

Committee(s)	Dated:
Committee name. Epping Forest and Commons	12/9/2022
Subject: Chilterns and Surrey Hills AONB boundary reviews	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	4, 9, 10, 11, 12
Does this proposal require extra revenue and/or capital spending?	No
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain's Department?	N/A
Report of: Executive Director Environment.	For Decision
Report author: Assistant Director. The Commons.	

Summary

In January 2022, the Department for Food and Rural Affairs (DEFRA) published its response to The Glover Review, 2019 of National Parks (NPs) and Areas of Outstanding Natural Beauty (AONBs), commonly referred to throughout as 'Protected Landscapes'.

In its response DEFRA committed to ensuring that Protected Landscapes *boost biodiversity; recognise their role in delivering Net Zero, protect from flooding; store carbon; help communities adapt to the effects of climate change; improve the quality of people's lives and support rural economies.*

In its Nature Recovery Green paper, the Government have committed to protecting 30% of UK for nature by 2030. Protected Landscapes are the lynch pin to that ambition.

DEFRA's vision for England's NPs and AONBs sits comfortably with many of the outcomes sought by the City Corporation as contained in its Corporate Plan, Climate Action Strategy and the Environment Department's draft strategy for Nature Recovery and Climate Resilience. The vision also meets the general aspirations of the City Corporation's Open Spaces Act, 1878 and supports delivery of the charitable objects to preserve the open space for the recreation and enjoyment of the public.

Natural England (NE) are charged with delivery of DEFRA's programme, via their new 'Landscape Designation' Programme. This includes considering extensions to the boundaries of the Surrey Hills and Chilterns AONBs.

Burnham Beeches National Nature Reserve/Special Area of Conservation (NNR/SAC) and Stoke Common Site of Special Scientific Interest (SSSI) are currently outside of but close to, the current Chilterns AONB boundary. The West Wickham and Coulsdon Commons SSSI's forming the South London Downs

National Nature Reserve are in the London Borough of Corydon outside of but close to, the current boundary of the Surrey Hills AONB. Both may be considered for inclusion within the new AONB boundaries.

Recommendation

Members are asked to:

1. Approve further involvement in the AONB boundary revision consultation process with the current intention being 'inclusion within their boundaries' as follows:
 - a) Burnham Beeches and Stoke Common within an extended Chilterns AONB boundary.
 - b) The Coulsdon Commons within an extended Surrey Hills AONB boundary.

Main Report

Background

1. An Area of Outstanding Natural Beauty (AONB); is an area of countryside in England, Wales, or Northern Ireland that has been designated for conservation due to its significant landscape value. Areas are designated in recognition of their national importance by the relevant public body e.g. for Natural England or equivalent. AONBs enjoy levels of protection from development like those of UK National Parks (NP), but unlike NPs the responsible bodies do not have their own planning powers (although they do comment on planning matters).
2. The idea for what would eventually become the AONB designation was first put forward by John Dower in his 1945 Report to the Government on NPs in England and Wales. Dower suggested there was need for protection of certain naturally beautiful landscapes that were unsuitable as NPs owing to their small size and lack of wildness.
3. The purpose of an AONB designation is to conserve and enhance the natural beauty of the designated landscape. There are two secondary aims: meeting the need for quiet enjoyment of the countryside and having regard for the interests of those who live and work there. To achieve these aims, AONBs rely on planning controls and practical countryside management.
4. There are currently 46 AONBs in Britain (33 wholly in England, four wholly in Wales, one that straddles the Anglo-Welsh border and eight in Northern Ireland). The first AONB was designated in 1956 in the Gower Peninsula, South Wales. The most recently confirmed is the Tamar Valley AONB in 1995.
5. AONBs vary greatly in terms of size, type, and use of land, and whether they are partly or wholly open to the public. The AONBs of England and Wales together cover around 18% of the countryside in the two countries.

Legal status and organisation

6. AONBs in England and Wales were originally created under the same legislation as the National Parks, the National Parks and Access to the Countryside Act 1949. Unlike AONBs, NPs have special legal powers to prevent unsympathetic development. AONBs in general remain the responsibility of their respective local authorities by means of special committees that include members appointed by the minister and by parishes.
7. Only very limited statutory duties were imposed on local authorities within an AONB by the original 1949 Act. However, further regulation and protection of AONBs in England and Wales was added by the Countryside and Rights of Way (CROW) Act 2000, under which new designations are now made and the government stated in paragraph 176 of the National Planning Policy Framework (July 2021) that in considering planning applications, great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs and NPs which have the highest status of protection in relation to these issues.

Current Position

8. The Government commenced consideration of the future of Protected Landscapes in 2018 and continues to the present day as follows:

2019. The Glover Review

9. The Glover Report (**Background Paper 1**) made various recommendations regarding the future of AONB's. It also sets out some general aspirations for Protected Landscapes i.e. a better resourced connected and managed landscape with enhanced biodiversity, education, and volunteering opportunities, whilst ensuring landscapes are protected from harm by over visiting and development. This closely aligns with the City Corporation's aspirations for its rural open space Charities across The Commons.

2022. DEFRA - Landscapes Review (NPs and AONBs policy paper)

10. In this paper the Government confirmed its commitment to many of the Glover reports proposals and states as a general principle:
Integrating protected landscapes (such as AONB's) into the design and development of Local Nature Recovery Strategies and Environmental Land Management Schemes. Alongside boosting biodiversity, improving public access is a priority whilst also stating Equally, where people do not respect our protected landscapes, we will ensure strengthened enforcement powers, address antisocial behaviour and damage. This would more closely align AONBs to the City's local byelaws and use of Public Spaces Protection Orders. The role of Protected Landscapes in achieving net zero carbon emissions are also recognised. **See Background Papers 1 and 2.**
11. **Appendix 1** provides a summary of the main proposals from the Glover Report. Each is followed by a brief description of how the proposal match or otherwise might impact upon the City of London's own strategic vision for its natural environments.

12. Natural England (NE) are charged with delivery of DEFRA's Protected Landscapes, via their new 'Landscape Designation' Programme. This includes considering extensions to the boundaries of the Surrey Hill and Chilterns AONBs. **Background Paper 3.**

Surrey Hills AONB Boundary Review Status

13. The Surrey Hills AONB boundary review commenced early 2022 as a 'call for evidence' at which point the Assistant Director sought Chairman's approval to provide supporting material for the inclusion of the four Coulsdon Commons within the AONB boundary i.e. Coulsdon Commons, Farthing Downs, Kenley Common and Riddlesdown, all of which are included in the recently created South London Downs National Nature Reserve. A Map indicating the current and potential boundaries following the review (the 'possible area of search') is shown as **Map 1.**
14. Natural England's Surrey Hills AONB Boundary Review *Frequently Asked Questions* is attached as **Appendix 2.** The letter received by the MP for Croydon South outlining the opportunities the Surrey Hills AONB present to the area is attached as **Appendix 3.**
15. **Boundary Review Timetable.** Natural England is currently in the process of appointing consultants experienced in this area of work who will assist in undertaking the technical assessment of natural beauty, working with local stakeholders to ensure that we have access to the best available evidence. The following is indicative timescale for each necessary step:
 - **July 2022.** Review all available evidence relevant to the assessment of natural beauty and to the desirability of designation, engaging with stakeholders regarding evidence gathering and consideration of relevant issues; prior to undertaking the technical assessment of natural beauty; determining the desirability of designating any qualifying areas and to identifying proposed revised boundaries.
 - **September – December 2022.** Work continues to consider which of the qualifying areas it is desirable to designate and to draft proposed boundaries to include relevant technical input. By end of November 2022, submission to Natural England Director for approval to undertake statutory and public consultation.
 - **December 2022. Draft Boundaries presented to Board workshop.** Preparation of documentation for statutory and public consultation.
 - **January 2023.** Launch statutory and public consultation to complete by end of March 2023.
 - **May 2023.** Assess responses to statutory and public consultation, by end of month.

- **June 2023.** Draft a paper to seek NE Board approval of a draft Order regarding amending the boundary of an existing AONB and approval to proceed to a formal period of Notice.
 - **July 2023.** Formal period of Notice.
 - **August 2023.** NE Board approval sought for the making and submission of an Order to the Secretary of State varying the boundary of the Surrey Hills AONB.
16. Assuming the above timetable is followed, and Natural England determines that a boundary variation should be made following the technical assessments and statutory consultation, Natural England would expect to submit a variation Order to the Secretary of State for a decision by August 2023. It is not possible to say how long the Secretary of State's decision will take following submission or whether a Public Inquiry would be called.
 17. With the Chairmans approval the Assistant Director met with the Chair and Deputy Chair of the Surrey Hills AONB, at their request, in June 2022. At the meeting, the Chair indicated that the Surrey Hills Board:
 - a. Recognised the beauty and importance of the wooded and downland landscapes across the Coulsdon Commons and the high standards of conservation management and public access delivered by the City Corporation.
 - b. Wished to encourage the City Corporation to continue contributing evidence and comment in support of the inclusion of the Coulsdon Commons within the revised boundary.
 18. The Chair of the Surrey Hills AONB also indicated that the boundary review timetable was making good progress and expressed a desire to meet the Epping Forest Committee in pursuance of the above.

Chilterns AONB Boundary Review Status

19. In 2021 the local MP for Beaconsfield speculatively contacted the Assistant Director to ascertain any previous involvement the City may have had in discussions to include the area to the South of Beaconsfield in the recently announced proposal to extend the Chilterns AONB.
20. The Assistant Director informed that he and other local officers had last liaised with the Chilterns AONB Conservancy Board in 2013 and had met on site at that time to evaluate landscape quality issues. These meetings generally concluded that the Burnham Beeches and Stoke Common area to the south of Beaconsfield and westwards towards Marlow bounded by the Thames, was of sufficient quality to merit inclusion within the AONB should a review of its boundary ever be carried out.
21. In 2018 the Chilterns AONB drew up an independent case for a boundary review of the AONB. **Appendix 4.** Whilst the 2018 boundary review suggested that part of South Buckinghamshire be included within the AONB (covering both

Burnham Beeches and Stoke Common), AONB Officers have since confirmed that the Conservancy Board is being careful not to suggest a favoured option at the present time.

22. The Government's 2022 review sits independently of the above and does not appear to be progressing at the same pace as for the Surrey Hills AONB. No timetable is presently available however, it might be assumed that the process will be like that currently being pursued by Surrey Hills AONB albeit running to a set of later dates.

Proposal

23. It is proposed that the City Corporation supports the inclusion of its properties in London Borough of Croydon, Surrey and Buckinghamshire, within the boundary extension proposals for the Surrey Hills and Chilterns AONBs, as and when the respective consultation programmes require.
24. The Government's aims for its Protected Landscapes, including AONB's, supports the following Corporate strategies, aims and outcomes:
- a) Corporate Climate Action Strategy.
 - b) Corporate Plan ***Shape Outstanding Environments.***

We have clean air, land and water and a thriving and sustainable natural environment.

Our spaces are secure, resilient, and well maintained.

- c) Environment Department's Draft Strategic Vision for Nature Recovery and Climate Resilience. **Appendix 5.**
- d) Open Spaces Act, 1878. *The duty to preserve the natural aspect, keep all Commons, commonable land and open spaces unbuilt upon for the recreation and enjoyment of the public.*
- e) Provides further protection/influence within planning law. This would be particularly beneficial for the LBC/Surrey sites as they are currently the most vulnerable to the impact of housing and other development.
- f) Potentially improved opportunities for grants to support the work of the Coulsdon Commons and Burnham Beeches & Stoke Common Charities.
- g) Clearer links with neighbouring landowners to facilitate sympathetic management of land around the City's properties across The Commons.
- h) Enhanced reputation – AONB inclusion reflects the regional and national importance of The Commons.
- i) Clearer alignment with the Government Policy and its ambition for England's natural environment.
- j) Members may consider that E-I above represent the best interest of the West Wickham and Burnham Beeches & Stoke Common Charities.

Option 1. Members approve further involvement in the boundary revision consultation processes for the Surrey hills and Chilterns AONBs with the current intention being inclusion within their boundaries. **Recommended.**

Option 2. Members approve further involvement in the consultation process and considers its position and responses as progress is made along NE's timetable

Option 3. Members do not approve further involvement in the consultation process. **Not recommended.**

25. **Option 1** is the recommended approach; however, Officers recognise that members may wish to take a more cautious approach.

Implications - See also Appendix 3 and Background Paper 1.

26. There will be some short-term costs, mainly Officer time, associated with pursuance of the favoured option i.e. additional reliance on grants and work associated with applications. These can be accommodated within existing local risk budgets. The Government's Spending Review 2021, announced a new target to leverage at least £500,000 a year for nature's recovery by 2027 and more than £1 billion a year by 2030. Inclusion within AONBs may allow the City Corporations natural environment charities improved access to these additional funds.
27. No additional long-term costs are anticipated should the sites be included in either or both AONBs. Inclusion may offer greater opportunities for external funding in support of both charities' aims and objectives. This new 'joined up, bigger, better' style of landscape management is likely to require a new strategic mindset. DEFRA are restructuring their grant schemes to support and encourage such strategic thinking so long-term inclusion within the AONBs should prove to be cost neutral.
28. No loss of direct or indirect management control is foreseen nor threat to the recently agreed management plans for the sites under consideration.
29. Planning Comment contributions to the AONB - The Commons has limited resources to make further comment than present concerning planning applications concerning the protection of its Charitable sites. Much of that expertise currently sits with the Assistant Director and will be lost on his retirement. However, the Environment Department now houses the City's planning section so expert resources could be re-aligned.

Charity implications.

30. Burnham Beeches & Stoke Common and the Coulsdon Commons are registered charities (numbers, 232987 and 232989 respectively). Charity Law obliges Members to ensure that the decisions they take in relation to the Charity must be taken in the best interests of the Charity.

Conclusion

31. DEFRA are currently exploring plans to expand the boundaries of the Surrey Hills and Chilterns AONBs.
32. It is possible that the Coulsdon Commons and Burnham Beeches & Stoke Common could be included within the new boundaries
33. Both AONBs appear keen to expand their boundaries to include the City's open spaces in LBC/Surrey and Buckinghamshire
34. With the Chairman and Executive Directors approval, the Assistant Director has held early discussions with both AONB Boards and submitted early evidence in support.
35. This report seeks further involvement in the AONB boundary revision consultation processes with the current intention being inclusion within their boundaries.

Appendices

- Appendix 1. Main Glover Report proposals and potential impact on The Commons.
- Appendix 2. Natural England 'FAQ' re Surrey Hills AONB Boundary Review.
- Appendix 3. Member of Parliament, Croydon South, letter to Ass't Director.
- Appendix 4. Chilterns 2018 Reviewing the Boundary of the Chilterns AONB.
- Appendix 5. Draft Nature Recovery and Climate Resilience Strategy.
- Map 1. Surrey Hills AONB Possible Area of Search.

Background Papers

1. **Government's response to the Glover Report January 2022.**
<https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwizpeHp-Mr5AhXPIFwKHUPeCyAQFnoECBYQAQ&url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fpublications%2Flandscapes-review-national-parks-and-aonbs-government-response&usq=AOvVaw1rr5sUulAxclBMhss3soJQ>
2. **England Trees Action Plan.**
<https://www.gov.uk/government/publications/england-trees-action-plan-2021-to-2024>
3. **Natural England 'Landscape Designation Programme' announcement.**
<https://www.gov.uk/government/news/natural-england-announces-landmark-new-programme-for-protected-landscapes>

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