

Frequently Asked Questions at September 2021

Surrey Hills Area of Outstanding Natural Beauty Boundary Review Project



Introduction

It is Natural England's statutory responsibility to designate National Parks and AONBs.

In July 2021 Natural England announced a new programme for landscape, working with stakeholders, communities and government. This includes determining four proposals for either new AONBs, or extensions to existing AONBs. One of these is to consider a proposal for an extension to the Surrey Hills AONB. This project is now underway.

The purpose of this Frequently Asked Questions document is help inform about AONBs and the Surrey Hills AONB in particular; the designations process and Natural England's role; as well as some of the implications for any area that is designated as an AONB.

1. Background

Q. What is an AONB?

A. An [Area of Outstanding Natural Beauty](#) (AONB) is land protected by the Countryside and Rights of Way (CROW) Act 2000. Section 82(1) of the CROW Act defines an AONB as "an area which appears to Natural England to be of such outstanding natural beauty that it is desirable that the protective provisions of Part IV of the Act should apply to it for the purpose of conserving and enhancing the area's natural beauty." There are currently 34 [AONBs in England](#).

The Surrey Hills AONB was first designated in 1958 under legislative provisions originally set out in the National Parks and Access to the Countryside Act 1949 (<https://www.surreyhill.org>).

Q. Who makes decisions with regard to new landscape designations?

A. Natural England has a discretionary power under S.82 of the CROW Act, to designate Areas of Outstanding Natural Beauty (AONB) or to vary the boundary of an existing AONB by a subsequent Order (a variation Order).

Q. What is Natural England's remit?

A. Natural England is the government's independent adviser on the natural environment, with special responsibilities for creating National Parks and Areas of Outstanding Natural Beauty and reviewing their boundaries. We also have a wide range of other responsibilities for the natural environment. More information about our work is at www.gov.uk/government/organisations/natural-england.

Q. Who makes the final decision?

A. It is Natural England's responsibility to decide whether to designate an area as AONB. Any decision will be made by Natural England's Board, having considered the evidence and

the results of the statutory consultation. The Orders do not take effect however unless and until they are confirmed by the Secretary of State (Defra), after the draft legal Orders have been placed on deposit. The Secretary of State has the power call a Public Inquiry if minded to do so.

Q. How does Natural England decide which areas should be designated as AONBs?

A. In deciding whether to designate an AONB, or to vary an existing AONB boundary, Natural England must first consider whether the land has outstanding natural beauty and then whether designation is desirable for the purpose of conserving and enhancing the area's natural beauty. This decision requires Natural England to address three broad questions:

1. Does the landscape have sufficient natural beauty to be considered outstanding?
2. Is it desirable for the purpose set out above, to designate this landscape as AONB?
3. Where should the boundary be drawn?

Q. How is the Surrey Hills AONB managed?

A. The management of the Surrey Hills is overseen by the Surrey Hills AONB Board as an independent partnership that leads on the preparation, monitoring and review of the AONB Management Plan on behalf of its constituent bodies and other partner organisations. The AONB Board also plays a leading role in developing an image and sense of identity for the Surrey Hills AONB, and developing and supporting initiatives that implement the AONB Management Plan policies.

The work of the AONB Board is achieved through the Surrey Hills AONB Unit taking forward a range of initiatives that promote the special character of the Surrey Hills, establish partnerships, secure funding, ensure implementation and monitor effectiveness. In recognition that the Surrey Hills AONB is a nationally important landscape, 75% of the Unit's core costs are funded by central government through DEFRA with 25% of core costs from the six local authorities to reflect their statutory responsibilities towards the AONB.

2. Review of the boundary Surrey Hills AONB

Q. What areas are currently within the Surrey hills AONB?

A. The Surrey Hills AONB stretches across Surrey's North Downs, from Farnham in the west to Oxted in the east of the county. It also includes the Greensand Hills which rise in Haslemere and stretch eastwards to Leith Hill, the highest point in Southern England.
www.surreyhills.org

Q. Why is the boundary of the Surrey Hills AONB being reviewed

A. The Surrey Hills AONB partnership has long considered that the AONB should be extended into adjacent areas that are locally designated as an Area of Great Landscape Value (AGLV). Representations to this effect have been made to Natural England and predecessor bodies over a number of years.

Q. Why is this work starting now?

A. George Eustice, Secretary of State (Defra), made a Written Ministerial Statement on the 24th June 2021 which included reference to Natural England taking forward the government's commitment to designate additional protected landscapes with specific reference considering the designation of the following four new areas.

- Yorkshire Wolds AONB
- Cheshire Sandstone Ridge AONB
- An extension to the Surrey Hills AONB
- An extension to the Chilterns AONB

This followed the publication of the government commission Landscapes Review, in September 2019 (the 'Glover Review').

Q. What are the next steps and expected timescales?

A. 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 a summary of the practical steps to be followed in order to fulfil the legislative requirements (with indicative timescales for each):

- Review all available evidence relevant to the assessment of natural beauty and to the desirability of designation, engaging with stakeholders with regard to 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 **by end of July 2022**
- Informal consultation on any proposals to extend the Surrey Hills AONB and revision of proposals as required following the informal consultation **by end of November 2022**
- Papers draft prior to submission to NE Board for approval for the assessments of whether Natural England should vary the boundary of the existing Surrey Hills AONB and approval to undertake a statutory and public consultation: **by end of December 2022**
- Preparation of documentation for and subsequent undertaking of the statutory consultation: **by end of March 2023**
- Review responses to the statutory consultation prior to drafting a paper to seek NE Board approval of a draft Order with regard to amending the boundary of an existing AONB and approval to proceed to a formal period of Notice: **By end of June 2023**
- Formal period of Notice: **July 2023**
- NE Board approval sought for the making and submission of an Order to the Secretary of State (Defra) varying the boundary of the Surrey hills AONB: **by end of August 2023**

Q. When is the boundary review expected to be completed?

A. Assuming the above timetable is followed and the Natural England Board 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 will be called.

Q. How will local people be able to engage?

A. Natural England will work collaboratively with local partners to ensure there are good engagement opportunities throughout the process. This could include opportunities to contribute to evidence gathering as well as through informal consultation.

Q Could the review result in the designated area being reduced?

A. No. Natural England is only considering whether there are further areas that might have potential to be designated as extensions to the existing area designated as Surrey Hills AONB.

3. The Designation Process in more detail

Q. How does Natural England go about fulfilling this statutory responsibility?

A. Natural England has produced a guidance document which sets out how we evaluate natural beauty as well as the desirability of designation and the criteria we use to identify detailed boundaries: {[hopefully this can be linked on S Hills website](#)}

Q. How is the assessment of Natural Beauty undertaken?

A. Once an area has been selected for consideration for designation, it will be considered in detail, using the guidance referred to above. This guidance explains how Natural England normally expects to apply the statutory designation criteria in practice when assessing landscapes for designation.

Natural beauty is not exhaustively defined in the legislation. It is also a very subjective characteristic of a landscape and ultimately involves a value judgment. In deciding whether an area has natural beauty, Natural England must therefore make a judgment as to whether people are likely to perceive a landscape as having sufficient natural beauty.

In order to make these judgments (some of which are subjective) in a transparent and consistent way, the Guidance sets out which criteria Natural England intends to use. These include landscape and scenic quality, relative wildness, relative tranquillity and Natural and cultural heritage features

Q. How does Natural England decide whether it is desirable to designate land as an AONB?

A. It is an important principle in designation however just because an area is assessed as meeting the natural beauty criterion, it does not mean that it will necessarily be designated. Natural England must also deem it to be **desirable** to designate it.

Factors that are considered with regard to the 'desirability' of designation (for any area which satisfies the AONB technical 'natural Beauty' criterion include:

- Is there an area which satisfies AONB technical 'natural Beauty' criterion?
- Is the area of such significance that the AONB purpose should apply to it?
- What are the issues affecting the area's special qualities and understanding and enjoyment?
- Can AONB purposes be best pursued through the management mechanisms, powers and duties which come with National Park or AONB designation?
- Are there other relevant factors which tend to suggest whether it is or is not desirable to designate the area?

The more closely that any issue raised, relates to the statutory purpose (the conservation and enhancement of natural beauty), then the greater its relevance and importance.

Q. How does Natural England identify new boundaries for areas that are assessed as being desirable to propose as extensions to the AONB?

A. If Natural England decides that an area has sufficient natural beauty and that it is it desirable to designate, the last step prior to statutory consultation is to identify a possible suitable detailed boundary. Landscape and scenic quality rarely change suddenly and one of the criteria states that where there is an area of transition in landscape or scenic quality, a boundary should be drawn towards the high quality end of the area of transition, to include areas of high quality land and exclude areas of lesser quality. In other words the boundary should be drawn conservatively.

Q. Who are the statutory consultees?

A. The CROW Act requires that Natural England undertakes a statutory Local Authority consultation prior to reaching a final decision but in practice Natural England will open this consultation to anyone with an interest in the project.

4. The Implications of Designation

Q. What will change as a result of designation as an AONB?

- A.** The provisions of the Countryside & Rights of Way Act will immediately apply i.e.:
- S84 (4) specifically provides for a local authority whose area consists of or includes the whole or any part of an Area of Outstanding Natural Beauty to have the 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 area.
 - S85(1) confers a General Duty to have regard to the purpose of AONB designation as follows: "In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty."
 - S85(2) defines 'relevant authorities' for these purposes as encompassing any Minister of the Crown, any public body, any, statutory undertaker and any person holding public office.

- S89 (2) places a duty on relevant local authorities to prepare and publish a plan which formulates their policy for the management of the AONB and for the carrying out of their functions in relation to it with a further duty to review the plan at "intervals of not more than five years". An AONB Management Plan sets out the policy for the management of an AONB and includes an action plan for carrying out activity in support of the purpose of designation. The Management Plan plays an important role in supporting and co-ordinating the action of the organisations that make up the AONB Partnership, including setting the work programme of the AONB team.

Q. What are the wider implications if designation goes ahead?

A. Any areas that become a part of the Surrey Hills AONB will have the benefit of the national status that designation brings and the statutory protection this provides. They will be fully reflected in future AONB Management Plans and benefit from the resources and skills of the AONB Management Unit. There are no changes to access rights over and above those that already exist.

Q. How will AONB designation affect planning?

A. All planning decisions will continue to be made by the existing local planning authorities, in line with the National Planning Policy Framework which provides the highest level of planning protection for AONBs and any specific local development plan policies.

In an AONB, great weight would be given to conserving and enhancing landscape and scenic beauty, the scale and extent of development would be likely to be limited and planning permission refused for major development unless in exceptional circumstances where it is in the public interest. Some Permitted Development Rights are however withdrawn, requiring affected proposals to be subject to the full planning application process.

Q. How will designation affect landowners and other land managers?

A. Ownership of land remains unchanged within an AONB, and there is no restriction on how land can be farmed. There is also no impact on public payments to farmers.

Q. How will designation affect nature conservation?

A. The natural beauty of an AONB encompasses both its natural and cultural heritage features. Future management of the area will thus seek to ensure that the internationally important wildlife and habitats that are so intrinsic to its natural beauty, are conserved and enhanced. The integrated management approach taken by the AONB Partnership will also assist with the management of any potential conflicts which may arise between wildlife and recreation.