximate amount of the proposed tender, except where the confidential disclosure of the approximate amount of the tender was necessary to obtain insurance premium or other quotations necessary for tender preparation;
 - enter into any agreement or arrangement with any other person* with the aim of preventing tenders being made or as to the amount of another tender or the conditions on which the tender is made;
 - offer to pay or give or agree to pay or give any sum of money or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other tender or proposed tender for the Authority any of the actions specified and described in this section;
 - cause or induce any person to do any of these things.

* outside the consortium if a consortium tender

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Receipt, Custody and Opening of Tenders and Formal Quotations

2.15 The Authority’s e-tendering system will record the date and time of receipt of all tenders and formal quotations.

Quotations below the £20k threshold may be received and opened by the Project Officer/Team.

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Formal quotations between £10-£100k (received via the e-tendering system) may be received and opened by the Project Officer/Team, once the closing date has passed.

Tenders over £100k (received via the e-tendering system) will require the opening and verification an officer who must be independent to the procurement taking place. All the submissions will then be released to the Project Officer/Team to continue with the process. The verifier will enter information about the submissions received into the tender register.

2.16 Tenders (over £100k) and any formal quotation (over £20k up to £100k) not received via the Authority’s e-tendering system (as a result of an exception approved under paragraphs 2.12 or 2.13 or 2.21) shall be opened at one time and in the presence of at least two officers who shall be independent from the procurement. A record will be made of all tenders or formal quotations received, showing the date and time of opening and the bidder’s name and the value in the tenders register. Any tender or formal quotation received after the specified time shall be recorded as such but must not be considered.

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Contractor Vetting

2.17 Officers who procure the service of a contractor are responsible for checking the competency of that contractor to undertake the work. This may include evidence of relevant qualifications, financial stability, their Health & Safety policy, risk assessments and method statements, data protection and security arrangements, for example.

All such assessments must be made before any commitment is made or contract awarded and shall be in conformity with the Authority’s Contractor Vetting Policy.

Acceptance of Single Quotation or Tender Received (See also paragraph 2.21)

2.18 This section deals with situations where either a single quotation or tender is received. For contracts up to £20,000, the appropriate Head of Service will determine whether or not to accept the quotation.

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For contracts over £20,000, the CFO and the Head of Service shall jointly consider whether or not, in their professional judgement, best value would be obtained. The following provisions shall then apply: -

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(a) where the estimated value of the contract is between £20,000 and £100,000 if in their view best value would be obtained then the Head of Service will consult with the CFO and the CEO (the latter being able to accept the formal quotation). If in the view of the CFO and CEO value for money would not be obtained, or if there is any doubt, the procurement exercise should either be repeated or the matter referred to the Authority for consideration and decision.

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- (b) where the estimated value of the contract is over £100,000 the matter must be referred to the Authority for consideration and decision, taking into account the views of the CEO, CFO and Head of Service as to whether to accept the tender or repeat the procurement exercise.

Financial Provision for Contracts

- 2.19 Where tenders or quotations received vary from the approved estimate, the procuring officer must identify the funding for any increase. Where the increase is up to £30,000, the funding must be approved by the CEO in consultation with the CFO before awarding the contract. Approval of the Authority must be obtained, before awarding the contract, where the variation exceeds £30,000.

Maintaining the Contracts Register

- 2.20 Upon the award of a contract with a value of £20,000 or more, the Officer will update and complete the entry in the Contracts Register in the e-tendering system. If the e-tendering system not used for the procurement, a record of the award will still be made in the contracts register on the e-tendering system. For contracts awarded over £25k, a record will also be entered on Contracts Finder (via the e-tendering system).

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Exemption from the Tendering and Formal Quotation Process

- 2.21 Where the subject matter of a contract is of a specialised nature with only one or a limited number of possible contractors or where exceptional circumstances have arisen, the Officer shall submit a written report requesting an exemption from normal tendering or formal quotation rules to the CEO/CFO/Leadership Team for authorisation for the exemption.

Tenders subject to the European Procurement Regulations shall be subject to exemptions contained within those Regulations.

3 Particular Types of Contract

Acquisition (and Leasing) of Land, Buildings, Vehicles, Plant and Equipment

- 3.1 In order to ensure compliance with Financial Regulations and capital rules, all acquisitions made shall be in accordance with the Authority's Financial Regulations and Scheme of Delegation. Officers must consult with the CFO in the first instance; Authority approval may be required before embarking on this type of procurement.

Framework and Joint Procurement Arrangements

- 3.2 Framework Agreements set up by government offices or other public bodies may be used after consultation with the CFO/DPS. Call off contracts under a Framework Agreement will be governed by the terms of the Framework Agreement. Framework Agreements may also be established by Officers, in accordance with these Procedures (however prior advice must be sought from DPS).
- 3.3 Joint procurement arrangements with other local authorities or public bodies may take place where they represent best value. The CFO and DPS must be consulted before the start of the procurement of all such proposed arrangements especially if the Authority intends to act as the lead authority.

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Disposal of Assets

- 3.4 All vehicles, plant, furniture, equipment or other goods shall be disposed of in accordance with the Authority's Financial Regulations, Scheme of Delegation and Disposals Policy. Officers should consult with the CFO in the first instance.

4 Contracts**Contents of Contract**

- 4.1 Officers shall obtain the advice of the Authority's Legal Service on the contract terms to be agreed, including the Authority's terms and conditions of contract.
- 4.2 Every contract shall be in writing or confirmed in writing and shall specify:
- (a) the work, materials, supplies or services to be provided;
 - (b) the quality standards and or service specification to be adhered to;
 - (c) the price to be paid, with a statement of discounts or other deductions;
 - (d) the time or times within which the contract is to be performed;
 - (e) the procedures for variations, termination, or penalties for non-compliance, or security for the due performance of any contract including liquidated damages where works are not completed in the time specified;
 - (f) invoicing and payment arrangements as specified by the CFO;
 - (g) that the Authority shall pay valid and undisputed invoices within a 30 day period, consider and verify invoices in a timely fashion and impose a contractual obligation on the contractor to ensure that they abide by these conditions in relation to their own sub-contractors; and
 - (h) such other terms and conditions as are deemed necessary after having taken advice from the Authority's legal service provider.
- 4.3 Contracts (with Terms and Conditions) shall be signed (except where the seal of the Authority is to be applied) in accordance with the Authority's Financial Regulations and Scheme of Delegation.

Cancellation of Contracts

- 4.4 All written contracts shall contain a clause enabling the Authority to cancel the contract and recover from the contractor the amount of any resulting loss if:
- (a) the contractor has offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for:
 - (i) doing or not doing, or for having done or not done, any action in relation to the obtaining or execution of the contract or any other contract with the Authority;
 - (ii) showing or not showing favour or disfavour to any person in relation to the contract or any other contract with the Authority.
 - (b) the same things have been done by any person employed by the contractor or acting on his behalf (whether with or without the knowledge of the contractor);
 - (c) in relation to any contract with the Authority the contractor or any person employed by him or acting on his behalf has:

- (i) given any fee or reward the receipt of which is an offence under Section 117(2) of the Local Government Act 1972;
- (ii) committed an offence under the Bribery Act 2010.

4.5 Every contract that has been tendered via the Official Journal of the European Union must also contain the right for the Authority to terminate the contract where:

- (a) there has been a modification of the contract which falls outside one of the permitted categories specified in Regulation 72 of the Public Contracts Regulations 2015 and which are summarised at paragraph 4.6 below;
- (b) the contractor should have been excluded on mandatory grounds under Regulations 57(1) and /or 57(2) of the Public Contracts Regulations 2015;
- (c) the contract should not have been awarded in view of a serious infringement under European Law which has been declared as such by the Court of Justice.

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Variation of Contracts

4.6 All orders given to a contractor directing them to vary, in any respect, the subject of the contract must be in writing, signed by the authorised officer (in accordance with the Scheme of Delegation).

For variations of contracts Officers must first seek advice from the Authority's Legal Service. Written agreement must be obtained, before variation orders are issued, from the CEO (in consultation with the CFO) if the total value of the (originally) accepted tender will be exceeded by more than £1,000 and up to £30,000 and by the Authority for any amounts exceeding £30,000.

In addition to the above requirements, where a contract has been tendered via the Official Journal of the European Union (i.e. a contract above the relevant value threshold), a variation to the original contract terms will trigger a new procurement process unless it falls within one of the following permitted changes:-

- Modifications that are clearly provided for in the original procurement and contract documents; or
- Necessary modifications where a change of contractor cannot be made due to economic or technical reasons and would cause significant inconvenience or substantial duplication of cost and does not result in an increase in price of more than 50% of the original contract value; or
- Modifications to deal with unforeseen circumstances where the modification does not alter the overall nature of the contract and does not result in an increase in price of more than 50% of the original contract value; or
- Modifications to deal with a new contractor replacing the original contractor where the replacement is due to corporate restructuring and the new contractor meets the pre-qualification criteria and there are no other substantial amendments to the contract; or
- Modifications that are not substantial. The following will be considered substantial modifications:
 - modifications that render the contract materially different in character;
 - modifications that could have resulted in a different outcome in the procurement;

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- modifications which shift the economic balance in favour of the contractor;
- modifications which extend the scope of the contract considerably; and
- where a new contractor replaces the old contractor other than in the circumstances permitted above.
- Low value modifications where the value attributable to the modification falls below the relevant EU threshold **and** is less than 10% of the initial contract value for supplies and services or 15% for a works contract.

Heads of Service must seek the approval of the Authority's Legal Service in relation to any proposed variation of a contract which has been tendered via the official Journal of the European Union.

Payment for Contracts for Building or Civil Engineering Work

4.7 Each certificate for payment must show:

- (a) contract sum (usually tender total);
- (b) value of work to date;
- (c) total amount of certificates previously paid;
- (d) amount of the certificate;
- (e) retention amount (if any);
- (f) value of price fluctuations;
- (g) Value Added Tax (if any).

Monitoring of Contracts

4.8 Officers must monitor all contracts and report any significant exceptions to normal progress and cost variations to the CFO and Leadership Team. Significant exceptions include delay or advance in expenditure by more than £1,000 compared with expectations within a financial year and any critical delay in meeting target completion dates.

Relationships with Contractors

4.9 Officers who undertake procurement, engage, supervise or have an official relationship with contractors and have had, or currently have, a private or domestic relationship should declare it to their Line Manager, the CFO and the Monitoring Officer. An assessment will be made to ascertain the nature of the relationship and whether that Officer can continue to have any further involvement in the procurement or contract. Orders and contracts must be awarded on merit by fair completion and no favour will be shown to any person or businesses, especially those run by or employing relatives, partners or friends.