



<u>Committee and Date</u> Shropshire Hills AONB Partnership 22 nd March 2022	<u>Item</u> 3
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GOVERNMENT RESPONSE TO THE GLOVER REVIEW OF DESIGNATED LANDSCAPES

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Summary

This paper provides members with a draft submission, for comment and approval, to the government's consultation on its response to the Landscapes Review.

Recommendation

The Partnership is recommended to approve the draft Shropshire Hills AONB Partnership submission, subject to comments.

Background

The government's response to the Landscapes Review was published on 15th January 2022. The response looks to enact many of the recommendations of the Landscapes Review, and includes a consultation on certain aspects, focussing on those which will require legislative change. The government's response is on the whole to be welcomed, but there are missed opportunities, and it does not really represent the big step change for AONBs that the Glover Review set out.

The National Association for AONBs has been running theme groups on a number of topics to discuss the response and formulate its position to inform ongoing discussions with Defra. The close relationship of the National Association with Defra is such that its written response to the current consultation, while important, is not the only route of dialogue and influence with Defra. The Partnership is recommended to support the NAAONB position, which centres around Proposal 24 of the Glover Review, which recommended that: '*AONBs be strengthened with new purposes, powers and resources, renamed as National Landscapes*'. A summary of the NAAONB position is set out in relation to five themes linked to this proposal:

Purposes: Extension and revision of AONB purposes to reflect contemporary priorities for AONB, natural beauty with a strengthened link to nature recovery on a landscape scale and the importance of cultural heritage. A second purpose to promote understanding and enjoyment of the area.

Powers: Strengthening the 'duty of regard' linked to strengthening the status of AONB management plan, a formal role in planning and development management.

Resources: A doubling of core funding over this parliament (three years), leading to a dynamic and progressive formula which reflects ambition and future needs.

Governance: Robust minimum governance standards which provide sufficient independence to guarantee the integrity of the designation, dynamic and more representative of the wider UK population.

National Landscapes: Ready to engage in a discussion on renaming where this reflects the step change above.

Together these changes represent a statutory designated landscape, by design, fit for the 21st century – delivering more for climate, nature and people – looking forward, but built on the legacy and learning from 70 years of AONB.

The government consultation is closely structured through the questions asked, but there is an opportunity for general comments at the end, so it is proposed to use the on-line questionnaire rather than submit a freestanding response.

<p>List of Background Papers</p>
<p>Landscapes review (National Parks and AONBs): government response: https://www.gov.uk/government/publications/landscapes-review-national-parks-and-aonbs-government-response.</p>
<p>Human Rights Act Appraisal</p>
<p>The information in this report is compatible with the Human Rights Act 1998.</p>
<p>Environmental Appraisal</p>
<p>The recommendation in this paper will contribute to the conservation of protected landscapes.</p>
<p>Risk Management Appraisal</p>
<p>Risk management has been appraised as part of the considerations of this report.</p>
<p>Community / Consultations Appraisal</p>
<p>The topics raised in this paper have been the subject of earlier consultations with Partnership members.</p>
<p>Appendices</p>
<p>Appendix 1 Draft Shropshire Hills AONB Partnership response to government consultation on the Landscapes Review response</p>

Appendix 1 Draft Shropshire Hills AONB Partnership response to government consultation on the Landscapes Review response (an online questionnaire)

[Qs 1-5 personal details]

Overview

Implementing some aspects of our response to the review will require changes to legislation, subject to securing parliamentary time. We are seeking public views on support for these proposed legislative changes, and their potential effects on different groups and interests. We are also interested to hear any wider views on other aspects of our response to the review.

A stronger mission for nature recovery

6. Should a strengthened first purpose of protected landscapes follow the proposals set out in Chapter 2?

Yes

Please give reasons for your answer:

We support the case for strengthening the purpose to include reference to nature recovery and wildlife/biodiversity. The state of nature and natural processes in our landscapes is such that the more static goal of conserving, even along with enhancing, is no longer adequate. Natural capital is a useful concept but we are unsure about the inclusion of this in statutory purposes.

The statutory purposes have always been for the designation and not just for an AONB organisation (indeed AONB organisations mostly did not appear until several decades after the designations themselves were made). The designation has power and influence beyond the capacity of the 'lead partners' – through duties on public bodies, and expectations of delivery by many partnership members and other parties. The different purposes ascribed to AONB Conservation Boards are an exception to this and apply specifically to the organisation. However the consultation document refers in places to amending purposes for "AONB teams and National Park Authorities" (Stronger mission for nature recovery section). The purposes are more than this – they are for the designation itself and therefore influence the actions of many other parties. We should not diminish the wider power of the designation by focussing solely on AONB organisations. This is an unfortunate consequence of the common shorthand of describing the organisations as 'AONBs', and any move to a National Landscapes terminology should seek to resolve this and enable the organisations to be easily distinguished from the designated area itself.

7. Which other priorities should be reflected in a strengthened first purpose e.g. climate, cultural heritage? Please give us your views

Climate change is acknowledged now as a global emergency and has profound consequences for everything that AONBs seek to protect, and so we support specific reference to climate change in updated purposes. Most actions in support of AONB aims will be entirely compatible with, and contribute to, urgent action to address climate change. There are however some potential conflicts between certain possible climate actions (e.g. some large scale renewable energy installations) and AONB special qualities. The amended wording of a purpose should include some concept of balance of these factors.

Cultural heritage has always been understood to be a key part of landscape, but the word 'landscape' is not used in the purposes and the term 'natural beauty' is often felt to overlook the cultural dimension, so including this explicitly would be good.

Agricultural transition

8. Do you support any of the following options as we develop the role of protected landscapes in the new environmental land management schemes? Tick all that apply.

- ✓ **Designing the environmental land management schemes in a way that works for all farmers and land managers, including the specific circumstances for those in protected landscapes, recognising that farmers in these areas are well-placed to deliver on our environmental priorities.**
- ✓ **Using Local Nature Recovery Strategies to identify projects or habitats within protected landscapes.**
- ✓ **Monitoring the effectiveness and uptake of the new environmental land management schemes in protected landscapes. Using this to inform whether further interventions are needed to ensure we are on track for wider nature recovery ambitions.**
- ✓ **Creating a clear role for protected landscape organisations in the preparation of Local Nature Recovery Strategies. Our recent LNRS consultation specifically asks for views on the role of different organisations in the preparation of LNRSs, including protected landscapes.**
- ✓ **Building on FiPL, empowering protected landscapes to support decision-making and delivery against agreed priorities, including through dedicated project coordinators and advisers.**

[All options supported].

9. Do you have any views or supporting evidence you would like to input as we develop the role of protected landscapes in the new environmental land management schemes?

Please give us your views

Agri-environment schemes have been one of the most important delivery mechanisms of AONB objectives in the past, and we expect ELM to be also in future. Targeting informed by the priorities of AONB Management Plans will help to ensure this. The experience of the Farming in Protected Landscapes programme will be useful in developing the role of protected landscapes in ELM, but it is still relatively early days with this and there is more to learn. We would welcome an ongoing dialogue about this. We have been involved in some Tests & Trials from which there will also be relevant lessons.

A stronger mission for connecting people and places

10. Should AONBs have a second purpose relating to connecting people and places, equivalent to that of National Parks?

Yes

Please give reasons for your answer:

This longstanding anomaly should be resolved – AONBs are just as important to people as National Parks, and most AONB organisations are active in promoting enjoyment and understanding. Including this in purposes would firm up this area of work.

11. Should a strengthened second purpose of protected landscapes follow the proposals set out in Chapter 3 to improve connections to all parts of society with our protected landscapes?

Yes

Please give reasons for your answer:

AONBs should be for everyone. There is a significant issue with under-representation among some parts of society among those enjoying AONBs, and highlighting this specifically in revised purposes will encourage greater action to address this. We support the proposal that the wording of the second purpose should be more up to date and inclusive than the existing 'enjoyment and understanding' purpose of the National Parks.

12. Are there any other priorities that should be reflected in a strengthened second purpose?

Please give us your views

Health and wellbeing are vital benefits from protected landscapes which should be referenced in the purpose in order to ensure they are a focus for action.

Managing visitor pressures

13. Do you support any of the following options to grant National Park Authorities and the Broads Authority greater enforcement powers to manage visitor pressures? Tick all that apply.

Issue Fixed Penalty Notices for byelaw infringements

Make Public Space Protection Orders (PSPOs)

Issue Traffic Regulation Orders (TROs) to control the amount and type of traffic on roads

Please give reasons for your answer:

Question applies to National Parks and the Broads only.

14. Should we give National Park Authorities and the Broads Authority and local highway authorities additional powers to restrict recreational motor vehicle use on unsealed routes?

Yes

Please give reasons for your answer:

15. For which reasons should National Park Authorities, the Broads Authority and local authorities exercise this power? (select all that apply)

✓ Environmental protection

✓ Prevention of damage

✓ Nuisance

✓ Amenity

Other (please state)

Question applies to National Parks and the Broads only.

16. Should we legislate to restrict the use of motor vehicles on unsealed unclassified roads for recreational use, subject to appropriate exemptions?

Yes – everywhere

Yes – in National Parks and Areas of Outstanding Natural Beauty only

Yes – in National Parks only

No

Unsure

Please give reasons for your answer:

The countryside outside protected landscapes also has valued environmental and amenity qualities and is enjoyed and important for recreation. It would be wrong if efforts better to safeguard protected landscapes resulted in increased harm to non-designated areas. Motorised off-road recreation is inherently intrusive in the countryside and often environmentally damaging, and there should be greater controls everywhere on this.

17. What exemptions do you think would be required to protect the rights and enjoyment of other users e.g., residents, businesses etc?

Please give us your views

There may be a case for some exemptions for private interests – we are more focused on public benefits, so other respondents will be better placed to argue the case for exemptions.

The role of AONB teams in planning

18. What roles should AONBs teams play in the plan-making process to achieve better outcomes?

Please give us your views

Good practice for AONB teams in relation to planning has always been to focus on plan-making more than casework. With the limited capacity of AONB teams and the obligation on local authorities themselves to take account of the purposes of designation in determining applications, putting most of the available AONB team effort into plan-making is likely to be more effective. This should certainly include input to policy development, but will often include collaborative work on supporting evidence, and helping to prepare additional guidance beyond the Local Plan itself (e.g. Design Statements). Ensuring the AONB Management Plan has the best possible influence in planning as a 'material consideration' will also be very important. Many local authorities have lost capacity and expertise on landscape in the last 10-15 years and this can result in AONB teams being drawn into work that should be done by the local authorities themselves, and this trend should be guarded against.

19. Should AONB teams be made statutory consultees for development management?

Yes

Please give reasons for your answer:

As studies have shown, AONBs are not in practice adequately protected by the planning system and are repeatedly harmed by inappropriate development despite apparently having the same landscape value and protection as National Parks. Statutory consultee status will not solve this altogether, but is one feasible method to help address this. The additional responsibility would need to be resourced with additional core funding,

and as below in Q20, AONB organisations should be able to agree what categories of application they would be consulted on.

With any legal responsibility, there is a need for clarity about where exactly it sits, and for AONBs this needs careful consideration. The question asks 'should AONB teams be statutory consultees'. AONB staff teams are almost all employed by local authorities and it is hard to see that staff teams within an authority can be a statutory consultee to that authority. The terminology explanation of the document says that 'AONB teams' is taken to mean AONB Conservation Boards and Partnerships (though AONB teams is usually taken to mean staff teams). The Conservation Board structure lends well to being a statutory consultee. However AONB Partnerships in most cases (including ours) are Joint Advisory Committees, which have legal status but are not legal entities. They cannot hold their own finances or contractual obligations and these are therefore held by the host authority. JACs usually are established through Terms of Reference under the Constitutions of the constituent local authorities rather than being constituted bodies themselves. We are not clear if such a structure can be a statutory consultee. Since the statutory consultee role is essentially to offer advice which is what JACs are established to do, this seems compatible, but we have not seen a full examination of the legal issues. If JACs can indeed be statutory consultees, there would certainly be a need for improved governance structure around this role – it would create more power within the JAC and this needs to be accompanied by robust procedures and appointment processes, and including clear schemes of delegation for the involvement of AONB staff teams. The balance of planning input being sought from professional staff or from elected committees needs to be clarified. The requirement for organisational clarity related to statutory consultee status links to our position that AONB governance (see Q21) needs to be strengthened more generally.

20. If yes, what type of planning applications should AONB teams be consulted on?

- ✓ **AONB teams should formally agree with local planning authorities which planning applications should be consulted on.**
- AONB teams should be consulted on all planning applications that require an Environmental Impact Assessment and are categorised as 'major development' as well as Nationally Significant Infrastructure Projects.
- Other (please state)

Local governance

21. Which of the following measures would you support to improve local governance? Tick all that apply.

- Improved training and materials
- Streamlined process for removing underperforming members
- Greater use of advisory panels
- Greater flexibility over the proportion of national, parish and local appointments
- Merit-based criteria for local authority appointments
- Reduced board size
- Secretary of State appointed chair
- Other (please state) **[None of above ticked]**
 - **National minimum standards and expectations for local authority hosting where this remains the model**

- **A viable model (probably as a modernised streamlined version of Conservation Boards) to enable some larger AONB structures to become independent entities**

Please give reasons for your answer:

The bullet points in the question are mainly applicable to National Park Authorities and do not have much applicability to Joint Advisory Committee AONB structures. Neither the Landscapes Review itself or the government response appear really to have grasped the nature and needs of AONB governance. Joint Advisory Committees such as ours can be large but they are advisory bodies and not strictly governance decision bodies. They have more in common with a National Park Partnership than a National Park Authority board. As such the governance debate for AONBs is not just about committees - most of the executive governance roles are held by host local authorities, an arrangement for which there is no longer any national guidance/ standard or any governing document (following demise of the earlier Memorandums with Defra), which can lead to problems. The acute funding pressures local authorities are under means that the assumptions that an authority will in relation to AONB structures and hosting always act in the best interests of the AONB is sadly no longer necessarily true. While the principle of localism and locally relevant approaches is relevant to AONBs, there has been a steady erosion of national standards or guidance and this now needs to be addressed.

We also need a dialogue about an available model for independent AONB structures, based on modernising and streamlining the Conservation Board model. Considerable effort went into establishing this model within the CROW Act 2000, but it has been only used in two areas, with some drawbacks now apparent of its cumbersome nature, and it seems limited appetite from government for further use of the model. The Shropshire Hills AONB Partnership made in 2017 a formal bid to create a Conservation Board, but this proposal was shelved by Defra pending the Landscapes Review. Neither the Review itself nor the government's response however makes any reference to future use of the Conservation Board model or anything similar to replace it. While our local situation has moved on, there remains interest in this possibility both here and elsewhere in the national AONB family, and this option really needs exploring by Defra in consultation with the AONB network.

A clearer role for public bodies

22. Should statutory duties be strengthened so that they are given greater weight when exercising public functions?

Yes

Please give reasons for your answer:

The Section 85 duty has proved to be weak, and wording changes have been recommended which would considerably help in strengthening this duty.

23. Should statutory duties be made clearer with regards to the role of public bodies in preparing and implementing management plans?

Yes

Please give reasons for your answer:

It is a major weakness of the AONB Management Plan that it is a statutory requirement to prepare and review it, but there is no duty at all on implementing it.

General power of competence

Before answering, please see the section titled 'General power of competence' (page 24)
24. Should National Parks Authorities and the Broads Authority have a general power of competence?

Yes No Unsure

Please give reasons for your answer:

Question applies to National Parks and the Broads only.

Overall

25. If you have any further comments on any of the proposals in this document, please include them here.

The government's response to the Landscapes Review is welcomed overall and will take forward many of the Review's recommendations. We support the position of the National Association for AONBs in relation to the government response, and have been actively involved in recent theme-based discussions both within the Association and in some Defra-led workshops. In line with the NAAONB position, we feel the main area not addressed adequately by the government response is resourcing. We understand Defra's positive intention on this and the constraints there clearly are, but this is a crucial factor on which we feel obliged to press further. The other changes being taken forward will in many cases add to the work of small and already stretched AONB teams and organisations, and in absence of extra core resources they merely raise expectations even higher and will leave us even more stretched and thinly spread. We support the NAAONB call for a doubling of core funding over this parliament (three years), leading to a dynamic and progressive funding formula for protected landscapes which reflects ambition and future needs.

We also support the NAAONB position in relation to potential renaming of AONBs as 'National Landscapes'. As part of a broader step change for AONBs and their organisations, this name change could bring benefits, and can set out a visionary and exciting designation for the 21st century. A move to National Landscapes should not be just a superficial rebrand. The common conflation of AONB designated areas and AONB organisations as 'AONBs' frequently causes confusion (e.g. 'influence of the AONB', 'having regard to the AONB', 'contribution of the AONB', even 'funding for the AONB' – all mean very different things when applying to the designated area or the organisation). It also subconsciously blinkers our thinking by unintentionally placing all the onus on AONB teams and organisations, when in fact a key principle of the AONB model is to encourage supporting action by a wide range of organisations and other parties. The rebrand really needs to establish new terminology to resolve this longstanding problem.