

SOUTH DOWNS NATIONAL PARK AUTHORITY

AUTHORITY MEETING

Held at 1.00pm on 20 October 2022 in the Memorial Hall, South Downs Centre, North Street, Midhurst, West Sussex, GU29 9DH.

Present:

Alun Alesbury, Annie Brown, Tim Burr, Debbie Curnow-Ford, Peter Diplock, Chris Dowling, Janet Duncton, Angus Dunn, Thérèse Evans, Melanie Hunt, Doug Jones, Maggie Jones, Robert Mocatta, Ian Phillips, Vanessa Rowlands, Andrew Shaxson, Isabel Thurston, Richard Waring and Stephen Whale.

South Downs National Park Authority Officers:

Trevor Beattie (Chief Executive), Andrew Lee (Director of Countryside Policy and Management), Tim Slaney (Director of Planning), Louise Read (Monitoring Officer), Nigel Manvell (Chief Finance Officer), Lynne Govus (Head of Corporate Services), and Richard Sandiford (Head of Governance).

Also attended by:

Andy Gattiker (National Trail Lead), Johnathan Woods (Hampshire County Council Strategic Manager Countryside), Ruth James (Communications and Engagement Manager), Chris Patterson (Communities Lead), and Dr Rose O'Neill (Chief Executive of the Campaign for National Parks).

CHAIR'S OPENING REMARKS

50. The Chair of the Authority welcomed all present and informed them of general housekeeping matters.
51. Members and members of the public were reminded that SDNPA Members had a primary responsibility for ensuring that the Authority furthered the National Park Purposes and Duty. Members regarded themselves first and foremost as Members of the Authority, and would act in the best interests of the National Park as a whole, rather than as representatives of their appointing body or any interest groups.
52. Due to the significant public interest in Agenda Item 10 the Chair reordered the Agenda to consider Agenda Item 5, Public Participation, following Agenda Item 9.
53. The Chair informed Members that Agenda Items 14 and 15 were to note and these items were taken as noted as no Member indicated that they had any matters related to these items that they wished to discuss.

ITEM 1. APOLOGIES FOR ABSENCE

54. Apologies were received from Heather Baker, Diana van der Klugt, Gary Marsh, William Meyer, Martin Osborne, and Henry Potter.

ITEM 2. DECLARATION OF INTERESTS

55. The following declarations were made:
 - Doug Jones declared a personal interest in Agenda Item 5, as he was acquainted with some of the public speakers, and a public service interest in Agenda Item 10 as a Buriton Parish Councillor.
 - Robert Mocatta declared a personal interest in Agenda Item 5, as he was acquainted with some of the public speakers, and a public service interest in Agenda Items 10 and 12, as both an East Hampshire District Councillor and a Hampshire County Councillor.
 - Debbie Curnow-Ford declared a public service interest in Agenda Items 10 and 12 as a Hampshire County Councillor.
 - Steven Whale declared a personal interest in Agenda Item 16 as a Director South Downs Commercial Operations Limited and would withdraw from the meeting for the consideration of this item.

- Isabel Thurston declared a personal interest in Agenda Item 16 as a Director South Downs Commercial Operations Limited and would withdraw from the meeting for the consideration of this item

ITEM 3. MINUTES OF PREVIOUS MEETINGS HELD ON 5 JULY 2022

56. The minutes of the Authority meeting held on 5 July 2022 were approved as a correct record.

ITEM 4. URGENT ITEMS

57. There were none.

ITEM 6. NEED FOR PART II EXCLUSION OF PRESS AND PUBLIC

58. Members were informed that any exclusion of press and public for Appendix 2 to Agenda Item 13 would be considered, if required, during the consideration of that item.
59. Members were asked to consider the exclusion of the public, including the press, from the meeting for Agenda Item 16.
60. The Monitoring Officer outlined the reasons for the consideration of this exclusion under paragraphs 3 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972, being information relating to the financial and business affairs of a particular person including the Authority and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and that, in each case, they must weigh the public interest in maintaining the exempt information against the public interest in disclosing the information. It was proposed that whilst there was a public interest in the transparency of Authority proceedings and the governance of a local authority trading company, it was felt that on balance this was outweighed by the public interest in ensuring that the National Park Authority was able to fully consider the implications of its actions or proposed actions, with the benefit of specialist advice, without the disclosure of information that could undermine its position and/or the position of its Teckal company, or information relating to ongoing discussions between the Authority and a third party organisation.
61. **RESOLVED:** The Authority resolved to move into private session to consider Agenda Item 16 and that the public, including the press, would be excluded from the meeting at the appropriate time.

ITEM 7. AUTHORITY CHAIR UPDATE

62. The Authority Chair introduced the report (NPA22/23-06).
63. Members made the following comments:
- Minette Batters was a very good spokesperson for farming. What was the Chair's main takeaway from her address at the conference about what this Authority could do?
64. Members were advised:
- An important area to consider was the multiple benefits to farmers of diversifying as part of large nature recovery projects.
65. **RESOLVED:** The Authority noted the update from the Chair of the SDNPA.

ITEM 8. FEEDBACK FROM THE CAMPAIGN FOR NATIONAL PARKS WORKSHOP

66. The Chair and Dr Rose O'Neill, Chief Executive of the Campaign for National Parks (CNP) provided a verbal update on the workshop held with the CNP earlier in the day.
67. Members commented that a strong relationship with CNP was important as CNP was able to campaign in a way the Authority was not able to.

ITEM 9. CHIEF EXECUTIVE'S PROGRESS REPORT

68. The Chief Executive introduced the report (NPA22/23-07) and provided the following updates:
- Successful bids for the Ouse Valley, Ebernoe Common, and Grandfathers Bottom.
 - The Stoke Road railway bridge would no longer be infilled.
 - The standard Authority presentations had been updated and were available on the intranet.
 - Reminders about the 14 December budget workshop and 6 December All Staff and Member Event.
69. Members made the following comments:
- Could the Authority clarify its position on fracking more publicly?
 - As stressed at the recent NPUK conference, how could the Authority better reach young people?
 - How was the shortage of planning staff being addressed? Also, how were these current shortages being communicated to those going through the planning process?
 - When would the timetable for the Local Plan Review be considered?
70. Members were advised:
- It was not the Authority's policy to campaign on issues such as fracking, however, the Authority would focus on specific threats to the National Park and its geology.
 - The Authority was reviewing how it could make its website more accessible to younger people. There were already excellent relationships with about 500 local schools, both inside and outside the National Park, and exercises were often held with them.
 - The shortage of planning staff was an issue throughout the construction industry. The Authority had a number of initiatives to attract staff including through the Authority's culture and the breadth of work on offer. The current challenging situation was being communicated through the agent's forum and by a brief explanatory message on all emails.
 - The Local Plan review timetable would be considered at the December NPA meeting.
71. **RESOLVED:** The Authority resolved to note the progress made by the South Downs National Park Authority (the Authority) since the last report.

ITEM 5. PUBLIC PARTICIPATION

72. The Chair invited the following public speakers to address the Authority for up to 3 minutes.
- James Pickford spoke on the matter of Eastmead Industrial Estate in Lavant. It seemed that a number of pre-commencement conditions had not been discharged before works had started; in particular the approval of a Construction Environment Management Plan. The parish council felt unable to get a clear answer on what was happening and why.
 - Graeme Collins from the Trail Riders Fellowship (TRF) spoke on the matter of Byways Open to All Traffic (BOATs). The majority of motorised users should not be discriminated against because of the illegal actions of a few. The TRF had a good working relationship with Hampshire County Council (HCC) and welcomed their approach. More could certainly be done to better educate users of the BOATs. The UK motorcycle industry made a significant contribution to the economy and offered significant benefits to a vulnerable group of society.
 - Susan Davenport from East Meon spoke on the matter of BOATs was here representing the view of the parish council. There were 11 BOATs in the parish and the neighbouring parish had 5. The users churn up the byways, create noise, and ruin the enjoyment of

the area for both residents and visitors. Cyclists, horse riders and disabled users are unable to use some of the routes due to the poor surfaces. The longer the SDNPA did not get involved the worse the situation got. The Authority should not ignore its responsibility in protecting the landscape from degradation.

- Jim MacDonald, the Chair of the East Hampshire Association of Parish and Town councils spoke on the matter of BOATs. The region was a magnet for off road users to test their skill and the motorised users caused significant damage, often rendering the surface impassable by other users. The parishes urged the Authority to reject option 1 for all users and landowners.

ITEM 10. MANAGEMENT OF BYWAYS OPEN TO ALL TRAFFIC WITHIN THE HAMPSHIRE AREA OF THE SOUTH DOWNS NATIONAL PARK

73. The Chair reminded the Authority about the timeline of Member's consideration of this matter and the South Downs Way National Trail Lead introduced the report (NPA22/23-08). Members were invited to ask questions of clarification first before debate on the main question of principle set out in recommendation 2. If Members indicated support for Option 2 in recommendation 2, further debate would take place regarding the preferred approach.

74. Members asked the following questions for clarification:

- Could it be clarified how the SDNPA taking on the process might slow it down?
- Was the current Hampshire County Council (HCC) process considered successful?
- How confident could Members be in the availability of funds to continue this work in the future
- How much educational communications were done on this?
- Could it be clarified that not all options would include the SDNPA taking over management of BOATs?
- Was it possible to put a cost on HCC's spend on managing this part of the highways network?
- Why was there no certainty that using the two additional grounds available in National Parks would make a material difference in making a TRO?
- Was the accord between HCC and the SDNPA a helpful and active document in the management of BOATs.
- What would be the impact on other SDNPA work by choosing option 2?
- As the SDNPA did not have statutory responsibility in this area, had the Highways Authority asked us to adopt a different approach?
- There were many examples of dysfunctional part of the Rights of Way network which experienced user conflict. The SDNPA had already responded to the Landscapes Review consultation; if there was a change in legislation would the additional resource requirement fall on the SDNPA? Was there any scope for additional creative communications?

75. Members' questions were answered as follows:

- HCC had a well-established process, a survey schedule for routes and a clear and robust assessment policy in place. The SDNPA would need to develop its own policy to be approved by Members, along with survey methods and a robust evidence gathering process.
- In order to meet its requirements as Highways Authority an operational procedure for BOATs was agreed by HCC in 2018 to ensure a robust mechanism to bring routes to a level of sustainable management was in place. The aim was to ensure, wherever possible, that routes were accessible by all. Winter closures were being assessed as to their effectiveness in maintaining summer access. If those were not effective then Traffic

Regulation Orders (TROs) could be made. However, in order to make a TRO there had to be evidence of the Authority's actions and maintenance, and why they had not worked.

- HCC currently had a good maintenance budget agreed for 3 years. Any capital funding had to be bid for.
- Although campaigns such as Share the Path had been done, there had been no campaigns specifically focussed on BOATs. Any campaign required additional resources.
- Option 1 would have the Authority continue with its current approach. Option 2, approach c would require the Authority to develop its own approach and processes to managing the network. Approaches a and b would not involve the Authority managing the network but would take greater resources than the current approach. Any variant of option 2 would come back before Members with resource implications and a detailed plan.
- It was not possible to put a cost on the officer time spent on this, however, since 2016 HCC had spent over £500k from the capital programme managing byways.
- It was possible that using the two additional grounds may make a difference, however, there was currently no evidence to support this. When making a TRO, HCC would always use all appropriate grounds, including the additional grounds applicable to a National Park, where there was evidence to support them.
- The accord was a helpful document, however, being a number of years old the accord would benefit from some updates.
- The SDNPA would have 4FTE staff working on access across the National Park and a discretionary budget of approximately £50k covering the South Downs Way, the statutory responsibility for access land, miles without styles, permissive paths and new non-motorised user routes. This meant very little room for manoeuvre for officers to take on additional work. Hence, resourcing for new work would have to come from other areas such as volunteering, youth action, outreach, etc.
- The Highways Authority had not asked the SDNPA to adopt a different approach.
- Due to the overwhelming response to the Landscapes Review consultation on both sides of the argument, this matter was unlikely to come forward into legislation. The Communications Team did a great job with the resources they had, however, additional campaigns would require additional resources.

76. Members made the following comments:

- The SDNPA continued to have to cut back in many areas that we care passionately about and due to the current financial situation it was possible the SDNPA would need to cut back further in the future. The SDNPA did not have the luxury of or the resources to take on new, unfunded work. If the SDNPA took this work on there was a danger of raising expectation that we would be unable to fulfil. The SDNPA's priorities were clearly set out in the Corporate Plan.
- Although the users of motorised vehicles would likely be happy with the SDNPA going with option 1, the parish councils in the area along with The Countryside Charity (CPRE) would not. It was unacceptable that the kind of damage evidenced in the photographs was being allowed to happen in a National Nature Reserve. It also seemed like the accord between HCC and SDNPA was not being followed as the Annual Report on Access Management had not happen for about 5 years. The joint meetings also needed to be re-established. As the accord does not seem to be working as it should surely this goes in favour of Option 2 approach a being the preferred approach.
- Motorised vehicle drivers had the right to drive on BOATs but not to criminally damage them. The Authority should not concern itself with drawing up further policy or the making of TROs, however, it was clear the status quo was not good enough.

Agenda Item 3

- It was not always possible to address people's happiness in resolving issues such as this. Taking on this responsibility would be a taking a local view, not a National Park view, there was a duty to the wider public and the nation to consider.
 - The convoys of motorcyclists did damage the landscape and did disturb the peace and tranquillity of the National Park. Whichever option is decided on going forward should be reviewed to ensure it is working as it should.
 - If the SDNPA had delegated responsibility for these Rights of Way (RoW) then we would have no hesitation in fulfilling those responsibilities, but the SDNPA would also have received funding for those additional responsibilities. However, that was not how the SDNPA was set up, the responsibility remained with HCC who had demonstrated they were a competent RoW Authority. They had adopted a sensible and reasonable approach to the management of BOATs and they were fully able to use all grounds for making TROs, should they need to. It is unnecessary and inappropriate for the SDNPA to take on this work.
 - This was an issue concentrated in the Hampshire area of the National Park and the impact on the local communities was understood. It was possible that funds could come from Community Infrastructure Levy (CIL); perhaps a greater proportion of CIL raised from East Hampshire could have been spent in East Hampshire. This was for the Authority to take a strategic decision on whether to direct some funds to this area. This was also a reputational issue for the SDNPA.
 - Maintaining a partnership approach was important. The SDNPA should encourage access to the National Park, however, damage was being caused and the accord did not seem to have been complied with.
 - If the SDNPA took on this responsibility the work would be moving from an experienced team to one that had very limited experience in this particular area. Although there was a demand for improvement, there seemed to be no reason why it should be thought that the SDNPA was best placed to make that improvement.
 - The SDNPA would be bound by the same laws as HCC and would not be able to apply them differently; however, HCC had an expert team, a 3 year capital budget, and policy and processes already in place. The SDNPA should be the glue, not the do, in partnership working. It would not be wise to try and assume this responsibility.
 - Option 2a was to develop an enhanced partnership agreement with HCC. The Sandford Principle should have been borne in mind when considering the damage to nature, nature reserves and cultural heritage, along with the cost to farmers and the noise created. The situation seemed to be getting worse not better and Defra guidance stating that a level of recreational vehicular use may have been incompatible with National Park purposes should be considered.
 - The accord should be updated. Whilst HCC had the knowledge and expertise on the current legal framework, the SDNPA may be able to use its skills in educating on the use of the countryside. A joint communications exercise to educate on the use of BOATs would also be beneficial.
 - The SDNPA was not the RoW Authority, HCC were and were doing the job. HCC could apply for CIL funds for this work should they wish to, however, whether to allocate those funds to this area of the park rather than another was a different decision. The focus should be education, working with HCC and the TRF. There was a cost of living crisis and further cuts were likely to come. The Authority was not able to dial up its work and must stick with its Corporate Plan priorities. Starting a whole new work stream would have many implications.
77. Members were invited to consider recommendation 1 and the main question of principle at recommendation 2.

78. **RESOLVED:** The Authority:
1. Noted the current position, as set out in report NPA22/23-08, regarding the legal framework for Byways Open to All Traffic (BOATs), their status in the National Park and the existing approach of Hampshire County Council.
 2. Considered the options regarding future management of BOATs in the Hampshire area of the National Park, as set out in Section 11 of the report, and agreed Option 1 - to maintain the current approach to partnership working on BOATs, noting that Officers would continue with the current arrangements and engage via National Parks England in the national debate on legislative change as part of Defra's response to the Landscapes review.
 4. To agree that appropriate communications with interested parties be undertaken jointly with HCC.
79. As Members agreed Option 1 under recommendation 2, recommendation 3 fell away and was therefore not voted on.
80. Debbie Curnow-Ford, Andrew Shaxson, and Stephen Whale left the meeting.

ITEM 11. REVIEW OF PUBLIC AFFAIRS STRATEGY

81. The Communications and Engagement Manager introduced the report (NPA22/23-09).
82. The Chair of P&R Committee commented on the committee's consideration of the Public Affairs Strategy, including their discussions on net zero with nature and the critical role that Local Authorities play in this with the SDNPA.
83. Members made the following comments:
- It was suggested that the wording on page 66, that currently read "heavy planning pressures", should be amended to read "heavy development pressures".
 - The challenges of measuring these activities was acknowledged. Perhaps focus on fewer measures but of higher quality.
 - To show leadership in nature recovery, including what and how to measure, would be beneficial for Local Authorities in the National Park. Also, it would be beneficial if the SDNPA and New Forest National Park were able to use the same measures.
 - It would be beneficial if the National Farmers Union could be included in the conversations, rather than just the Land Managers Group.
84. Members were advised:
- There was a robust carbon baseline for the SDNP, also biodiversity measures, both of which we would be happy to share with Local Authorities. Further measures on National Park for All was being worked on with an external company.
85. **RESOLVED:** The Authority approved the draft Public Affairs Strategy 2022-24 as set out in Appendix 1 of report NPA22/23-09.

ITEM 12. DRAFT HAMPSHIRE MINERALS AND WASTE PLAN: PARTIAL UPDATE

86. The Communities Lead introduced the report (NPA22/23-10).
87. Members made the following comments:
- A few minor suggestions were made by the Planning Committee, particularly to ensure the section 62 duty was highlighted. None were considered controversial though.
 - It was good to note that the setting of the National Park was included in the policies.
 - Could the stance on oil and gas within the National Park be clarified?