

Committee(s): Epping Forest and Commons Committee – For decision	Dated: 28 November 2024
Subject: Surrey Hills AONB Boundary Extension Proposals – 2 nd Consultation	Public
This proposal a) delivers Corporate Plan 2024-29 outcomes (see list below) a. Flourishing Public Spaces b. Leading Sustainable Environment	
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	£ N/A
What is the source of Funding?	
Has this Funding Source been agreed with the Chamberlain’s Department?	N/A
Report of: Katie Stewart, Executive Director, Environment Department	For Decision
Report author: Geoff Sinclair, Superintendent Burnham Beeches and The Commons	

Summary

On the 18 May 2023 your committee agreed to support the inclusion of part of Farthing Downs in the proposed extension of the Surrey Hills National Landscape (SHNL) that was being consulted on by Natural England (NE). Following this first stage consultation on the 17 September 2024 NE confirmed that it would recommend the adoption of Farthing Downs within the extended SHNL. In a second stage consultation NE has also proposed the inclusion of two further areas of land held by the City Corporation, Woodplace Farm Field and New Hill, adjacent to Farthing Downs in the extension proposals for the SHNL. It is proposed that the City Corporation supports NE’s recommendation to include Woodplace Farm Field and New Hill in the SHNL with a closing date for comments being the 10 December 2024.

Recommendation(s)

Members are asked to:

- Support the inclusion of Woodplace Farm Field and New Hill in the proposed Happy Valley extension to the Surrey Hills AONB (Option 2);
- Delegate authority to the Executive Director Environment to respond to Natural England’s consultation process on the proposed extension of the Surrey Hills AONB.

Main Report

Background

1. On the 13 October 2022 it was reported to your committee that the Department for Food and Rural Affairs (DEFRA) had proposed reviewing the boundary to the Surrey Hills and Chilterns Areas of Outstanding Natural Beauty (AONB).
2. Your committee agreed the recommendation to: 'Approve further involvement in the AONB boundary revision consultation process with the current intention being 'inclusion within their boundaries' as follows:
 - Burnham Beeches and Stoke Common within an extended Chilterns AONB boundary.
 - The Coulsdon Commons within an extended Surrey Hills AONB boundary.
3. On the 7 March 2023 Natural England launched a first consultation on the proposed boundary extensions for the Surrey Hills AONB, which is now referred to as the Surrey Hills National Landscape. They identified eighteen proposed extension areas, one of which, known as the 'Happy Valley Extension', included a significant proportion of land at Farthing Downs, which is held by the Coulsdon and other Commons charity. At this time, Coulsdon Commons, Kenley Common and Riddlesdown were not considered to have met the natural beauty criterion required for inclusion in the SHNL.
4. On the 18 May 2023 your committee agreed to '*support the inclusion of part of Farthing Downs in the proposed Happy Valley extension to the Surrey Hills AONB*' and a response to NE's first stage SHNL extension consultation was submitted confirming your committee's views.
5. NE reported back on the first stage SHNL extension consultation on the 17th September 2024. As a consequence of a number of modifications having been made to the original proposal, a second consultation on the proposed amendments is being undertaken (extracts of which are provided at Appendix 1). The closing date for comments concerning the proposed amendments is the 10th December 2024.
6. National Landscapes, described as AONBs in the relevant legislation, are designated for the purpose of conserving and enhancing their natural beauty. NE is responsible for considering which areas in England meet the criterion for inclusion within an AONB, and whether to proceed with their designation. Under section 82(1) of the Countryside and Rights of Way Act 2000 (CRoWA), NE has the power to designate land as a AONB. Section 83(7) of CRoWA gives NE the power to vary the boundaries of an existing AONB.
7. NE can designate an area as an AONB where it is satisfied that it has such natural beauty that its designation is desirable for the conservation and enhancement of its natural beauty. The Natural Environment and Rural Communities Act 2006 clarified that the wildlife and cultural heritage of an area, as well as its natural features, can contribute to the natural beauty of landscapes.

8. To designate an area as AONB NE sets out to answer three questions:
- Does the landscape have outstanding natural beauty?
 - Is it desirable to designate this landscape as an AONB for the conservation and enhancement of its natural beauty?
 - Where should the boundary be drawn?
9. The key impacts of designation as an AONB are:
- to provide powers for local planning authorities to take appropriate action to conserve and enhance the natural beauty of AONBs;
 - to place a duty on public bodies to have regard to the purpose of enhancing and conserving the natural beauty of the AONB;
 - it enables the Secretary of State to establish conservation boards, which have statutory duties including in respect of the protection of the countryside and avoidance of pollution and in connection with the conservation and enhancement of the natural beauty of AONBs and public understanding and enjoyment of AONBs.
 - it places a statutory duty on local authorities, including joint committees, and any relevant conservation boards to prepare and publish plans which formulates their policies for the management of the AONB and for the carrying out of their functions in relation to it.
10. This report outlines how the proposed extension of the SHNL boundaries could impact Woodplace Farm Field and New Hill. It also makes recommendations for responding to the further consultation.

Current Position

11. NE reported back on the first stage consultation on the extension of the SHNL on the 17 September 2024. As a consequence of a number of modifications made to the original SHNL extension proposal, NE are undertaking a second consultation on the proposed amendments. This second consultation has a deadline of 10th December 2024 for comments.
12. The inclusion of part of Farthing Downs in the Happy Valley Extension to the SHNL, as supported by your committee, has been confirmed by NE following the first consultation. Two further areas held by the City Corporation that form part of Farthing Downs (or are managed in complement to it), but which were not included in the first stage consultation as proposed extensions, have subsequently been included in the amended proposal (Appendix 1). These two further areas are Woodplace Farm Fields, and New Hill.
13. Woodplace Farm Fields is open space dedicated under the Corporation of London (Open Spaces) Act 1878 ("1878 Act"). It was purchased from the London Borough of Croydon in 2005, with strong community support and finance. It is shown as Area 8 on the map provided at Appendix 2. NE considered that Woodplace Farm Fields was suitable for inclusion in the Happy Valley extension to the SHNL due to the unity of these fields with Farthing Downs, forming a 'single uninterrupted sweep of landscape' forming 'part of the rolling hill landscape'.

14. New Hill was acquired by the City Corporation in 2002 and is shown as Area 9 on the map provided at Appendix 2. NE considered that the rising slopes of these fields are part of the scenic composition of Happy Valley when seen from Farthing Downs. While the development along Chaldon Way does intrude on the landscape it is nonetheless set down in the landscape and the low impact is such that the area was considered to meet the Natural Beauty Assessment standard to be included in the SHNL. The proposed SHNL boundary on the east follows an internal footpath and not the COLC ownership boundary (Area 9 on Appendix 2).
15. It is noted that the majority (29 hectares) of the New Hill site is open space dedicated under the 1878 Act. However, in relation to the area proposed for designation within an AONB by NE, there is one paddock, Stables Field, which was not included in the open space dedication. At the time New Hill was acquired, it was agreed that Stables Field should not be dedicated as open space so that public access could be restricted, and it could be used to assist in managing grazing operations at Coulsdon and other Commons. As a result, public access is restricted and Stables Field is used, for example, when livestock need to be removed from more sensitive parts of the Commons or temporarily kept away from the public. Stables Field is shown on the plan included at Appendix 2 as the area labelled "Proposed AONB (no public access)".

Options

16. Option 1: To object to the inclusion of Woodplace Farm Field and New Hill in the amended proposed Happy Valley extension to the SHNL. The proposal follows significant local consultation and technical assessment by Natural England. Not including the land in the SHNL could reduce future opportunities for landscape scale working and funding opportunities under the AONB would be lost. It would avoid the impact of any additional planning requirements under the SHNL. The City Corporation's management of the two areas is in line with best practice and additional costs arising from the proposal are thought to be minimal and within the bounds of normal operating practice. **Not recommended.**
17. Option 2: To support the inclusion of Woodplace Farm Field and New Hill in the proposed Happy Valley extension to the SHNL. The proposal follows significant local consultation and technical assessment by Natural England and is in line with the previous EFCC agreement that inclusion in the SHNL is the Committee's initial intention. Inclusion in the SHNL would help to progress greater landscape scale working and provide additional funding opportunities through the AONB. There is the potential of increased and potentially adverse visitor pressure and additional planning requirements that come with being in an AONB which may impact some decisions. Management costs are not expected to be impacted in any significant way. **Recommended.**

Proposals

- 18.** As reported to your Committee on 13th October 2022 (Page 48 Para 24) the Government's aims for its protected landscapes, including AONBs, supports key City Corporation strategies and outcomes in this area.

Key Data

Corporate & Strategic Implications

Strategic implications –

- 19.** The aim of this work is in line with the Lawton Report's (2010) thesis of 'bigger, better and more joined up' and theme 2 of the Natural Environment Board's strategy 'to increase the resilience of our open spaces within a wider interconnected natural landscape'. Being part of the SHNL will open up funding and partnership opportunities that will support the delivering of the Corporate Plan outcomes of 'Flourishing Public Spaces' and 'Leading Sustainable Environment'.

Financial implications

- 20.** Short-term costs are expected to be mainly officer time, associated with progressing the favoured option and will be fully contained within existing local risk resources. No additional long-term costs are anticipated should Woodplace Farm Field and New Hill be included in the SHNL. Inclusion within the AONB may allow the City Corporation improved access to additional Government/external funding.

Resource implications

- 21.** None

Legal implications

- 22.** The provisions of CRoWA (including those summarised at paragraph 9) will apply upon Natural England effecting the designation by issuing the relevant notice and the designation being confirmed by the Secretary of State. Following designation, the Surrey Hills AONB Board ('the Board'), a joint committee formed of representatives of the relevant local authorities of the area as well as landowners, land managers and other special interest groups, has the statutory duty of preparing a management plan for the SHNL, as well as the more general duty of promoting conservation and preservation of the natural beauty of the area. While these duties are largely fulfilled by working in cooperation with local landowners, the Board does hold certain powers over the land within the AONB.
- 23.** The Board's powers include the ability to apply for an access order, as detailed in s65 of the National Parks and Access to the Countryside Act 1949, which grants the public a right of access over the land, and can also include provisions such as requiring the improvement or repair of existing access routes, or the construction of new routes over the land. However, access orders need to be granted by a Minister, and appear to be a mechanism of last resort, used only when public access is not otherwise provided. Given that the 1878 Act requires public access for recreation and enjoyment to be provided over the majority of the area proposed for dedication within the AONB, and that the relatively small area of non-publicly accessible space is operationally important for grazing activities, the

risk of such an order every being justifiable, or applied for, is considered to be very low.

- 24.** While decisions on applications for planning or development consent in AONBs are for the local planning authority or Secretary of State, local planning authorities must have regard to the purpose of conserving and enhancing the natural beauty of AONB's in exercising their functions (including in deciding planning applications). This statutory duty to consider the wider preservation of the natural beauty of the area as a whole provides further protection for Woodplace Farm Field and New Hill, such as from the impact of housing and other development. For completeness, it's noted that this duty would also apply to any future development on the non-open space land held by the City Corporation within the AONB (such as Stables Field). However, it's noted that the land at New Hill (including Stables Field) was purchased for purposes which included assisting with the provision of grazing capacity for the livestock required to manage Farthing Downs and the other Commons; and to help buffer Farthing Downs from unsympathetic development. Designation as an AONB is consistent with those purposes.
- 25.** The Natural Environment Charities Review is in the process of considering issues around how land at Farthing Downs is held. Should any further committee authority be required in relation to the non-open space land, that will be sought as appropriate.

Charity Implications

- 26.** Farthing Downs is part of the Coulsdon and other Commons registered charity (232989). Charity Law obliges Members to ensure that the decisions they take in relation to the Charity are in the best interests of the Charity.

Risk implications

- 27.** None

Equalities implications

- 28.** None

Climate implications

- 29.** Clearer links with neighbouring landowners will help to facilitate sympathetic management of Farthing Downs at the landscape scale further promoting opportunities for improved climate resilience of sensitive habitats and species.

Security implications

- 30.** None

Conclusion

- 31.** Following a first stage consultation on proposed extensions to the SHNL Natural England have published a further, second stage, consultation proposals on possible additional extensions proposed for SHNL.

- 32.** The second stage proposals confirm that part of Farthing Downs, as supported by your Committee, is to be included in the extended NL. Two further areas held by the City of London Corporation, Woodplace Farm Fields and New Hill, which were not included in the first stage consultation, are proposed as additional extensions to the SHNL.
- 33.** Minimal additional costs are envisaged from the two areas being included in the SHNL. There are resourcing and landscape scale site management opportunities potentially arising from being in the SHNL.
- 34.** It is recommended that the City Corporation supports the inclusion of Woodplace Farm Fields and New Hill in the proposed extended AONB boundary.

Appendices

Appendix 1 – Woodplace Farm Field and New Hill, Extract from Natural England's landscape analysis table for the Happy Valley Extension

Appendix 2: Map One Proposed Extension Areas

Background Papers

- Chilterns and Surrey Hills AONB boundary reviews, Report to the Epping Forest and Commons Committee, 12th September 2022.
- Surrey Hills AONB Boundary Extension Proposals, Report to the Epping Forest and Commons Committee, 18th May 2023

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