



<u>Committee and Date</u> Shropshire Hills AONB Partnership 29 July 2009	<u>Item</u> 3
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GOVERNANCE

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Summary

This paper updates members on progress with the renewal of the Partnership's main governance documents.

Recommendation

The Partnership is recommended:

- a) formally to agree the increase in individual member seats on the Partnership from five to seven,
- b) to approve the advertising of all seven individual member seats in September 2009,
- c) to support the approval as soon as reasonably possible of the Partnership's new Terms of Reference, funding Memorandum of Understanding, and Planning Protocol by relevant parties,
- d) to note the national agreement between the National Association for AONBs and Natural England, and the future directions for AONB management indicated in it.

Background

1. Terms of Reference

The Terms of Reference are the main governance document for the Partnership (which is an unincorporated Partnership rather than a legally constituted body). The previous Terms of Reference were agreed by the five former local authorities in 2003. They have been amended in relation to the shift to the unitary Shropshire Council (the key change is allocation of local authority seats), and to the governance requirements of LEADER (largely a clarification of roles). In addition, substantial changes of wording have also been made, better to convey the way the Partnership works in practice, but not resulting in significant changes in governance arrangements. The new draft Terms of Reference were considered by the Partnership in October 2008 (current version available at <http://www.shropshirehillsaonb.co.uk/partnership/partnership.htm>).

In line with the new Terms of Reference, Shropshire Council on 15 July made four member appointments to the AONB Partnership:

- Cllr Cecilia Motley, Corvedale ward (Conservative, one of two Deputy Leaders of Council)
- Cllr Tim Barker, Burnell ward (Conservative)
- Cllr James Gibson, Church Stretton & Craven Arms ward (Conservative)

Cllr Heather Kidd, Chirbury & Worthen ward (Lib Dem)

In October, members of the Partnership will vote one of the Shropshire Council representatives to be a Vice Chair of the Partnership, who will then also sit on the Management Board. (The second Vice Chair post will be elected from the remaining membership, along with the Chair, who will be a non-local authority member).

Members were consulted in June on a proposal made by the Management Board to raise the number of individual member seats from five to seven. No objections were raised to this, and the Partnership is now recommended formally to agree this decision. The membership review (including public advertising for individual member seats) is normally biennial and would be due in 2010. For practical reasons it is preferable to keep all the individual seats in synchrony, and it is therefore proposed to bring the review forward to September 2009. The agreement of existing individual members with this would be appreciated.

The new Terms of Reference are expected to go in the next few months to Cabinet level for approval by both Shropshire Council and Telford & Wrekin Council, and the assistance of lead officer representatives and members with this is gratefully acknowledged.

2. Funding Memorandum of Understanding

Funding arrangements for the AONB Partnership were previously set out in a six year Memorandum of Agreement between the Countryside Agency and the five local authorities. Natural England have now prepared a new template Memorandum, in conjunction with their agreement with the National Association for AONBs outlined in section 4 below. The Management Board considered a draft of our local adaptation of the Memorandum template in April (available at <http://www.shropshirehillsaonb.co.uk/partnership/mgtboard22.4.09.htm>), and lead officer representatives in the two Councils are now pursuing the signing of this. It is notable that the degree of commitment in terms of time period and extent of financial commitment is quite significantly reduced from the last Memorandum.

3. Planning Protocol

The AONB Partnership's Planning Protocol outlines in a signed agreement with the local authorities the role of the AONB Partnership and the authorities themselves in relation to planning affecting the AONB (current version available at http://www.shropshirehillsaonb.co.uk/partnership/documents/PlanningProtocol_001.pdf) With the transition to the unitary Shropshire Council, this requires renewing. The minor necessary changes have been made, and a new draft is now being considered by the authorities. No significant changes in arrangements are proposed, but following a national trend, it is expected to include Natural England as a signatory in the Protocol.

The Protocol outlines that the Partnership's role is to add value to the planning process, principally through input to policy and guidance. It sets out criteria for types of planning applications on which the Partnership will normally respond, either delegated to officers, or through consultation with Partnership members. The ability of the Partnership to take a different view on planning matters to the planning authority is clearly established, and acknowledgement of this is perhaps especially important now that the Partnership is hosted within the Development Services Directorate of Shropshire Council.

4. National agreement between the National Association for AONBs and Natural England.

The National Association for AONBs is a valuable body which provides co-ordination, networking, training and effective lobbying at government level. With two staff it is supported by membership subscription (currently £600 per AONB, though constituent local authorities are encouraged also to join) and some national level grant funding. Further information is available at <http://www.aonb.org.uk>.

By way of setting out a medium term direction for the management of AONBs, Natural England has over the last year or so been developing a national level agreement with the Association. We have had input to this at officer level and through regional meetings for Chairs and Vice Chairs. The text of the recently finalised agreement is provided at Appendix 1, so that members may be aware of the directions sought by Natural England and the Association, and reminded of the important national context of our work.

List of Background Papers

New draft Terms of Reference available at

<http://www.shropshirehillsaonb.co.uk/partnership/partnership.htm>.

Draft funding Memorandum of Understanding available at

<http://www.shropshirehillsaonb.co.uk/partnership/mgtboard22.4.09.htm>

Current Planning Protocol available at

http://www.shropshirehillsaonb.co.uk/partnership/documents/PlanningProtocol_001.pdf

Human Rights Act Appraisal

The information in this report is compatible with the Human Rights Act 1998.

Environmental Appraisal

The recommendation in this paper will contribute to the conservation of protected landscapes.

Risk Management Appraisal

Risk management has been appraised as part of the considerations of this report.

Community / Consultations Appraisal

This is largely an update paper. The documents referred to have been previously discussed by the AONB Partnership or sub-groups and are publicly available. Members have been consulted earlier on the proposed changes to individual seats.

Appendices

Appendix 1 Agreement between the National Association of AONBs and Natural England, May 2009

WORKING TOGETHER FOR AREAS OF OUTSTANDING NATURAL BEAUTY (AONBs)

A NATIONAL AGREEMENT BETWEEN NATURAL ENGLAND AND THE NATIONAL ASSOCIATION FOR AONBs

15% of England is designated as Areas of Outstanding Natural Beauty (AONBs). The purpose of designation is to conserve and enhance the natural beauty of the area. Of equivalent status to National Parks for their outstanding landscape qualities, AONBs bring great benefits to the nation, from conserving and enhancing the landscape and biodiversity and providing opportunities for public enjoyment, to supporting the rural economy and delivering environmental goods and services.

36 separate AONBs have been designated, each with their own governance and management structures, tailored to local circumstances. The majority of AONBs are managed as AONB Partnerships within a local government context. Two (Chilterns and Cotswolds) are managed through Conservation Boards established as independent organisations. The Boards have two purposes: to conserve and enhance the natural beauty of the area, and to increase the understanding and enjoyment of the AONB. They also have a duty to seek to foster the economic and social well-being of the local communities within the AONB. There are a few other variations in AONB governance and purposes.¹

Natural England is a key player and principal funder of AONB Partnerships and Conservation Boards in England. The National Association for AONBs (NAAONB) is an independent organisation that represents the interests of the AONBs. Both organisations are committed to working in partnership with organisations representing the national and international family of IUCN Category V protected landscapes.

This agreement confirms the commitment of Natural England and the NAAONB to support the vital work of AONB Partnerships and Conservation Boards. It sets out a vision of greater independence, security and clarity of delivery priorities.. It represents a new stage in the relationship between Natural England, the NAAONB and AONB Partnerships and Conservation Boards.

Purpose of this Agreement

This agreement:

- presents a shared vision for and commitment to AONB management;
- outlines the contributions of Natural England and the NAAONB to achieve this vision; and
- establishes the basis for locally determined individual Local AONB Memoranda of Understanding.

A shared vision

Natural England and the NAAONB are striving to achieve:

- Greater clarity about, and collaboration in, the achievement of shared objectives
- More independence and autonomy for AONB Partnerships and Conservation Boards (see Annex 1)
- Increased security and flexibility of funding

¹ For example, the South Downs Joint Committee also has in its objectives

1. Raising awareness and promoting quiet informal enjoyment and
2. Promoting sustainable forms of economic and social development

- Greater support for AONBs from others, particularly government agencies and public authorities at all levels
- A better evidence base for future planning, monitoring, reporting, and funding
- Appropriate governance arrangements
- Influential and deliverable Management Plans and Business Plans
- Innovation and the sharing of knowledge and experience, between AONBs and also between countries
- Greater effectiveness and transparency in delivering outcomes
- A Natural England Protected Landscapes Policy Position which reflects a vision for AONBs

Shared beliefs for joint working and governance

Natural England and the NAAONB believe:

- The relationship between Natural England and AONB Partnerships and Conservation Boards should be one of interdependency, based on trust (see Annex 1)
- AONB Partnerships and Conservation Boards should be strongly supported by partners and relevant authorities.²
- Security of funding and flexibility of funding for AONBs will deliver better outcomes.
- We should maximise the synergies between Natural England's Strategic Objectives and the outcomes of AONB Management Plans
- We need a "can do" culture which is not risk-averse but where lessons from novel approaches are encouraged and learnt from, in both success and failure.
- Monitoring of environmental outcomes is essential and needs to be undertaken to develop a sound, spatially-relevant evidence base³,
- Natural England should move to a more strategic, hands off management approach based upon outcomes
- There is a need for diversity and flexibility at the local level, as each AONB's circumstances and development needs vary.
- The statutory requirement to produce AONB Management Plans provides an important opportunity to strengthen partnerships and achieve better outcomes.

We will strive to develop and reflect these principles through our day to day working relationships.

What Natural England will do

Natural England has statutory powers and duties to :

- Provide funding
- Comment on AONB Management Plans
- Act as statutory advisor to Government on monitoring performance/outcomes in AONBs
- Oversee the Duty of Regard to AONB purposes (S85 CRoW Act)

² As defined by S85 of CRoW Act - relevant authority includes government departments, Natural England included, and public sector as well as statutory undertakers

³ This will be established by a joint working group

- Provide policy advice on planning matters in AONBs
- Recommend new AONB designations and make recommendations for amendments to existing boundaries

In this context Natural England will:

- Advocate the value of AONBs and their governance structures nationally, regionally and locally to stakeholders
- Provide annual grant funding within a 3 year financial agreement, with the aspiration of developing this into a 3 year rolling programme of funding
- Adopt a single pot funding approach
- Input positively and promptly to AONB Management Plans to maximise their effectiveness
- Provide support and advice to DEFRA on the appointment of Secretary of State appointees to Conservation Boards
- Undertake performance monitoring of AONBs, using objective indicators of success developed jointly with AONB Partnerships and Conservation Boards and the NAAONB.
- Work with AONB Partnerships and Conservation Boards to develop their evidence base, noting the broad interpretation in statutory guidance of “natural environment” (see Annex 2 for definition of terms) and improve Natural England systems to help with sharing knowledge.
- Capture good practice through case studies and annual reports to promote successful outcomes and shared objectives
- Provide expert advice on the development of AONB Management Plans and business plans
- Work with AONB Partnerships and Conservation Boards as key delivery partners across Natural England’s remit; from Environmental Stewardship, to protected sites and species, to National Trails.

Natural England will develop and agree individual Memoranda of Understanding , with local authorities and other funding partners, and with Conservation Boards, to support the implementation of this national agreement at a local level. These will replace previous Memoranda of Agreement. A template for these agreements, based on this framework, will be produced although it is anticipated that they will be tailored to local circumstances.

What the NAAONB will do

The NAAONB represents the interests of AONBs in England, Wales and Northern Ireland and is an independent body.

The NAAONB will:

- Advocate the case for AONBs nationally to Government and relevant authorities and agencies
- Work with government departments and agencies to strengthen public policy and practice in pursuit of AONB purposes
- Actively encourage innovation amongst AONBs and the collation and sharing of best practice
- Provide technical information and expertise on all matters relating to AONBs
- Identify shared objectives with Natural England on an annual basis and promote their inclusion in AONB management plans and specific work programmes. The annual agreement on shared objectives will be an annex to the Natural England/NAAONB Memorandum of Agreement

- Seek, and share, experience and expertise from overseas from other IUCN Category V protected landscapes

Monitoring and review

This agreement will be monitored and reviewed in the light of an evolving and developing relationship.

Signed

On behalf of the National Association for AONBs

Signed

On behalf of Natural England

Annex 1: Defining an interdependent relationship

We envisage the following being characteristic of an interdependent relationship.

NAAONB and Natural England:

- accept we are still in the development stage with our aspirations
- believe that 3 year funding arrangements and security of funding is a clear manifestation of an interdependent relationship
- recognise the flexibility of funding offered by a single pot contribution is helpful in taking forwards the relationship by developing a balanced work programme
- agree that AONB Partnerships and Conservation Boards more independent of Natural England are a sign of success – and that these might involve more autonomy of management and self reliance
- recognise that diversity of partnership requires diversity of approach
- recognise that development needs within each AONB will be variable; some partnerships may need greater support from Natural England; others need a far lighter touch but possibly high impact when required,
- recognise that Natural England inputs are more strategic and less concerned with detailed process
- recognise speed of travel is variable and there is variable success but success will be supported and rewarded
- see the AONB Management Plan as a key foundation in the relationship, whatever the status and the success of the AONB and its governance structure
- look towards agreed indicators of success and monitored outcomes as a way of measuring performance objectively⁴

All this could be achieved by active and self-sustaining governance structures to which Natural England contributes and trusts to deliver their objectives via the AONB Management Plan.

Annex 2 Explanation of terms from the Natural Environment and Rural Communities Act 2006 (the NERC Act)

Subsection (1) of the NERC Act. The terms “**natural environment**” and “benefit” are not defined but are meant to be broad and encompassing, going wider than the specific purposes listed in subsection (2), so that the natural environment could be found in towns in open spaces as well as in the countryside.

Subsection (2)(a) provides that the **general purpose** includes promoting nature conservation and protecting biodiversity.

“**Nature conservation**” is defined in section 30 as the conservation of flora, fauna or geological or physiographical features.

Subsection (2)(b) sets out a purpose of conserving and enhancing the landscape. This includes, but goes wider than, conserving the **natural beauty of the landscape**. It could for example cover conserving field boundaries (such as hedgerows and dry stone walls), and monuments, buildings and sub-surface archaeological features which contribute to the landscape. Natural England will be able to conserve and enhance the English landscape for aesthetic, cultural and historic purposes as well as those carried out for the purposes of habitat protection.

Subsection (2)(c) and (d) provides that Natural England’s **general purpose** includes securing the provision and improvement of facilities for the study, understanding and enjoyment of the natural environment, as well as encouraging open-air recreation and promoting access to the countryside and open spaces. These purposes are similar to the purposes of the former Countryside Agency and the former English Nature under the National Parks and Access to the Countryside Act 1949 (“the 1949 Act”), the Countryside Act 1968 (“the 1968 Act”) and the Wildlife and Countryside Act 1981 (“the 1981 Act”).

Subsection (2)(e) provides that Natural England’s general purpose includes contributing to social and economic well-being through management of the natural environment.