

# Bath & North East Somerset Council

DECISION MAKER:	<b>Cllr Bob Goodman, Cabinet Member for Development</b>	
DECISION DATE:	<b>On or after 23<sup>rd</sup> February 2019</b>	EXECUTIVE FORWARD PLAN REFERENCE: <b>E 3127</b>
TITLE:	<b>Mendip Hills Area of Outstanding Natural Beauty (AONB) Management Plan 2019 – 2024 and Cotswolds AONB Management Plan 2018-2023</b>	
WARD:	Chew Valley South, Mendip, Bathavon North, Bathavon South, Bathavon West, Weston, Lansdown, Lambridge, Bathwick	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b> Mendip Hills AONB Management Plan 2019 -2024 <a href="http://www.mendiphillsaonb.org.uk/caring-about-the-aonb/management-plan/">http://www.mendiphillsaonb.org.uk/caring-about-the-aonb/management-plan/</a> Cotswolds Management Plan 2018 - 2023 <a href="https://www.cotswoldsaonb.org.uk/planning/cotswolds-aonb-management-plan/">https://www.cotswoldsaonb.org.uk/planning/cotswolds-aonb-management-plan/</a>		

## 1 THE ISSUE

- 1.1 Under the Countryside and Rights of Way (CRoW) Act 2000 local authorities and Conservation Boards (where applicable) are required to produce Management Plans for Areas of Outstanding Natural Beauty (AONB) within their boundaries and to review them at least every 5 years. These plans describe in more detail how the AONBs will be protected to maintain their special character. The existing Mendip Hills AONB Management Plan has been reviewed by the AONB Partnership on behalf of partner authorities and rolled forward for the period 2019-2024. The Cotswolds AONB Management Plan has been reviewed by the Cotswolds Conservation Board and rolled forward to the period 2018 – 2023.

## 2 RECOMMENDATION

The Cabinet Member is asked to;

- 2.1 Adopt the Mendip Hills AONB Management Plan 2019 – 2024 as the basis for safeguarding and managing the unique beauty and distinctive character of the AONB and to be taken into account in the preparation of the Council's Local Development documents and in the determination of planning applications.

- 2.2 Confirm that B&NES position regarding the Cotswold AONB Management Plan 2018-2023 is not to endorse the Plan at this time given that the Management Plan's stated ambition to promote the case to be designated as England's next National Park has not been properly assessed and is not adequately justified. However B&NES will continue to acknowledge the Plan as a material consideration when determining planning applications and drafting planning policy.

### **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 The Council make an annual contribution to the Mendip Hills AONB Partnership, through a Statement of Intent between the local authority partners and Defra. The Council's contribution for 2018/19 amounted to £8500 and will reduce to £5000 in 2019/20. This amount is allocated in the budget for 2019/20.
- 3.2 The Council make an annual contribution to the Cotswolds Conservation Board through an agreement between the local authority partners and the Board. The Council's contribution for 2018/19 amounted to £6256 and this amount is approved in the budget for 2019/20.
- 3.3 Approval of the Mendip Hills AONB Management Plans and not endorsing the Cotswolds AONB Management Plan will not incur any additional expenditure.

### **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 Section 84 of the Countryside and Rights of Way (CRoW) Act 2000 states that a local planning authority whose area consists of or includes the whole or any part of an AONB has power to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB or so much of it as is included in their area.

Section 89 of the CRoW Act states that if there is no conservation board for the area of an AONB then the relevant local authority in respect of that AONB shall prepare and publish an AONB management plan. If there is a conservation board then that duty rests with the board. Section 89 goes on to state that a conservation board shall review their AONB management plan before the end of the period of five years beginning with the date on which it was published and, after the first review, at intervals of not more than five years. The same applies where the statutory duty for AONB management plans rests with the local authority. Where a conservation board or relevant local authority review any plan under section 89, they shall—

- (a) determine on that review whether it would be expedient to amend the plan and what (if any) amendments would be appropriate,
- (b) make any amendments that they consider appropriate, and
- (c) publish a report on the review specifying any amendments made.

Where an AONB is not wholly comprised in one principal local authority area, the statutory duties apply to the local authorities for all the principal areas wholly or partly comprised in the AONB, acting jointly.

- 4.2 There is no conservation board for the Mendip Hills AONB which falls within the five local authority administrative boundaries of Somerset County Council, North

Somerset Council, Bath and North East Somerset Council, Mendip District Council and Sedgemoor District Council. Under s89 of the CRoW Act, the Mendip Hills AONB is managed by these authorities, acting jointly. Elected Members from each local authority sit on the AONB Partnership Committee alongside representatives of other stakeholders. This Committee oversees the delivery of the AONB management plan, but it is an advisory/consultative committee and does not have any executive powers. Each of the constituent authorities retains its decision making powers for their respective parts of the AONB.

- 4.3 The legal position is different for the Cotswolds AONB as the duty rests with the Conservation Board to produce and adopt the management plan for the AONB, in consultation with the partner authorities within their boundaries. The CRoW Act also requires Conservation Boards to review management plans every five years.
- 4.4 The purpose of the management plans is to provide a framework for coordinated management of these outstanding natural and built assets.
- 4.5 Section 85 of the CRoW Act contains a general duty requiring local authorities to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions in relation to it, or which affect it. To demonstrate compliance with this duty, the AONB Management Plans should be taken into consideration, where appropriate, when determining planning applications and in drafting Local Development Documents to ensure a consistent approach to policy development and to help protect the AONBs.
- 4.6 The National Planning Policy Framework (NPPF) paragraph 172 states that *'great weight should be given to conserving and enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues'*. This means that the management plans can have significant weight in planning and other decision-making that affects the AONB.

## 5 THE REPORT

### **Mendip Hills AONB Management Plan**

#### Background

- 5.1 The Mendip Hills AONB is a significant local landscape which has national recognition, safeguarded by statutory designation. The AONB is a key resource for both residents and visitors, providing important wellbeing, health, environmental and economic benefits.
- 5.2 Following early consultation with key stakeholders it was accepted that the revised Plan needed to recognise new agendas and a changed context, including:
  - Defra 25 Year Environment Plan
  - New planning legislation and National Planning Policy Framework
  - Leaving the European Union
  - Increased development and population levels
  - National Character Area profiles
  - Natural Capital and ecosystem services

- Public sector funding cuts

- 5.3 The review has resulted in a slight restructuring of themes, some rewording of current objectives and a few new objectives to take forward. These include a greater emphasis on health benefits and green infrastructure. As a result of national policy directly related to protected landscapes, the major changes have been made to the context to show the importance of the Mendip Hills in providing benefits to society (ecosystem services) and the relationship between them.
- 5.4 In order to comply with the Habitats Regulations 2017 the Mendip Hills AONB was required to assess the Management Plan to determine whether policies in the plan would affect Natura 2000 sites. The screening report concluded that the Plan is unlikely to have a significant effect on the conservation objectives of the Natura 2000 sites assessed. Therefore, a Stage 2 Appropriate Assessment was not required.
- 5.5 In order to ensure compliance with the European Directive 2001/42/EC relating to Strategic Environmental Assessment a screening report was produced. This report concluded that the plan is unlikely to result in significant effects on the environment.
- 5.6 The Management Plan has also been subject to an Equality Impact Assessment as required by the Equality Act 2010.
- 5.7 The Management Plan has been consulted on, amended and is now being presented for adoption prior to sending a copy to the Secretary of State.

#### Current position

- 5.8 The AONB Partnership Committee approved the Draft Final Management Plan 2019- 2024 at their meeting on 22 November 2018 and has recommended it to the five local authority partners for adoption, as required by the CRoW Act.
- 5.9 An Annual Delivery Plan agreed by the partners will accompany the Management Plan and this will include monitoring information.

### **The Cotswolds AONB Management Plan**

#### Background

- 5.10 The Cotswolds AONB is a significant local landscape which has national recognition, safeguarded by statutory designation. The AONB is a key resource for both residents and visitors, providing important wellbeing, health, environmental and economic benefits.
- 5.11 The Cotswolds Conservation Board, which includes representatives of all 15 constituent local authorities, oversees the delivery of the Management Plan.
- 5.12 The Cotswolds Conservation Board has a statutory duty to prepare and review a management plan for the Cotswolds AONB at five-yearly intervals. The Board adopted the Cotswolds AONB Management Plan 2018-2023 on 20th September 2018, following a review of the 2013-2018 Management Plan and consultation.

- 5.13 As the 'competent authority' under the Habitats Regulations 2017 the Cotswolds AONB was required to assess the Management Plan to determine whether policies in the plan would affect Natura 2000 sites. The screening report concluded that the Plan is unlikely to have a significant effect on the conservation objectives of the Natura 2000 sites assessed. Therefore, a Stage 2 Appropriate Assessment was not required.
- 5.14 In order to ensure compliance with the European Directive 2001/42/EC relating to Strategic Environmental Assessment a screening report was produced. This report concluded that the plan is unlikely to result in significant effects on the environment.
- 5.15 The Management Plan has also been subject to an Equality Impact Assessment as required by the Equality Act 2010.
- 5.16 Bath and North East Somerset Council (B&NES) has been asked by the Cotswold Conservation Board (CCB) to formally endorse the Cotswold Area of Outstanding Natural Beauty (AONB) Management Plan 2018 – 2023.
- 5.17 B&NES has previously been consulted on the Management Plan and has responded with a number of comments. During the summer of 2018 a 'test of soundness' consultation was carried out on the then current version of the plan. Stakeholders were also asked whether they would be prepared to endorse the plan. No concerns were raised as it was considered that the Council's previous comments had been adequately taken on board. The Council also stated that as written, it would endorse the Plan.
- 5.18 The production of the latest version of the Management Plan has taken place against a backdrop of the CCB pursuing National Park status. During the summer consultation mentioned above the plan stated:  
*Ambition 4: To fully explore the case for and against the Cotswolds being designated as England's next National Park.*  
The Plan has been amended prior to adoption by the CCB on 20th September 2018 and *Ambition 4 now states: To promote the case for the Cotswolds being designated as England's next National Park'*
- 5.19 This change in emphasis may be due to advice from DEFRA and also the publication of the Government's 'A Green future, Our 25 Year Plan to improve the environment'. One of the numerous outputs of that document is to carry out a review of national landscape designations, launched last May with the setting up of the Glover review and the subsequent call for evidence that is due to conclude this year.
- 5.20 Therefore if B&NES were to formally endorse the Management Plan 2018 – 2023 which has now been adopted by the CCB, it would by default be giving support to the aspiration to become a National Park. B&NES has not discussed or been party to any formal consideration of this matter and has not established a formal position on it. Therefore, until this issue is resolved, B&NES Council is unable to endorse the Management Plan.
- 5.21 The draft CCB Business Plan 2019-22 presented a Summary Work Programme taking forward the Management Plan into actions for the Board. B&NES officers have sought clarification regarding the promotion of NP status.

In particular, querying evidence for the business case for NP status, future research and consultation with local authorities on the matter.

## **6 RATIONALE**

- 6.1 The adoption of a Management Plan for the Mendips Hills AONB is a statutory requirement to meet the Council's duty under the CRoW Act.
- 6.2 Whilst not endorsing the Cotswolds AONB Management Plan, the Council will still fulfil its duties under the provisions of Section 85 of the CRoW Act for local authorities to have regard to the conservation and enhancement of the AONB when carrying out their operations and statutory duties within the AONB. The Council will continue to acknowledge the Plan as a material consideration when determining planning applications and drafting planning policy.
- 6.3 The Council will continue to contribute and benefit from shared resources and access to external funding to deliver action on the ground to safeguard and manage the unique beauty and distinctive character of these AONBs.

## **7 OTHER OPTIONS CONSIDERED**

- 7.1 Failure to approve and have a Management Plan in place for the Mendip Hills AONB will leave the Council in breach of its statutory duty under the CRoW Act.

## **8 CONSULTATION**

### **The Mendip Hills AONB Management Plan**

- 8.1 Consultation on the Mendip Hills AONB Management Plan has been undertaken with all statutory stakeholders, the Mendip Hills AONB Partnership Committee and the wider public. The AONB Partnership Committee approved the Draft Final Management Plan 2019- 2024 at their meeting on 22 November 2018 subject to changes identified via the formal consultation process. The Partnership agreed that the Chair or Vice-chair would decide if there had been any material changes to the plan after this stage. The Vice-chair Cllr Liz Richardson (B&NES) confirmed there has been no material changes to the plan on 22 January 2019 and that it be recommended to the five local authority partners for adoption, as required by the CRoW Act.

### **The Cotswolds AONB Management Plan**

- 8.2 Consultation undertaken by the report officer with other Cotswolds constituent local authorities regarding the NP ambition which has confirmed that other authorities are unable to endorse Plan for same reason.

### **Internal**

- 8.3 The section 151 officer and the monitoring officer have been consulted

## **9 RISK MANAGEMENT**

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

<b>Contact person</b>	Sarah Jackson 01225 477618
<b>Background papers</b>	<p>The Management Plan review process includes several supporting documents, these can be viewed here:</p> <p><a href="http://www.mendiphillsaonb.org.uk/caring-about-the-aonb/management-plan/">http://www.mendiphillsaonb.org.uk/caring-about-the-aonb/management-plan/</a></p> <p><b>Mendip Hills AONB Management Plan 2019-2014</b> (PDF Download 3MB)</p> <p><b>Mendip Hills AONB SEA Screening Report (Nov 2018)</b> (PDF Download 436KB)</p> <p><b>Mendip Hills AONB Habitat Regulations Assessment (Dec 2018)</b> (PDF Download 7MB)</p> <p><b>Mendip Hills AONB Equality Impact Assessment (Oct 2018)</b> (PDF Download 332KB)</p> <p><b>Statement of Consultation</b> (PDF Download 125KB)</p> <p><b>Statement of Consultation – Appendix 1 (State of the AONB Report)</b> (PDF Download 2MB)</p> <p><b>Statement of Consultation – Appendix 2</b> (PDF Download 419KB)</p> <p><b>Statement of Consultation – Appendix 3</b> (PDF Download 420KB)</p> <p><b>Statement of Consultation – Appendix 4</b> (PDF Download 601KB)</p> <p><b>Statement of Consultation – Appendix 5</b> (PDF Download 333KB)</p> <p><b>Statement of Consultation – Appendix 6</b> (PDF Download 209KB)</p>
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