

## Bath & North East Somerset Council

DECISION MAKER:	<b>Cllr Matt McCabe, Cabinet Member for Built Environment, Housing and Sustainable Development</b>	
MEETING/ DECISION DATE:	<b>On or after 14<sup>th</sup> September 2024</b>	EXECUTIVE FORWARD PLAN REFERENCE:
		<b>E 3563</b>
TITLE:	<b>B&amp;NES endorsement of Cotswolds National Landscape Management Plan 2023-2025</b>	
WARD:	Bathavon North, Bathavon South, Bathavon West, Weston, Lansdown, Lambridge, Bathwick	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report: None</b>		

### 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 National Landscapes (formerly Areas of Outstanding Natural Beauty (AONB)) within their boundaries and to review them at intervals of no more than five-years. These plans describe in more detail how the National Landscapes will be protected to maintain their special character. The Cotswolds National Landscape Board adopted the Cotswolds National Landscape Management Plan 2023-2025 on 21<sup>st</sup> February 2023, following a review of the 2018-2023 Management Plan. This plan runs for two years rather than the usual five. This is because the Cotswolds National Landscape Board anticipated significant national and local policy developments for protected landscapes during this period, particularly with reference to climate action.

### 2 RECOMMENDATION

**The Cabinet Member is asked to;**

- 2.1 Endorse the Cotswolds National Landscape Management Plan 2023-2025 as the basis for safeguarding and managing the unique beauty and distinctive character of the National Landscape and to be taken into account in the

preparation of the Council's Local Development documents and as a material consideration in the determination of planning applications.

### **3 THE REPORT**

#### **The Cotswolds National Landscape Management Plan**

##### Background

- 3.1 The Cotswolds National Landscape is a significant local landscape which has national recognition, safeguarded by statutory designation. The National Landscape is a key resource for both residents and visitors, providing important wellbeing, health, environmental and economic benefits.
- 3.2 The Cotswolds Conservation Board, which includes representatives of all 15 constituent local authorities, oversees the delivery of the Management Plan.
- 3.3 The Cotswolds Conservation Board has a statutory duty to prepare and review a management plan for the Cotswolds National Landscape at five-yearly intervals. The Board adopted the Cotswolds National Landscape Management Plan 2023-2025 (see background papers) on 21<sup>st</sup> February 2023, following a review of the 2018-2023 Management Plan.
- 3.4 As part of the process for producing the Management Plan the Cotswolds Conservation Board commissioned a Strategic Environmental Assessment (SEA) Environmental Report and a Habitats Regulations Assessment (HRA) Screening Report of the Management Plan.
- 3.5 Under the Habitats Regulations 2017 the Cotswolds Conservation Board was required to assess the Management Plan to determine whether policies in the plan would affect Natura 2000 sites. The HRA Screening Report concluded that no policy areas would have a Likely Significant Effect on any Natura 2000 Sites. There is no requirement to undertake an Appropriate Assessment under the Habitat Regulations.
- 3.6 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. The SEA report concluded that there is nothing in the management plan that will undermine the special qualities of the Cotswolds. Implementation of the proposed Management Plan will have environmental and sustainability benefits for the National Landscape.
- 3.7 Bath and North East Somerset Council (B&NES) has been asked by the Cotswold Conservation Board (CCB) to formally endorse the Cotswold National Landscape Management Plan 2023 – 2025.
- 3.8 B&NES have previously been consulted on past iterations of the Management Plan and have responded with a number of comments. The most recent plan being the 2018-2023 Management Plan. At the time B&NES did not endorse the Cotswolds AONB Management Plan 2018-2023. The reason being if B&NES were to formally endorse the Management Plan 2018 – 2023 which had been adopted by the CCB, it would by default be giving support to the aspiration to become a National Park. B&NES had not been party to formal consideration of

this matter and had not established a formal position on it. Therefore, B&NES Council had been unable to endorse the Management Plan.

3.9 Whilst not endorsing the Cotswolds AONB Management Plan 2018 - 2023, the Council still fulfilled 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 continued to acknowledge the Plan as a material consideration when determining planning applications and drafting planning policy.

3.10 The 2023- 2025 Management Plan no longer references the aspiration of the Board for the Cotswolds to become a National Park. As such and in the context of the policies set out in the Management Plan 2023-205 it is recommended that B&NES Council endorse it for the purposes of informing preparation of Local Development Documents and determining planning applications. The Management Plan will be a material consideration in the determination of planning applications, with the weight to be determined by Development Management case officers. It should be noted that the Bath and North East Somerset Council Development Plan will retain primacy as the statutory basis for determining planning applications. This is a crucial point procedurally, and has been outlined within the management plan on page 14 with the following noted:

*'The Management Plan should be a material consideration in planning decisions. However, it is recognised that planning law requires that applications for planning permission be determined in accordance with the LPA's development plan (unless material considerations indicate otherwise).'*

#### **4 STATUTORY CONSIDERATIONS**

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 (now National Landscape) 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.

4.2 Section 89 of the CRoW Act states that if there is no conservation board for the area of an AONB (National Landscape) then the relevant local authority in respect of that AONB shall prepare and publish an AONB (National Landscape) 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 (National Landscape) 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.

- 4.3 Where an AONB (National Landscape) 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 (National Landscape), acting jointly.
- 4.4 The legal position is different for the Cotswolds National Landscape as the duty rests with the Conservation Board to produce and adopt the management plan for the National Landscape, in consultation with the partner authorities within their boundaries. The CRoW Act also requires Conservation Boards to review management plans every five years.
- 4.5 The purpose of the management plans is to provide a framework for coordinated management of these outstanding natural and built assets.
- 4.6 Section 85 of the CRoW Act, under which the Management Plan 2023-2025 was prepared, contains a general duty requiring local authorities to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape when exercising or performing any functions in relation to it, or which affect it. To demonstrate compliance with this duty, the National Landscape 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 National Landscapes.
- 4.7 Noted that Section 85 of the Countryside and Rights of Way Act 2000 has been amended as part of the Levelling Up and Regeneration Act 2023. The amendment notes that a relevant authority must 'seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'. This amendment will be considered as part of the next iteration of the Cotswold National Landscape Management Plan 2025-2030.
- 4.8 The National Planning Policy Framework (NPPF) paragraph 183 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 National Landscapes (AONB). However, as set out above the Council's Development Plan will retain primacy (as the statutory basis for determining planning applications) alongside the NPPF.

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

- 5.1 The Council currently contributes £6,526 per annum to supporting the Cotswolds National Landscape Board and its operations. Endorsing the Cotswolds National Landscape Management Plan will not incur any additional expenditure for the Council. Reviewing and inputting into its preparation has been undertaken within existing resources and budgets.

## **6 RATIONALE**

- 6.1 The adoption of a Management Plan for the Cotswolds National Landscape is a statutory requirement to meet the Council's duty under the CRoW Act.

6.2 By endorsing the Cotswolds National Landscape Management Plan, the Council will 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 National Landscape when carrying out their operations and statutory duties within the National Landscape. The Council will continue to acknowledge and use 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 National Landscapes.

## 7 OTHER OPTIONS CONSIDERED

7.1 Failure to endorse and have a Management Plan in place for the Cotswolds National Landscape will leave the Council in breach of its statutory duty under the CRoW Act.

## 8 CONSULTATION

### The Cotswolds National Landscape Management Plan

8.1 Consultation undertaken by the report officer with other Cotswolds constituent local authorities.

## 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.

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<b>Background papers</b>	Cotswolds National Landscape Management Plan 2023 – 2025 and Cotswolds National Landscape Management Plan 2023 – 2025 – Summary Version  <a href="https://www.cotswoldsaonb.org.uk/planning/cotswolds-aonb-management-plan/">https://www.cotswoldsaonb.org.uk/planning/cotswolds-aonb-management-plan/</a>  <a href="#">Interim Management Plan Review (2023/25) – Strategic Environmental Report</a> (PDF Download 687KB)  <a href="#">Interim Management Plan Review (2023/25) – Habitats Regulations Assessment Screening Report</a> (PDF Download 941KB)
<b>Please contact the report author if you need to access this report in an alternative format</b>	