

North York Moors National Park Authority

Item 2, Public Minutes of the meeting held on 19 June 2023

Present:

Joy Andrews, Jim Bailey, Malcolm Bowes, Michelle Donohue-Moncrieff, Patrick James, David Jeffels, Bob Marley, John McCue, Heather Moorhouse, Sarah Oswald, Clive Pearson, Curt Pugh, Christine Robertson, Arnold Warneken, Colin Williamson

Apologies:

John Ritchie, George Jabbour, Abida Nayyar

Officers in attendance:

Tom Hind (Chief Executive), Ian Nicholls (Director of Corporate Services), Briony Fox (Director of Conservation and Climate Change), Chris France (Director of Planning), Richard Smith (Authority Solicitor), Mike Hawtin (Head of Nature Recovery Projects), Heather McNiff (Head of Outdoor Learning and Engagement), Paul Fellows (Head of Strategic Policy), Judith Seaton (Executive Support)

Copies of all documents considered are in the minute book

Tom Hind opened the meeting, welcoming everyone in attendance, and requested nominations for Chair.

20/23 Election of Chair

Resolved: That Jim Bailey be elected Chair of the Authority, to take office until the next Annual General Meeting of the Authority.

21/23 Election of Deputy Chair

Resolved: That Malcolm Bowes be elected Deputy Chair of the Authority, to take office until the next Annual General Meeting of the Authority.

Jim Bailey in the chair

Heather Moorhouse arrived at 09.40.

22/23 Minutes

That the public minutes of the meeting held on 19 June 2023, having been printed and circulated, be taken as read and be confirmed and signed by the Chair as a correct record.

23/23 Public question time

There were no questions from members of the public.

24/23 Members Interests

Members were reminded of their responsibility to declare any personal and prejudicial interests relating to any agenda item prior to its consideration.

25/23 Exclusion of the public

Resolved: That the public be excluded from the meeting during consideration of item 20. On the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 Schedule 12A to the Local Government Act 1972.

26/23 Changes to Standing Orders, Scheme of Delegation and Financial Regulations

Considered:

The report of the Authority Solicitor

Resolved: To approve the proposals in paragraphs 3, 4 and 5 of this report.

27/23 Membership of Committees and Outside Bodies

Considered:

The report of the Executive Support Team Leader

The Chair indicated that the Property Working Group would retain the existing Members but any new members were welcome to join this. If any Member is interested in advising on future training dates to inform the Chair after the meeting.

The LGNY&Y Housing Board is in a transitional phase so Members should be assigned to this.

Resolved: That Members Determine membership of the Committees, Forums, listed in Appendix 1.

Determine the Authority's representatives on outside bodies, listed in Appendix 2.

Note point 3.3 of the report.

28/23 S106 Annual report

Considered:

The report of the Director of Conservation and Climate Change

Members commented on the report as follows:

- Woodsmith Mine figures represent a large amount of carried forward. There is provision for carry forward for a 3-year period with some funds ring-fenced. Historically, some of the archaeology contribution has been returned to Anglo American that was not able to be used as limited on what it can be spent on.
- Tree planting target can be met whilst not all funding spent although this is less likely with tree planting costs increasing.

- It is anticipated that with North Yorkshire Council now established that the highway signage will be installed. Anglo American have been flexible allowing extra time to allow this to happen.
- The Forums role will be to scrutinise the s106 monitoring and oversight in detail.

Resolved: That Members note the report and agree that future monitoring and oversight of s106 spend should be led via the Conservation and Climate Change and Recreation and Wellbeing forums.

29/23 Business Plan monitoring update

Considered:

The report of the Head of Strategic Policy

Members commented that it was a good report and certain aspects were beyond officers' control. Members received a more detailed narrative from each department explaining the challenges in achieving certain targets within the Business Plan.

Resolved: That Members note the Strategy and Business Plan Annual report.

30/23 Health and Wellbeing Engagement Strategy

Considered:

The report of the Head of Outdoor Learning and Engagement

Members commented that this is an excellent Strategy to improve the health and wellbeing of residents and visitors to the National Park.

Resolved: That Members note the content and approve the Strategy.

31/23 Chief Executive's update

Considered:

The report of the Chief Executive

Resolved: That Members note the context of this report making any comments that they wish to.

32/23 Report form FRASC Chair - verbal

Considered:

The report of the FRASC Chair.

Colin Williamson, FRASC Chair, gave a verbal report of the last meeting held on 22 May 2023.

Resolved: That Members note the verbal report from the FRASC Chair.

33/23 Feedback from lead Members on Forums - verbal

Considered:

The reports of the Lead Member of the ARB Forum and a member of the CLM Forum.

Sarah Oswald reported that the ARB in April focused on the Health and Wellbeing Strategy discussing resources and capacity. Breakout groups looked at priorities, action planning and how to evaluate and evidence the impact of the Strategy.

A verbal report was given by Jim Bailey on the CLM Forum on the informative visit to Wild Ennerdale which looked at cattle grazing, river and flood management and the evolving tree landscape. The partners in the project are Forestry Commission, National Trust and the water company with Natural England advising.

Resolved: That Members note the verbal reports from the ARB and CLM Forums.

34/23 Reports from Members on Outside bodies

Considered:

The report of the Executive Support Team Leader

Sarah Oswald gave a verbal update from the June Disability Advisory Group meeting. The Defra Disability Fund which had resolved access challenges at the viewing platforms at Sutton Bank and Cawthorne Camp, Forge Valley Boardwalk and the Esk Valley. Also discussed were the Miles without Stiles Audit; feeding into suggestions for the Rangers to improve access; Terms of Reference for the new EDI Group. Trampler funding bids are being investigated to employ an officer to extend routes. The Changing Places Project ties into the redevelopment of Sutton Bank.

Tom Hind reported on the June NYMNP Trust meeting with the new Executive Director of the Trust, James Metcalfe, attending. Dave Sharrod of the Yorkshire Dales Millennium Trust answered Trustees' questions. Priority is to create independence and separate identity for the Trust.

Resolved: That the report be noted.

35/23 On the record

Considered:

The report of the Executive Support Team Leader

Action: A letter of thanks be sent to the exiting Independent Member, Andy Breckon

Resolved: That Members endorse the appointment of Keith Wilkinson as Independent Member for an initial period of 2 years starting on 22 June 2023.

36/23 Parish Forum update

Considered:

The report of the Executive Support Team Leader

Members discussed the poor attendance at Parish Forum meetings. Parish Members are seeking to address this by contacting the Parish Clerks directly.

Resolved: That Members note the issues raised.

37/23 Other business

There was no other business discussed.

.....(Chair)
25 September 2023

Public Summary of Items considered "in private" at the meeting of the North York Moors National Park Authority on 19 June 2023

Private minutes

Members agreed that the private minutes of the meeting held on 20 March 2023, having been printed and circulated, be taken as read and be confirmed and signed by the Chair as a correct record.

North York Moors National Park Authority

Item 3, Public Question Time

When?

Public Question Time will be at the beginning of each meeting, immediately after the Minutes of any previous meeting have been agreed, and will be limited to a maximum of 15 minutes of questions and answers in total.

What?

- Only questions will be allowed and these must relate to the business of the Authority
- Any questioner will be limited to two minutes maximum speaking time
- Supplementary questions will only be allowed for purposes of clarifying an earlier answer
- If answers cannot be provided on the day a reply in writing will be offered

How?

Any questions must be delivered in writing to the Head of Corporate Services at least two clear working days before the meeting. The Chair will then call questioners at the meeting in the order questions were received.

Answers to questions will normally be given by the Chair.

Exclusions?

No question relating to an individual recipient of services will be allowed, as appropriate alternative channels exist for such inquiries.

The opportunity to ask questions under this scheme does not apply to staff or their representatives, since other mechanisms are available.

No questions can be accepted which relate to matters which would normally be dealt with in private session because they relate to exempt information, for example:-

- Legal actions
- Financial and business affairs of other organisations
- Individual members of staff
- Trade Union negotiations

No questions can be accepted where there is a statutory procedure in place for public consultation, for example:-

- Development control matters
- Traffic regulation orders
- Public rights of way orders, etc

Notice of questions should be sent to :

Head of Corporate Services, National Park Office, Old Vicarage, Bondgate, Helmsley, YO62 5BP. Tel: 01439 772700.

Item 7, Independent Member introduction – Keith Wilkinson

North York Moors National Park Authority

25 September 2023

Item 8, Appointment of Members to Recreation and Wellbeing and Equality, Diversity and Inclusion Forums

1. Purpose of the report

1.1 To appoint 2 Members to the Recreation and Wellbeing Forum (R&W) and 1 Member to the Equality, Diversity and Inclusion Forum (EDI) until the Authority AGM in June 2024.

2. Background

2.1 Since the Authority AGM in June, Sarah Oswald's term of office as Secretary of State Member ceased on 30 June and Bridget Fortune resigned from North Yorkshire Council on 17 July. This leaves 2 vacancies on the R&W Forum and 1 vacancy on the EDI Forum for 2023-24.

2.2 There is one vacancy for Secretary of State and one vacancy from Local Authority on the R&W Forum and the EDI Forum has 1 vacancy from Secretary of State or Local Authority.

3. Financial and staffing implications

3.1 There are no financial or staffing implications relating to these appointments.

4. Legal and sustainability implications

4.1 There are no legal and sustainability implications.

5. Recommendation

5.1 That Members elect 1 Secretary of State and 1 Local Authority Member to the R&W Forum and

5.2 Members elect 1 Member to the EDI Forum both to take effect until the Authority AGM in June 2024.

Contact Officer:

Judith Seaton

Executive Support Team Leader

01439 772586

North York Moors National Park Authority

25 September 2023

Item 9, Governance review - Co-options to National Park Authority

1. Purpose of the report

- 1.1 To make recommendations in connection with co-opted Members to the National Park Authority (NPA).

2. Background

- 2.1 In our recent Governance Review Members concluded that we should enable the co-option of individuals to join our committees and forums. Recent changes agreed to our Scheme of Delegation now allow the Authority to co-opt non-voting representatives to attend National Park Authority meetings on a permanent or temporary basis. This provision is also delegated to all Committees, Sub-committees and Forums of the Authority.

3. Principles for co-option

- 3.1 It may be helpful to establish some key principles that underpin any co-option to the NPA. These could include:

Positive – co-options should be made to strengthen debate and help the Authority and committees make good, informed decisions. Any co-opted Member should be selected on the basis that the individual is able to make a positive contribution to discussions.

Targeted – co-options should be focussed in order to address particular gaps in experience (notably lived experience) that are relevant to our purposes but aren't represented on our Board. Any co-option should be on the basis of careful selection by the Authority.

Limited – the number of co-options should be very limited and carefully considered to prevent the opportunity getting out of control.

Time-bound – co-options ought to be time limited to enable change over time.

4. Co-option proposals

- 4.1 The following proposals are put forward for discussion to enable the Authority to move forward quickly in deciding whether and who to co-opt to our committees:
 - There should be a maximum of 2 co-options per committee, to be reviewed annually.
 - Co-options should initially be made to full Authority. They would not be invited to attend FRASC or Planning Committees but could be invited to support the

work of our Forums subject to experience and interest. Co-opted Members would be invited to participate in informal meetings and member training.

- An annual term should be set with the option to extend the co-option by agreement of NPA.
- Initial co-options should be invited from the North York Moors 'Youth Voice' and the new EDI Forum to ensure more inclusive governance at Board level from key under-represented groups.
- These groups should be invited to nominate who they wish to co-opt to the NPA. Members may reserve the right to reject the nomination should they wish to.
- We should consider the co-option by a representative from the Mayoral Combined Authority once it is established in 2024.

5. Remuneration

- 5.1 Given that co-opted Members are expected to make an important contribution to Authority business Members may wish to consider whether some form of remuneration as well as out of pocket expenses for travel should be considered. Details of our remuneration are set out in item 20 On the Record Appendix 5 submitted to this Committee.

6. Next Steps

- 6.1 Subject to agreement by Members, Officers will meet with the Youth Voice members at their next monthly meeting with a view to inviting them to nominate a co-option to the NPA. The first meeting of the new EDI Forum will be held on 26 September. Similarly, Officers will relay the recommendations agreed by Members to this group at that meeting.

7. Financial and staffing implications

- 7.1 The financial implications are outlined in paragraph 5 of this report. There are no staffing implications.

8. Recommendations

- 8.1 That NPA:
1. Approves the proposals for co-options as laid out in paragraph 4 of this report.
 2. Considers and recommends remuneration arrangements for co-opted Members.

Contact Officer:
Tom Hind
Chief Executive
01439 772700

Background documents to this report

1. Final Governance Review report to 30 March 2023 NPA.

North York Moors National Park Authority

25 September 2023

item 10, Staff and Member Codes of Conduct

1. Purpose of the report

- 1.1 To seek Members' approval for 'light touch' reviews of the separate Member and Staff Codes of Conduct (**Appendices 1 and 2**).

2. Background

- 2.1 The two Codes of Conduct form an important part of ensuring that standards of probity and behaviour remain at the high level expected by the general public. The current codes were last updated in 2015. At that time, they were also accompanied by another document called the Ethical Framework.
- 2.2 The Monitoring Officer has reviewed the Member Code and the Director of Corporate Services has reviewed the Staff Code. In both cases Officers considered Codes of Conduct in place in similar sized organisations and have sought to bring the Authority's Codes up to date.
- 2.3 The Monitoring Officer has worked with the new Independent Member in developing the revised Member Code.
- 2.4 The underlying principles in both Codes remain sound and no significant changes are proposed. In terms of the Members' Code, account has been taken of the current Local Government Association 'model code'. This is a lengthy document and is certainly too complex for the Authority's needs to be adopted in its entirety. The Nolan principles still very much hold primacy in terms of being the succinct articulation of the principles that underpin Member conduct. The Committee on Standards in Public Life reported in January 2019 and proposed a number of changes which appear to have been overtaken by major events and it is not expected that Government will consider this matter in the immediate future.
- 2.5 The changes in the Staff Code are largely designed to make the Code more easily readable and the language used has been updated to reflect the modern working environment and a greater emphasis on the importance of equalities.
- 2.6 Officers are proposing the withdrawal of a separate Ethical Framework as it is felt that this document, while worthy in some respects, repeats much of the contents of the Codes of Conduct and information that is freely available elsewhere, notably the Annual Governance Statement.
- 2.7 The revised Codes, if approved by Members, will provide an opportunity for members and staff alike to be reminded of their obligations.

3. Legal and sustainability implications

- 3.1 Officers believe that the revision to the code ensure that the Authority is complying with all its legal obligations to ensure that workable frameworks for conduct are in place.

4. Recommendations

1. That Members comment on and approve the revised Member Code of Conduct (Appendix 1) and Staff Code of Conduct (Appendix 2).
2. That Members ask the Monitoring Officer and Director of Corporate Services to find suitable ways in which to publicise the revised Codes.

Contact Officers

Richard Smith

Solicitor and Monitoring Officer

Ian Nicholls

Director of Corporate Services

01439 772700

Member Code of Conduct - North York Moors National Park Authority

The North York Moors National Park Authority (“the Authority”) has adopted the following code dealing with the conduct that is expected of Members of the Authority when they are acting in that capacity.

The code is intended to be consistent with the following seven principles, and should be read in the light of those principles, namely that Authority Members will act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

1. You must treat others fairly and with respect and promote an inclusive and diverse culture in the Authority where different perspectives and backgrounds are encouraged and valued. You must not unlawfully discriminate against any person.
2. You must act in a way which does not bully, harass, intimidate or attempt to intimidate any person.
3. You must ensure that the impartiality of anyone who works for or on behalf of the Authority is not compromised by your actions.
4. Your conduct should be exemplary, and you must not conduct yourself in a manner which could reasonably be regarded as bringing the Authority, or your office as a member of the Authority, into disrepute.
5. You must impartially exercise your responsibilities in the interests of the community. You must not use or attempt to use your position as a member, or any knowledge gained solely as a result of your position as a member, improperly to confer on or secure for yourself or any other person any advantage or disadvantage.
6. If you are in receipt of any gift or hospitality which is attributable to your membership of the Authority, or any offer of any such gift or hospitality, you must disclose this to the Monitoring Officer; and you must decline to accept any such gift or hospitality which could reasonably be perceived as creating an obligation upon the Authority, or upon yourself as a member of the Authority.
7. You must not knowingly prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
8. You must keep information which is given to you in confidence, or information which you believe or ought reasonably to be aware is of a confidential nature, secure and not disclose unless:
 - You have the consent of a person authorised to give it; or
 - You are required by law to do so; or
 - The disclosure is 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; or

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- The disclosure is reasonable, in the public interest, made in good faith, and made in compliance with the reasonable requirements of the Authority [following consultation with the Monitoring Officer](#).

9. Subject to paragraph 11, you must register in the Authority’s Register of Members Interests information regarding your personal interests. In this code of conduct “your personal interests” means any Disclosable Pecuniary Interest (as defined by statutory regulations in force from time to time) and also those other interests set out in paragraph 10, and which interest is held,

- by you, or
- to your knowledge, by your spouse or civil partner, by a person with whom you are living as husband and wife, or by a person with whom you are living as if you were civil partners.

You must register information regarding your personal interests by giving written notice to the Monitoring Officer, who maintains the Register; and you must give such notice:

- within 28 days of your appointment as a member of the Authority; and
- thereafter, within 28 days of any change taking place in your personal interests.

10. The following are personal interests within paragraph 9 (**other personal interests may arise under paragraph 13**):

- ~~_____~~
- ~~_____~~
- Your membership of any body to which you are appointed by the Authority;
- Your membership of any public body;
- Your membership of any charitable body;
- Your membership of any political party, trade union, or other body one of whose principal purposes is to influence public opinion or policy;
- Any business which you carry on or are involved in carrying on;
- Any partnership of which you are a partner;
- Any employer for whom you work;
- Any person (other than the Authority) which has made a payment to you in connection with you carrying out your duties as an Authority Member;
- Any land in the Authority’s area in which you have a beneficial interest or a licence to occupy;
- Any land owned by the Authority of which you, or [to your knowledge](#) any of the persons mentioned at [paragraph 9](#) above, are the tenant or licensee.

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11. Where you consider that disclosure of the details of any of your personal interests could lead to you, or a person connected with you, being subject to violence or

intimidation, you may so inform the Monitoring Officer; and if the Monitoring Officer agrees, a note will be made in the register to the effect that you have a personal interest, details of which are withheld under Section 32 of the Localism Act 2011.

12. Where you attend a meeting of the Authority, or of a Committee of the Authority, and you are, or ought reasonably to be, aware that any of your personal interests are relevant to an item of business which is being considered, then unless the interest is one which has been noted under paragraph 11, or relates solely to your position as an ordinary Member of an appointing local authority, you must disclose to that meeting the existence and nature of that interest at the commencement of that item of business, or when the interest becomes apparent, if later.

13. Where you attend a meeting of the Authority, or of a Committee of the Authority, and you are, or ought reasonably to be, aware that a decision in relation to any item of business which is to be transacted might reasonably be regarded as affecting your well being or financial position, or the well being or financial position of a person described in paragraph 14 to a greater extent than the majority of inhabitants of the North York Moors National Park, then you must disclose to that meeting the existence and nature of that interest at the commencement of that item of business, or when the interest becomes apparent, if later.

14. The persons referred to in paragraph 13 are:

- a) a member of your family;
- b) any person with whom you have a close association;
- c) in relation to persons described in (a) and (b), their employer, any firm in which they are a partner, or company of which they are a director or significant shareholder.

15. If you have

- a) A Disclosable Pecuniary Interest; and/or
- b) an interest referred to in paragraph 13 which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest,

in a matter being discussed at any meeting, you must leave the room in which the meeting is being held whilst that matter is discussed and voted upon.

16. You must use any resources provided to you by the Authority only for or incidental to the functions of the Authority and the purposes for which they were provided. You must comply with any requirements of the Authority in relation to those resources.

17. You must undertake any training provided by the Authority in relation to this code of conduct.

18. In carrying out your role as a member of the Authority you must at all times:

- Act lawfully; and
- Exercise reasonable care and diligence.

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Appendix 2, Staff Code of Conduct (September 2023)

1. Introduction

- 1.1 This document sets out a Code of Conduct for all staff of the North York Moors National Park Authority. It is designed to ensure that high ethical standards and probity apply throughout all of the work that we do.
- 1.2 The Code was last substantially reviewed in 2015 and since then both the Authority and the wider world have changed significantly. This updated Code seeks to reflect the heightened expectations from the public of those working for public sector bodies.
- 1.3 It is your responsibility to ensure that you fully understand and abide by the Code of Conduct. If you need any further help or advice regarding the Code, please ask your Line Manager, Director or Director of Corporate Services. The policies referred to in this Code can be found on the HR area of the Hub and are referred to in new starters' induction information.

2. Duties and responsibilities

- 2.1 You should ensure that you are familiar with the contents of this Code and act in accordance with its principles.
- 2.2 By working for the Authority, you agree to:
 - carry out your work according to the law and our Values;
 - implement the Authority's policies in delivering services to the public;
 - ensure that you are aware of any policies and procedures relating to this Code that apply to you.
 - respond to the public in a timely fashion as outlined in the Clear Communications Guide;
 - maintain and seek to improve your professional competence; and
 - accept responsibility for your own actions;
- 2.3 All line Managers have an additional set of responsibilities, including;
 - setting an excellent example to those they manage (including volunteers) in terms of their personal conduct at work;
 - holding their staff to account for observing this Code of Conduct;
 - assisting their staff to enable them to fully comply with the Code.

2.4 The public is entitled to expect the highest standards of conduct from all of us. In performing your duties, you must act, and be seen to act, with integrity, honesty, impartiality and objectivity.

3. Values

3.1 Underpinning all work the Authority does are our Values. These describe the culture of the organisation and the way in which we work. The Values were agreed in 2022 and were the product of a piece of work involving staff, members and volunteers. The Values are accompanied by a description of core behaviours which serve both as a guide to staff and tell those who engage with us how they can expect to be treated.

3.2 The Values are re-stated in our key corporate documents, are on the Hub and underpin the way in which we carry out our day-to-day work.

4. Accountability

4.1 You are accountable for your actions to the Authority as your employer. You must act in accordance with the principles set out in this Code, recognising your duty to carry out public functions reasonably and according to the law.

5. Political neutrality

5.1 You must not allow your own personal or political opinions to interfere with your work and you should follow every lawfully expressed policy of the Authority. Staff who are 'politically restricted' must comply with any statutory restrictions on their political activities.

5.2 The Local Government and Housing Act 1989 imposes restrictions on the political activities of some staff. They are also prevented from speaking to the public or publishing any work with the intention of supporting any political party. The following posts are currently designated as politically restricted:

- Chief Executive, Director posts and the Head of Development Management.

6. Relations with members, volunteers the public and other employees

6.1 Staff, Members and volunteers all play vital, but different, roles in ensuring that the Authority works effectively. Mutual respect and understanding of the respective roles between staff, Members and volunteers is essential.

6.2 Working relationships should be kept on a professional basis. Close personal familiarity between a member of staff and a Member can be damaging and embarrassing and should be avoided.

6.3 You should deal with the public, Members, volunteers and other staff sympathetically, efficiently, and without bias. You should also respect the "dignity at work" of colleagues as set out in the Authority's policies and guidance, and work in a way that has due regard for the health and safety of yourself and others.

6.4 As well as an Employee Code of Conduct, Members also have a Code which outlines the general principles of conduct they should follow as well as giving

guidance on areas such as disclosure of personal interests and so on. The code is available in the Members Handbook.

- 6.5 The Authority has policies designed to help deal with working relationships between staff (e.g Grievance Procedure).
- 6.6 The Health and Safety Policy details responsibility for health and safety and gives clear guidance for all staff. It emphasises the responsibility of individuals to ensure that they are fully aware of and follow the risk assessments that apply to their job.

7. Equality

- 7.1 You must treat others with respect and promote an inclusive and diverse culture within our workplaces where different perspectives and backgrounds are encouraged and valued.
- 7.2 The Authority has an Equality and Diversity policy statement outlining its overall approach to equality both in the delivery of services to the public and in employment.

8. Looking after the Authority's resources

- 8.1 You must ensure that you use the Authority's funds in a responsible and lawful manner, and must not utilise property, vehicles or IT equipment for personal use unless authorised to do so.
- 8.2 The Authority has a procedure which details how to procure goods and services. This provides very clear instruction on the processes to be followed and how expenditure can be initiated and authorised. You should make sure that you fully understand how the Financial Regulations apply to you.
- 8.3 There are IT policies which give guidance both on the use of hardware and the way in which social media and internal communication systems should be used.

9. Personal interests and gifts/hospitality

- 9.1 Whilst your private life is your own concern, you must not allow your private interests to conflict with role as an Authority member of staff. You must comply with our:
- Rules on the declaration of financial and non-financial interests;
 - Rules on the declaration of hospitality or gifts offered. You must not accept benefits from a third party without seeking guidance from your line manager or the Director of Corporate Services.
- 9.2 These rules are important because they help to ensure that you do not put yourself in a position where your integrity can be questioned. The Director of Corporate Services holds a file which contains all Officer declarations.
- 9.4 There are also rules for declaring any hospitality or gifts offered or received by staff. There may be instances in which small gifts (up to a maximum value of £25)

are offered by the public or voluntary bodies in recognition of a service. No question of improper influence would arise in such a case and accepting a gift would in general not be a problem. It must, however, be declared.

10. Outside work

- 10.1 The Authority does not limit you in undertaking additional/outside employment, providing that other employment (including self-employment) does not conflict with the Authority's interests or this Code of Conduct.
- 10.2 You must consider the implications of your plans in the context of this code and your ability to do your work here safely and effectively. Please seek advice from your director if you feel there could be, or perceived to be, a conflict of interests or unreasonable pressures on your time.

11. Whistleblowing

- 11.1 The Authority has a formal Whistleblowing policy. If you become aware of activities which you believe to be illegal, improper, unethical or otherwise inconsistent with this Code, you should report the matter to your Manager or a Director. Alternatively, you could raise the matter via UNISON, direct with the Chief Executive or one of the Members or our Solicitor who works for the Legal team at North Yorkshire Council.

12. Treatment of information

- 12.1 Openness in the giving out of information and in the decision-making process should be the norm. Nothing in this Code, however, can be taken as overriding existing statutory or common law obligations to keep some information confidential, or to divulge certain information.
- 12.2 The Data Protection Act 2018 is the UK's implementation of the General Data Protection Regulation (GDPR). Everyone responsible for using personal data has to follow strict rules called 'data protection principles'. You must make sure the information is: used fairly, lawfully and transparently.
- 12.3 The Authority has ensured that the way in which it stores information and the nature of the information that it keeps complies with this legal framework. The Authority has developed policies to ensure compliance with the law and the Corporate Services team can give advice on the practical application of these.

13. Recruitment and staff management

- 13.1 If you are involved in the recruitment and appointment of staff, you must ensure that appointments are made on the basis of merit.
- 13.2 In order to avoid any possible accusation of bias, you must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom you are related, or with whom you have a close personal relationship.

13.3 Staff involved with the recruitment of new members of staff should ensure that they are familiar with the Recruitment and Selection procedure that is on the HR part of the Hub.

14. Contact with press and media/use of social media

14.1 You should not give reports or speak to the press and media, unless this is required by your role and is on matters relating to your area of expertise. You should ensure that you do not declare a view which is contrary to the position taken by the Authority or acts against the Authority's best interests.

14.2 Guidance on how to deal with Press and Media contacts is available from the Head of Marketing and Communication.

14.3 The Authority clearly has an interest in encouraging participation and engagement through a range of social media platforms. You need to exercise care in this unregulated area, but the same standards of behaviour and adherence to policies apply as in all other areas of work. Guidance can be found via the Marketing and Communication team and in a written policy.

16. Working with volunteers

16.1 Volunteers are a vital part of the Authority being able to continue delivering a wide range of services. You are expected to fully embrace the 'one team' approach outlined in the Volunteer Strategy, engage positively with volunteers, set an example to follow in terms of quality of work, behaviour, health and safety as well as seek out opportunities to integrate volunteers fully into our day-to-day work.

17. Health and safety

17.1 The Health and Safety policy details the specific responsibilities that we all have with regard to working safely. The wearing of personal protective equipment and following risk assessments is mandatory.

17.2 Several named posts also have wider responsibilities. You are responsible for fully understanding and actively complying with your responsibilities.

18. Environmental policies

18.1 The Authority has a plan to become carbon neutral in its day-to-day activities. You are obliged to actively with any work requirements that will assist in delivering this plan.

19. Breaches of the Code of Conduct

19.1 If you do not observe the standards set out in this code, and the more specific guidance referred to within it, you may be liable to disciplinary action under the Authority's own procedures. Serious breaches of the Code could lead to your dismissal.

19.2 Guidance on any aspect of this Code should be sought by speaking to the Director of Corporate Services.

North York Moors National Park Authority

25 September 2023

Item 11, Tree Preservation Order 2023/2, Appleton Farmhouse, Appleton le Moors

Purpose of the report

1.1 To seek Members' approval to confirm Tree Preservation Order 2023/2.

2. Background

2.1 A Tree Preservation Order (TPO) was made on 20 June 2023 relating to a sycamore tree situated on land at Appleton Farmhouse, Appleton le Moors. This order took provisional effect from the date it was made and requires confirming within 6 months. The Authority can take either of the following actions;

- not confirm and allow protection of the tree to lapse;
- confirm and continue the current protection of the tree.

2.2 The tree is located in the front garden of the property by the roadside boundary. The tree is a large mature sycamore of good form and health and is highly visible to anyone passing through the village, as it overhangs the main road significantly and overtops the buildings around it.

2.3 The decision to consider serving a provisional order was taken following a phone call from the landowners enquiring about felling the tree. It lies within the Appleton-le-Moors Conservation Area. The Authority's tree officer visited the site on 26 May 2023.

2.4 A TPO was authorised under delegated authority by Tom Hind, Chief Executive on 15 June 2023. Members are being asked to confirm this TPO to ensure objective assessment of its benefits and drawbacks and a fair consideration of the objections received.

3. Site Details

3.1 The tree is a large mature sycamore sited within 2 metres of the roadside boundary and overhanging the main street through the village. The garden where the tree stands is up to 1m higher than the public footpath to the west and a driveway into the back of the property to the south. A low stone wall topped with railings retains the land on the roadside and a taller stone wall retains the land by the driveway. Both walls have been displaced and the wall to the south has collapsed in places. They are retaining soil, but the sycamore has almost certainly made some contribution to the damage. The owners intend to repair the wall in order to accommodate the tree's roots. There is no suggestion of any hazard to the general public using the footpath. North Yorkshire Council's Building Control

department have looked at the photos of the wall and said it does not meet their criteria for enforcement.

- 3.2 The tree is in very good health and is structurally well formed with no signs of decay in the stem. Old photos shown to us by the owner seem to indicate that the tree may pre-date the new farmhouse (which was built around 1900), which would make it at least 130 years old. The tree is one of the few trees remaining on the roadside itself. A map is provided in Appendix 1 and photographs are reproduced in Appendix 2.
- 3.3 The Authority's tree officer carried out an assessment using the Tree Evaluation Method for Preservation Orders (TEMPO) in line with Authority guidance. The TEMPO score produced was 16 which indicates the tree "Definitely merits a TPO".

4. Objections and Representations

- 4.1 The public have 28 days to comment on new Orders, which are publicised in accordance with Authority procedures and the TPO Regulations. Objections and representations must be taken into account by planning authorities before they decide whether or not to confirm an order, or whether or not to modify it upon confirmation.
- 4.2 Three objection letters have been received and one letter of support. The owner of the tree is concerned that the wall has been and will continue to be deflected, though in the letter they also seek permission from the Authority to repair it so as to keep both tree and wall. The neighbouring landowners to the south are concerned that the tree's branches overhang their boundary, that the tree drops leaves and sap, causes shade, is oversized and that the pavement requires regular clearing in autumn. A letter from the parish council makes similar objections.
- 4.3 The letter of support gives many reasons why the tree should be retained in addition to its visual amenity. These include its contribution to carbon storage, wildlife habitat, village history and people's wellbeing.

5. Comment

- 5.1 The tree is clearly of considerable amenity value and is very prominent in the village. Leaf and sap drop and shade issues have invariably been considered by judges in case law as an annoying but tolerable consequence of a general public desire to have trees in our villages, towns and cities. These issues are categorised as non-actionable nuisances. Overhanging branches are slightly different – the person encroached upon has a legal right to prune back such branches to their boundary line. However, there has never been a legal decision in UK courts as to whether this right or TPO protection takes precedence. We therefore follow primary legislation covering TPOs and require an application for such work. In this case the neighbour has formally applied and a compromise on the amount of pruning allowed has been agreed.

- 5.2 Since the wall can be repaired with an engineering solution for longer term retention (and the owners intend to do this) the Sandford principle should be applied, and we should give greater weight to preserving the natural beauty of the park rather than allowing the tree to be felled to preserve the wall. Although we are sympathetic to the concerns expressed by the neighbour and the parish council we are unable to find any other overriding justification for the removal of the tree within their objections. Given the apparent health of the tree it would be reasonable to suppose it could be retained for several decades more. Sycamores can live for 300 years or more. The tree should of course be inspected on a regular basis and if any changes in tree condition or stability were reported then intervention would be required.
- 5.3 The TEMPO score of 16 indicates that the tree is highly suitable for a TPO, but the concerns of the owner, the neighbour and the parish council outlined above need to be weighed against the amenity value of the tree. In relation to TPOs Planning Authorities are expected to make their own assessments in respect of the amenity value of trees. In this case the amenity value of the tree is undeniable and it causes only minor, non-actionable nuisances to the neighbours.

6. Financial and staffing implications

- 6.1 None.

7. Contribution to National Park Management Plan

- 7.1 Retaining such a large, mature tree in the village will help to maintain a nature rich landscape (Outcome 2) and enhance health and wellbeing (Outcome 4) through the well-known benefits of trees for wildlife as well as mental and physical health.

8. Legal and sustainability implications

- 8.1 An Authority cannot confirm an Order unless they have first considered any duly made objections or other representations.
- 8.2 The legislation provides no right of appeal to the Secretary of State against an Authority either making or confirming an Order.
- 8.3 The validity of an Order cannot be challenged in any legal proceedings except by way of application to the High Court on a point of law.

9. Recommendation

- 9.1 That Members confirm Tree Preservation Order 2023/2 Appleton Farmhouse, Appleton le Moors.

Contact Officer:
Nathan McWhinnie
Tree & Woodland Officer
01439 772543

Item 11, Tree Preservation Order 2023/2

Appendices have been uploaded as separately

North York Moors National Park Authority

25 September 2023

Item 12, Tree Preservation Order 2023/3, Land between 82 & 84 High Street, Hinderwell

Purpose of the report

1.1 To seek Members' approval to confirm Tree Preservation Order 2023/2.

2. Background

2.1 A Tree Preservation Order (TPO) was made on 16 June 2023 relating to a sycamore tree situated on land between 82 & 84 High Street, Hinderwell. This order took provisional effect from the date it was made and requires confirming within 6 months. The Authority can take either of the following actions;

- not confirm and allow protection of the tree to lapse;
- confirm and continue the current protection of the tree.

2.2 The tree is located in an access route into the fields to the rear of the High Street, within 1m of the roadside boundary wall. It is a large mature sycamore in good health and is highly visible to anyone passing through the village, as it overhangs the main road and overtops the buildings around it.

2.3 The decision to consider serving a provisional order was taken following a report from a Hinderwell resident that the tree was to be felled over the weekend of 17/18 June. It lies within the Hinderwell Conservation Area. The Authority's tree officer visited the site on 19 June 2023.

2.4 A TPO was authorised under delegated authority by Tom Hind, Chief Executive on 16 June 2023. Members are being asked to confirm this TPO to ensure objective assessment of its benefits and drawbacks and a fair consideration of the objections received.

3. Site Details

3.1 The tree is a large mature sycamore sited within 1 metre of the roadside boundary wall and overhanging the main street through the village. It is also roughly 1 metre away from the low boundary wall to the yard at the front of Hinderwell Methodist Chapel, a Grade II listed building.

3.2 The tree is in very good health and is probably around 70 years old. Structurally it has been compromised, like other trees on the roadside, by years of maintenance pruning around the power lines that used to run along the street. Unfortunately, one of the council's new streetlights has been placed directly in the crown of the tree, so that it will still need to be maintained in this shape to keep the light clear. Other than this pruning, the structure of the crown is typical of a mature

sycamore. A map is provided in Appendix 1 and photographs are reproduced in Appendix 2.

- 3.3 This was an emergency TPO, placed on a Friday afternoon after information from a member of the public that the tree was to be felled over the weekend. As such a Tree Evaluation Method for Preservation Orders (TEMPO) assessment was not carried out prior to the placing of the TPO. The assessment was carried out subsequently by the Authority's tree officer, in line with Authority guidance. The TEMPO score produced was 15 which indicates a TPO is defensible.

4. Objections and Representations

- 4.1 The public have 28 days to comment on new Orders, which are publicised in accordance with Authority procedures and the TPO Regulations. Objections and representations must be taken into account by planning authorities before they decide whether or not to confirm an order, or whether or not to modify it upon confirmation.
- 4.2 Four objection letters have been received, three from the family that own the land and one from Hinderwell Methodist Chapel. The main objection is that the tree has the potential to damage the chapel building, and that it is already displacing the low stone wall to the yard and causing cracking within the yard. More broadly there is a feeling that sycamore is not a suitable tree for a street, and that the tree's effect on the streetlight is an issue.

5. Comment

- 5.1 In the Officer's opinion the tree makes a significant contribution to the amenity of the village, despite the shape it has been pruned into on the roadside. It is very prominent, as it overhangs the busy main road through the village. There is a wide double gate providing access into the fields behind and the tree does not impede this access, though its root plate would need to be protected if vehicles were to cross it for any development work.
- 5.2 The wall to the yard may have been slightly displaced, but the Authority is advised that the Sandford principle should be applied, and that we should give greater weight to preserving the natural beauty of the park rather than allowing the tree to be felled to preserve this short, low wall.
- 5.3 The objections relating to the chapel are all concerned with a potential threat to the building. There is no evidence that the tree is affecting the structural integrity of the building at the moment. Trees can cause subsidence through extraction of moisture from the soil, but again there is no evidence of that happening here. Subsidence most often happens on heavy, shrinkable clay soil. The soilscape in Hinderwell is categorised as "Slightly acid loamy and clayey soils with impeded drainage" ([Soilscape soil types viewer - Cranfield University - landis.org.uk](https://landis.org.uk/soilscape-soil-types-viewer/)). Direct damage to buildings from tree roots is very rare in comparison to subsidence damage. In the absence of any evidence it seems reasonable to favour the tree's protection and to assume that the building and the tree can co-exist.

- 5.4 There is no minimum distance a tree ought to be from a house, despite such distances being widely publicised by insurance companies. The various figures are largely based on the maximum distances reported for each species in proven subsidence cases, so only include trees which have caused a problem (usually on shrinkable clays) and ignore the vast majority of trees growing near to buildings without causing a problem.
- 5.5 Although we are sympathetic to the concerns expressed by the neighbour and the landowners we are unable to find any overriding justification for the removal of the tree. Given the apparent health of the tree it would be reasonable to suppose it could be retained for several decades more. The tree should of course be inspected on a regular basis and if any changes in tree condition or stability were reported then intervention would be required.
- 5.6 The TEMPO score of 15 indicates that the tree is suitable for a TPO, but the concerns of the owners and the neighbour outlined above need to be weighed against the amenity value of the tree. In relation to TPOs Planning Authorities are expected to make their own assessments in respect of the amenity value of trees. In this case the loss of the tree would seriously impact the amenity of the neighbourhood.

6. Financial and staffing implications

- 6.1 None.

7. Contribution to National Park Management Plan

- 7.1 Retaining such a large, mature tree in the village will help to maintain a nature rich landscape (Outcome 2) and enhance health and wellbeing (Outcome 4) through the well-known benefits of trees for wildlife as well as mental and physical health.

8. Legal and sustainability implications

- 8.1 An Authority cannot confirm an Order unless they have first considered any duly made objections or other representations.
- 8.2 The legislation provides no right of appeal to the Secretary of State against an authority either making or confirming an Order.
- 8.3 The validity of an Order cannot be challenged in any legal proceedings except by way of application to the High Court on a point of law.

9. Recommendation

- 9.1 That Members confirm Tree Preservation Order 2023/3 Land between 82 & 84 High Street, Hinderwell.

Contact Officer:
Nathan McWhinnie
Tree & Woodland Officer
01439 772543

Item 12, Tree Preservation Order 2023/3

Appendices have been uploaded as separately

North York Moors National Park Authority

25 September 2023

Item 13, Forest Plan Consultation – Wass Moor and Pry Rigg

1. Purpose of the report

1.1 To agree the Authority's response to the Wass Moor and Pry Rigg Forest Plan.

2. Background

2.1 Forestry England (FE) produces a strategic plan for each of its larger forest areas which sets out the longer term aims and objectives, as well as more detailed management proposals for a ten year period. The Authority has been provided with a copy of the draft plan for Wass Moor and Pry Rigg covering years 2023 to 2033. The area is shown on the map in Appendix 1.

2.2 The National Park Authority has been consulted on the Forest Plan by Forestry England. The plan will be due for approval (with or without amendments) by Forest Services (the regulatory part of the Forestry Commission) once a public consultation has been carried out.

2.3 Forest Plans consist of a written statement of the main management issues and are supported by a series of plans which illustrate the felling and restocking proposals, as well as other background plans and documents which have guided the management options being proposed. The draft plan is available in Appendix 2. Any queries on the presentation of information in these documents can be made to officers prior to the meeting.

3. Wass Moor and Pry Rigg – Description

3.1 Wass Moor and Pry Rigg woodlands have a combined area of 663 hectares and are situated in the southwest of the National Park north of Ampleforth and Wass and south of the A170 between Sproxton and Sutton Bank. The upper part of the forest at Wass Moor is dominated by pine and larch, but the steeper slopes towards Wass village are more mixed broadleaf in character albeit with a significant coniferous element. Pry Rigg plantation which lies to the east is mainly conifer but here spruces, firs and larch predominate. Surrounding land use is principally arable but there is some connectivity with adjacent areas of plantation and semi-natural woodland.

3.2 The forest encompasses ancient woodland sites in the south and east along with remnants of former heathland habitats at higher elevation. Some plantations had already been established by the late 1800's but the first Forestry Commission plantings were undertaken in the 1920's at College Moor and Pry Rigg and then on Wass Moor in the 1950s.

3.3 Although readily visible from numerous viewpoints and the surrounding road network, the plateau location and gentle slopes mean most views are of the

woodland margins. The slopes to the south are more visible at greater distances and form part of the generally well wooded slopes of the southern escarpment of the North York Moors. Establishment of wider woodland edges over the last twenty years has led to range of broadleaves, conifers, and heathland components re-colonising which has significantly improved the appearance of the plantations at closer quarters, and particularly from the busy A170.

- 3.4 Most of the forest is leasehold but 158 hectares is freehold, and this area is dedicated as open access land. There are 3 public footpaths and two bridleways. The majority of recreational use occurs in the Wass Moor block. There is no formal recreational provision, and usage is considered low in comparison with other Forestry England holdings within the National Park.
- 3.5 Geology is predominantly limestones or calcareous sandstones although mudstones and siltstones occur on the lower slopes. This gives rise to ironpan soils on the plateau, and mainly brown earths at lower elevations. Poorer soils will have been modified at the initial afforestation stage, tree growth has been good, and most of the forest is well suited to timber production.
- 3.6 Past and future habitat and species composition is shown in the table below. It should be noted that past figures are not directly comparable to current and future values as recording methodology has been updated. However, it does give a useful indication of the direction of change.

Habitat/species composition	2010	2023	2033	2053
Mixed broadleaves	23%	22%	24%	26%
Conifers	70%	71%	62%	60%
Upland heath	NA	1%	1%	1.5%
Other (open, felled, roads, rides etc)	7%	6%	13%	12.5%

- 3.7 The proposed plan shows that 87% of the forest is to be managed by Lower Impact Silvicultural Systems (LISS), with over 70 hectares worked over the 10 year period. Group or strip shelterwood methods will be applied, whereby relatively small, discrete felling areas are created across compartments as an alternative to clear felling. Some areas of clear fell are still proposed, partly due to the nature of the crop or land but also to create areas for control of the deer population.
- 3.8 There are 152 ha of ancient woodland sites spread across the two main blocks. These include both ancient semi-natural woodlands and plantations on ancient woodland sites. All plantations on ancient woodland sites are to be managed gradually back to broadleaved woodland with a semi-natural component (semi-naturalness class 1). Access for management is good and restoration is planned to be gradual (in line with best practice) through continued thinning and LISS.
- 3.9 There are 7 scheduled monuments in the forest, all being managed in line with approved management plans. In addition, there are numerous non designated features that are mapped, and protected during all operations.

4. Objectives

4.1 A selective summary of Forestry England's project brief and objectives for Wass Moor and Pry Rigg are set out below. Please refer to section 3 of the forest plan in Appendix 2 for the full text;

- Continue to sustainably harvest timber from clear fell and thinning's, including LISS and landscape sensitive regeneration felling;
- increase the diversity of the age structure and improve landscape impact by maintaining current felling patterns. Enhance external and internal landscape edges;
- consider a selection of alternative main tree species that will contribute towards a greater range of species diversity;
- protect and, where appropriate, enhance all known sites of archaeological and ecological importance;
- continue the reduction of larch as a component of the forest (to reduce the potential impact of *Phytophthora ramorum*);
- where practicable, manage stands through LISS regeneration felling (particularly in ancient woodland but also targeting retention of high value conifer crops);
- maintain the land within our stewardship certified against the UK Woodland Assurance Standard;
- increase rhododendron control;
- though limited in scope, increase the contribution of broadleaf stands to timber production;
- during the lifetime of this plan, we will explore the opportunities regarding public access, engagement, and recreational use, guided by the Yorkshire Forest District Recreation Strategy.

5. Comment

5.1 Officers have given the plan due scrutiny and the Woodland Team Leader, Senior Ecologist and Woodland Officer carried out a site visit in August 2023 with Forestry England staff. Officers have also considered progress against the objectives of the previous plan and can report that all objectives have been met. There was a modest increase in the area felled during the plan period attributed to PAWS restoration and LISS strip shelterwood felling.

5.2 This plan forms a logical continuation of the previous approved plan from which there are no major variations apart from increase in the area managed under LISS, and the phased reduction of larch in response to plant health considerations. Although *phytophthora ramorum* disease has not been identified in these woodlands, it remains a potential threat, and Forestry England are eager to gradually reduce the larch component so that the various impacts from emergency sanitation felling of diseased stands are mitigated.

- 5.3 The majority of the forest is now to be managed under LISS which should provide landscape and biodiversity benefits over previous clear fell options. The predominant method will be strip shelterwood, where compartments are worked in an arrangement of linear fellings with a width approximately one and a half times the height of the adjacent trees. Given their geometric nature, there has been some concern that these methods will have internal and external landscape implications. However, based on our observation of areas worked under previous approvals, officers are satisfied that, providing strips are carefully aligned and proportioned, the overall impact is not significant. It is also clear that the maintenance of woodland conditions, the higher intensity of thinning in the retained strips, and the ability to retain some mature trees in the longer term provide important ecological benefits over clear fell options. On former heathland sites this approach appears to be successfully maintaining the heathland components. For the more visible steeper slopes, and in broadleaved areas, group shelterwood which has a more naturalistic appearance will replace the strip methods.
- 5.4 Within the ancient woodland sites there remains a significant proportion of conifer plantation with its associated impact on ground flora and understorey. Gradual restoration to predominantly broadleaved through thinning and LISS is underway. It will be important to ensure that interventions are continued in a timely manner to maintain ecological improvement. Timber production will continue to be a long term objective in accessible ancient and non-ancient broadleaved dominant woodland. This should not impact the integrity of the sites in this forest as they will mostly have had a long history of management, and the priority is to restore appropriate species and structural characteristics.
- 5.5 *Rhododendron ponticum* is a significant threat to the woodland both for its impact on the flora and as a potential host to *Phytophthora ramorum*. Forestry England have carried out some extensive control works in the past, but it is acknowledged that eradication is an intractable problem with current resources. Forestry England will continue to control its spread and target removal in the most sensitive sites. They are currently in the process of resurvey and prioritization. Officers will continue to work with Forestry England and other partners to investigate opportunities for controlling this species here and more widely in the National Park.
- 5.6 Historic environment features are under appropriate management with no issues raised by the Archaeology Officer. Forestry England have access to the Historic Environment Record and all features are given due consideration through their operational site assessment process.
- 5.7 No access or recreation issues have been raised by officers. During the lifetime of this plan Forestry England will explore further opportunities for public access, engagement, and recreational activities. This will be guided by the Yorkshire Forest District Recreation Strategy that is currently in development. Opportunities are limited by the predominantly leasehold status of the holding.

6. Conclusions

- 6.1 Following scrutiny of the draft, officers have discussed the main issues with Forestry England and no significant amendments have been requested. Minor changes to the maps and text have been incorporated into the documents in appendix 2.
- 6.2 The wider adoption of LISS, the modest increase in broadleaved tree cover, and the continuing restoration of ancient woodland sites will deliver increasing ecological benefit across the forest.
- 6.3 The adoption of strip and group shelterwood systems are considered an appropriate compromise between commercial timber production and environmental/landscape considerations.
- 6.4 The use of a wider range of tree species and mixtures will increase the resilience of the forest in response to impacts of pests, diseases, and climate change.

7. Financial and staffing implications

- 7.1 None.

8. Contribution to National Park Management Plan

- 8.1 The Wass and Pry Rigg Forest Plan will deliver against objectives 1, 4, 6, 11, 18, and 19.

9. Legal and sustainability implications

- 9.1 None.

10. Recommendation

- 10.1 That Members
- Welcome the Wass and Pry Rigg Forest Plan for the contribution it makes to National Park purposes;
 - advise Forestry England and Forest Services of any comments that they wish to make.

Contact Officer:
Mark Antcliff
Woodland Officer
01439 772546

Background documents to this report

1. Appendix 1 Map
2. Appendix 2 Draft plan and maps

Item 13, Wass Moor and Pry Rigg Forest Plan
Appendices have been uploaded as separately

North York Moors National Park Authority

25 September 2023

Item 14, Forest Plan Consultation – Coate Moor

1. Purpose of the report

1.1 To agree the Authority's response to the Coate Moor Forest Plan.

2. Background

2.1 Forestry England (FE) produces a strategic plan for each of its larger forest areas which sets out the longer term aims and objectives, as well as more detailed management proposals for a ten year period. The Authority has been provided with a copy of the draft plan for Coate Moor covering years 2023 to 2033. The area is shown on the map in Appendix 1.

2.2 The National Park Authority has been consulted on the Forest Plan by Forestry England. The plan will be due for approval (with or without amendments) by Forest Services (the regulatory part of the Forestry Commission) once a public consultation has been carried out.

2.3 Forest Plans consist of a written statement of the main management issues and are supported by a series of plans which illustrate the felling and restocking proposals, as well as other background plans and documents which have guided the management options being proposed. The draft plan is available in Appendix 2. Any queries on the presentation of information in these documents can be made to officers prior to the meeting.

3. Coate Moor – Description

3.1 The Coate Moor woodlands have an area of 155 hectares and are situated on the northern fringe of the National Park approximately 2km east of Great Ayton. The site is largely comprised of gently sloping former moorland, with much steeper ground located to the east on Ayton Banks and above Easby Wood. Pines are the dominant species covering approximately 25% of the wooded area, with larch at 21% and spruces at 15%. Broadleaved trees account for 36% but this includes the broadleaved component of conifer dominant areas. Open space currently accounts for about 10% of the holding.

3.2 Most of the forest is long established conifer plantation established prior to the Forestry Commission securing leaseholds in the 1950's and 60's. Approximately 13 hectares of open moorland/ wooded heath are retained on the higher elevations. There is a low-lying area of approximately 12 hectares in Easby Wood that is recorded as either ancient semi-natural woodland or plantation on ancient woodland site.

3.3 Much of the forest is visible from numerous viewpoints, public rights of way, and the surrounding road network especially to the west, where low lying land allows

the woodlands to be seen from some distance. The prominent feature of Captain Cooks Monument also draws visual attention to the site. In previous plan periods significant improvements to the appearance of the forest have been made through the felling of inappropriately sited plantations, and replacing these with open ground, wooded heath, and successional habitats. Most noticeably adjacent to Easby Moor and in High Intake Plantation.

- 3.4 The forest is leasehold and is not dedicated as open access land. However, there are several public rights of way, including the Cleveland Way, as well as numerous other paths and tracks that appear to be used on an informal basis by walkers and cyclists. The forest is well used and the main access to the site is from public parking at Gribdale Gate.
- 3.5 Geology is predominantly sandstones and shales with drift deposits on lower slopes. This gives rise to a range of soils ranging from ironpan types to brown earths to gleys. There are also localised peaty soils. The majority (92%) of the plantable area is managed as high forest and is able to sustain a viable commercial timber crop.
- 3.6 Past and future habitat and species composition is shown in the table below. It should be noted that past figures are not directly comparable to current and future values as recording methodology has been updated. However, it does give a useful indication of the direction of change.

Habitat/species composition	2011	2023	2033	2053
Mixed broadleaves	5%	20%	24%	30%
Conifers	51%	69%	55%	48%
Upland heath	NA	9%	12%	11%
Other (open, felled, roads, rides etc)	24%	1%	9%	10%

- 3.7 The proposed plan shows that approximately 50% of the forest is to be managed by Lower Impact Silvicultural Systems (LISS), with just under 5 hectares felled over the 10 year period. Group, strip and irregular shelterwood methods will be applied, whereby relatively small, discrete felling areas are created across compartments as an alternative to clear felling. Significant areas of clear fell are still proposed for this and future plans (12 hectares in next 10 years), mainly on steeper slopes or adjacent to areas of high public use.
- 3.8 The 12 hectares of ancient woodland site have now been cleared of conifer and comprise of retained broadleaved trees and cleared areas restocked with predominantly native species through a mixture of planting and natural regeneration. These will be managed on a minimal intervention basis.
- 3.9 There is one scheduled monument, a round barrow at High Intake. There are numerous non-scheduled features associated with the area's industrial past. All are mapped and protected during operations.

4. Objectives

4.1 A selective summary of Forestry England's project brief and objectives for Coate Moor is set out below. Please refer to section 3 of the forest plan in Appendix 2 for the full text;

- Continue to sustainably harvest timber from clear fell and thinning's, including LISS;
- increase the diversity of the age structure and improve landscape impact by maintaining current felling patterns. Enhance external and internal landscape edges;
- manage proportions of productive mixed conifer and broadleaf. Looking to retain existing conifer stands where appropriate and manage through LISS;
- consider a selection of alternative main tree species that will contribute towards a greater range of species diversity;
- increase the proportion of native broadleaf cover, particularly across areas of PAWS (Plantation on Ancient Woodland Site), riparian zones, and the upper slopes adjacent to open moorland;
- protect and, where appropriate, enhance all known sites of archaeological and ecological importance;
- continue the reduction of larch as a component of the forest (to reduce the potential impact of *Phytophthora ramorum*);
- maintain the land within our stewardship certified against the UK Woodland Assurance Standard;
- increase rhododendron control.

5. Comment

5.1 Officers have given the plan due scrutiny and the Woodland Team Leader, and Woodland Officer carried out a site visit in August 2023 with Forestry England staff. Officers have also considered progress against the objectives of the previous plan and can report that objectives have been broadly met. There was a significant increase in the area felled under various LISS methods.

5.2 The adoption of LISS as alternatives to clear felling at Coate Moor has started to show significant benefits. The variation in tree size, species and felling areas has improved the aesthetics of the forest both internally and externally. Not all measures have been entirely successful as storm winds have brought down retained mature trees in some instances. However, the overall principle is considered successful and Forestry England's methods are being refined in response to their experience here and on other holdings.

5.3 The ancient woodland area in Easby Wood has now been cleared of conifer and completes the initial stages of restoration for all the ancient woodland sites in the forest. Planting of native broadleaves has been carried out in the felled areas and

this combined with natural colonisation and retention of existing broadleaves will allow valuable habitat including wet woodland to reassert itself.

- 5.4 Sustainable forest management, restoration of habitats, and the creation of ponds and wetland habitat is contributing to water quality improvements in the river Leven catchment.
- 5.5 *Rhododendron ponticum* is a significant threat to the woodland both for its impact on the flora and as a potential host to *Phytophthora ramorum*. Forestry England have carried out extensive control works in the past, but it is acknowledged that eradication is an intractable problem with current resources. Forestry England will continue to control its spread and target removal in the most sensitive sites. They are currently in the process of resurvey and prioritization. Officers will continue to work with Forestry England and other partners to investigate opportunities for controlling this species here and more widely in the National Park.
- 5.6 Historic environment features are under appropriate management with no issues raised by the Archaeology Officer. The key archaeological features are an area of prehistoric cairns already damaged by historic forestry ploughing. Forestry England have access to the Historic Environment Record and all features are given due consideration through their operational site assessment process.
- 5.7 No access or recreation issues have been raised by officers. The leasehold status means that opportunities are limited but the forest is very well used including a 3.5km section of the Cleveland Way. Unauthorised bike tracks are very evident in parts and Forestry England are aware of this and manage the Health and Safety issues that these can present.

6. Conclusions

- 6.1 Following scrutiny of the draft officers have discussed the main issues with Forestry England and no significant amendments have been requested. Minor changes to the text will be incorporated into the documents in appendix 2 prior to approval. The final suite of maps is not available at the time of writing but should be available before the meeting. The draft maps are included in appendix 2.
- 6.2 The wider adoption of LISS, the significant increase in broadleaved tree cover, and the restoration of ancient woodland sites has and will continue to deliver increasing benefits across the forest, including amenity for the numerous visitors.
- 6.3 Further clear felling operations in this and future plans will deliver further landscape and biodiversity improvements as relatively uniform conifer plantations are replaced by a more diverse range of broadleaved and conifer dominant stands.
- 6.4 The adoption of strip and group shelterwood systems are considered an appropriate compromise between commercial timber production and environmental/landscape considerations.

6.5 The use of a wider range of tree species and mixtures will increase the resilience of the forest in response to the impacts of pests, diseases, and climate change.

7. Financial and staffing implications

7.1 None

8. Contribution to National Park Management Plan

8.1 The Coate Moor Forest Plan will deliver against objectives 1, 4, 5, 6, 11, 18, and 19.

9. Legal and sustainability implications

9.1 None.

10. Recommendation

10.1 That Members

- Welcome the Coate Moor Forest Plan for the contribution it makes to National Park purposes;

Contact Officer:
Mark Antcliff
Woodland Officer
01439 772546

Background documents to this report

1. Appendix 1 Map
2. Appendix 2 Draft plan and maps

Item 14, Coate Moor Forest Plan

Appendices have been uploaded as separately

North York Moors National Park Authority

25 September 2023

Item 15, Thornton le Dale Car Park – Access Road

1. Purpose of the report

- 1.1 To seek Members' approval for the virement of £30K from the property reserve to enable North Yorkshire Council to upgrade and adopt the access road to the car park in Thornton Dale.

2. Background

- 2.1 Thornton Dale car park is a significant asset and has been part of the property portfolio since the early 1980s. It transferred from North Yorkshire County Council to the Authority when National Park Authorities became free standing bodies in the late 1990s.
- 2.2 The landholding on the site includes a considerable car park within a former walled garden and the adjacent village pond with attractive walkways around it. In 2022/23, the car park contributed approximately £125K of income to the Authority. Officers regard the site as a significant asset and wish to retain it in the long term.
- 2.3 There are several notable liabilities however associated with the car park. The first is the listed wall that surrounds the car park, and this is likely to need considerable investment in the coming years. The car park itself is accessed via a 250-metre private driveway which is currently the Authority's responsibility. This is the access route to a cul-de-sac of private houses and to the adjacent sports field. The driveway is in average condition and, while it can be repaired for the time being, Officers expect the resurfacing cost to be in the region of £40K every 15 years.
- 2.4 The use of the access road has caused some issues over recent years notably regarding access to the sports field and damage caused as a result which has been repaired at the Authority's expense.

3. Proposal

- 3.1 Officers have been in discussion with North Yorkshire Council regarding the access road. NYC staff have confirmed their willingness to adopt the road and therefore take on the liability for its upkeep in perpetuity. NYC have stated in writing that the cost to bring the road up to the standard needed for a highway will be £30K. This work will be a condition of the adoption.
- 3.2 Adoption of the access road would not in any way impede the Authority's access to its car park and other facilities on the site.

3.3 Officers wish to accept this offer as it is in the long-term financial interests of the Authority. Subject to members' approval this would be funded via the property reserve.

4. Legal and sustainability implications

4.1 Officers believe that adoption of the access road will remove a long-term liability while securing the main income generating part of the asset.

5. Recommendation

That Members approve the use of the property reserve to a maximum of £30K to enable North Yorkshire Council to bring the access road to the required highway standard and adopt it.

Contact Officer
Ian Nicholls
Director of Corporate Services
01439 772700

North York Moors National Park Authority

25 September 2023

Item 16, Chief Executive's report

1. Purpose of the report

- 1.1 To provide Members with an update on the CEO's activities since the last NPA and to identify key and emerging issues for Members to be aware of.

2. North York Moors Website

- 2.1 Following many months of painstaking work by Officers from our Communications, IT and wider teams we're delighted to have launched a new website for the National Park at the end of August. This is a vital shop-window for the National Park providing inspiration for visitors as well as a repository of engaging content on our work and public services. The clean lines, fabulous imagery and ease of navigation will play an important role in achieving our strategy in relation to raising the profile of the North York Moors. The new website also meets important accessibility guidelines. We've also taken the opportunity to create a Members' SharePoint site.

3. National policy issues

- 3.1 Three issues have dominated the National Policy agenda for National Parks over the last few months. The first is a consultation issued by the Levelling-Up Department that seeks to stimulate growth in housing through extending permitted development rights. Notably, the proposals contained in the package would extend PDRs to allow agricultural buildings in National Parks and AONBs to be converted to residential use. This proposal would represent a major erosion of important powers that uphold our statutory purposes by allowing uncontrolled development across wide swathes of open countryside and is being fiercely resisted by all National Park Authorities, National Parks England and CNP. NYMNP has responded to the consultation, written to all local MPs and Parish Councils setting out our concerns.
- 3.2 The second is an announcement by Government that it is putting forward amendments via the Levelling-Up & Regeneration Bill (LURB) to no longer require local planning authorities to consider nutrient flows from wastewater treatment works as part of Habitats Regulations Assessments (HRA) for planning decisions in nutrient neutrality catchments. Guidance issued by the Chief Planning Officer has raised concerns about conflict with our wider statutory purposes.
- 3.3 Thirdly, with the LURB entering its final days of discussion at Report stage in Lords, Lord Randall of Uxbridge put forward a further amendment to strengthen the duties on other public bodies with regard to National Park purposes and delivery of management plans. In debating the amendment, Government signalled its intention to come forward with its own amendment at Third Reading,

issuing a Written Ministerial Statement confirming this, which is very welcome news.

- 3.4 In addition to the above, through NPE we continue to input into the creation of a new Protected Landscapes Partnership that was announced in the Government's Environmental Improvement Plan. The above Written Ministerial Statement also confirmed that we are expecting to see publication of the proposed Outcomes Framework and targets for Protected Landscapes in the coming weeks.

4. National Park Management Plan

- 4.1 The NPA held the second meeting of the Management Plan Partner Delivery Group in July. Chaired by the CEO, this brings together Officers from the main statutory agencies and key stakeholders with responsibilities for delivering various Objectives in the North York Moors Management Plan. This meeting helped to gather widespread input highlighting the contributions of various partners to the plan. These are being consolidated into a first annual report on delivery, which will come to Members in due course.
- 4.2 At the end of September the NPA will host the inaugural Management Plan Stakeholder Forum. A wider grouping of around 50 stakeholders, this exists to broaden awareness of the Plan and ensure that stakeholders can input into its progress and hold key partners to account on delivery.

5. Authority updates

- 5.1 As reported recently to FRASC, our Q1 financial position indicates some deterioration in car park and planning income relative to forecast offset partially by higher interest rates. Overall, our financial position remains strong buoyed by the ongoing success of officers in securing external funding with notable successes recently in relation to peat restoration and species recovery capital grants. We await the imminent outcome of a number of other important tenders, but it highlights the importance of the changes the Authority is making to becoming a more project-based organisation which enables us to reduce dependency on core-grant income.
- 5.2 The NPA has commenced negotiations with North Yorkshire Council in connection with the delivery of the statutory rights of way obligations under a delegation agreement the NPA holds with the Council. Whilst Officers believe that the quality of our PRoW network is important to the 'brand' of the National Park, the delivery of the statutory minimum service represents a significant contribution from core grant funding which is being eroded annually by inflation. Prior to austerity, the NPA received a nominal contribution from NYCC for the delivery of their statutory services.
- 5.3 The recognition of the National Park's contribution to apprenticeships continues. Our Countryside Ranger Apprentice, Ambar Hughes was recently awarded the Royal Society's Hauksbee as one of a group of technicians who inputted to a Science Museum exhibition. Henry Sheffield has also produced a fantastic video

promoting the Countryside Worker Apprenticeship for the Institute for Apprenticeships and Technical Education.

6. Financial and staffing implications

6.1 None.

7. Contribution to National Park Management Plan

7.1 N/A.

8. Legal and sustainability implications

8.1 None.

9. Recommendation

9.1 That Members note the context of this report making any comments that they wish to.

Contact Officer:

Tom Hind

Chief Executive Officer

01439 772700

Item 17, Report from FRASC Chair

Colin Williamson was elected by members and thanked all for their continued support.

Heather Moorhouse was then elected as deputy chair for the ensuing year.

Thilina de Zoysa from Grant Thornton gave an update on the draft findings for the year 2022/23 as at present all was in good order. Grant Thornton are now in their last year as our external auditors.

The only outstanding item is the pension surplus and how to account for this as an asset as this is a rare position for a pension fund to be in.

Max Thomas from Veritau, the Head of internal Audit, gave the report of findings from the Internal Audits carried out in 2022/23. There are four classifications of internal control. The Authority attained an overall assessment of substantial assurance which is the highest classification that can be given. There are a number of minor actions which Officers need to complete.

We were then given the proposed internal audit plan for 23/24.

We received the first quarter update from Pete Williams and at the moment all is about on target.

The sum of £22K was passed to move from reserves to allow for drainage of the overflow car park at Danby lodge. This was needed after pipe work was laid in the decarbonisation work that disturbed the existing drainage system.

Officers verbally mentioned the opportunity for the access road at Thornton Dale car park to be adopted. While members were positive, Officers agreed to present a formal paper at NPA proposing that the £30K cost was taken from the property reserve. Paul Fellows delivered an update on strategy and business plan monitoring (performance scorecard).

Ian Nicholls brought us up to date on health and safety, on sickness absence, accident and near misses. Staff and volunteers undertaking practical work during the early part of summer have reported that the sap from common hog weed has caused rashes and blisters, the injuries have occurred when staff are using brush cutters to manage vegetation.

The actions for the health and safety action plan for 2023/24 are all progressing as expected.

Ellen Cross then delivered her report on the work involved in securing external funding for the years to come; how much work is needed to put forward plans for future external funding. We talked about how core funded officer time might be offset in funding bids. 22/23 funding target has been well exceeded and 24/25 is well on the way to hitting its target as well.

Ian Nicholls went on to deliver the corporate Risk Register update including finance, capacity skills, Health and safety, Woodsmith and Boulby mines (implementation of planning decisions), nature recovery, climate change, property assets, information security.

With regard to the emerging risk of land slip at Levisham Estate, quotations have been received for the remote monitoring system that Zurich municipal have recommended. This will soon be in place on the site.

Item 18, Feedback from Lead Members - Verbal

1. The Joint ARB/CLM Forum took place on 26 June 2023 and discussed the Blue Corridors project including a local site visit. Patrick James will give a verbal report at the meeting.
2. Equality, Diversity and Inclusion Forum – the first meeting is due to take place on 26 September 2023.

North York Moors National Park Authority

25 September 2023

Item 19, Reports from Members on outside bodies

1. Purpose of the report

- 1.1 To consider reports from Members attending meetings on outside bodies as representatives on the Authority.

2. Background

- 2.1 It has been agreed that Members attending meetings of bodies where they are representing the Authority should present a report, either verbal or written.

3. North York Moors National Park Trust

- 3.1 The meeting took place on 14 September 2023 – Colin Williamson will give a verbal report at the meeting.

4. Campaign for National Parks

- 4.1 Christine Robertson, CNP Representative, will give a verbal update at the meeting.

5. York and North Yorkshire Housing Board

- 5.1 The meeting was held on 18 September – a verbal report will be given by Clive Pearson at the meeting.

6. Financial and staffing implications

- 6.1 There are no financial or staffing implications.

7. Legal and sustainability implications

- 7.1 There are no legal implications.

8. Recommendation

- 8.1 That the report be noted by members.

Contact Officer:

Judith Seaton

Executive Support Team Leader

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