

**TELFORD & WREKIN COUNCIL****CABINET – 13 OCTOBER 2016****SHROPSHIRE HILLS AREA OF OUTSTANDING NATURAL BEAUTY (AONB) –  
PROPOSAL FOR THE CREATION OF AN INDEPENDENT CONSERVATION BOARD****REPORT OF ASSISTANT DIRECTOR: BUSINESS, DEVELOPMENT & EMPLOYMENT****LEAD CABINET MEMBER – CLLR RICHARD OVERTON****PART A) – SUMMARY REPORT****1. SUMMARY OF MAIN PROPOSALS**

- 1.1 The Shropshire Hills Area of Outstanding Natural Beauty (AONB) is a national designation under the National Parks and Access to the Countryside Act (1949, as amended) which puts a number of statutory duties on local authorities within the designated AONB area.
- 1.2 The Shropshire Hills AONB is largely within Shropshire Council's (SC) administrative area with a small area (0.6%) of the AONB sitting within Telford & Wrekin including the Wrekin Site of Special Scientific Interest (SSSI) and surrounding land. The AONB is an important element of the Borough's greenspace including the iconic Wrekin, central to the Borough's reputation as a 'green' town and a major attraction for residents and visitors alike.
- 1.3 The Report seeks Cabinet approval to formally support a proposal by the Shropshire Hills AONB Partnership, of which TWC is a member, to move to a new structure based on the establishment of an independent Conservation Board. A parallel Report to Shropshire Council's Cabinet will seek their endorsement of the same proposal.
- 1.4 This independent structure would allow the Shropshire Hills AONB Partnership to attract additional grant funding and to explore further opportunities to become financially sustainable in the long term. As an independent body it would also give the Partnership greater identity and potential to lobby for investment. A detailed business case has been prepared by the Partnership and is set out in Appendix 1.
- 1.5 Assuming the proposal is supported by both Councils and recommendation is made to DEFRA to move to an independent structure - the AONB Partnership will run a wide ranging public engagement across the whole of the designated area to seek input from communities and businesses which are not currently engaged in the existing AONB Partnership. It is anticipated that this engagement, along with input from the two local authorities, the existing partnership and in light of formal advice from DEFRA, will shape the vision and scope of the Conservation Board.

## 2. RECOMMENDATIONS

It is recommended that Cabinet:

**2.1 Support the proposal to create a Conservation Board as a new structure for the management of the Shropshire Hills Area of Outstanding Natural Beauty; and**

**2.2 Agree that Telford & Wrekin Council will write jointly with Shropshire Council to Defra, requesting that Defra draft the Parliamentary Order required under the Countryside & Rights of Way Act (2000) for the creation of a Conservation Board to manage the Shropshire Hills Area of Outstanding Natural Beauty; and**

**2.3 Delegate authority to the Assistant Director: Business, Development & Employment (and any officer authorised in writing by that Assistant Director) to exercise all of the Council's powers regarding the creation of a Conservation Board to manage the Shropshire Hills Area of Outstanding Natural Beauty.**

## 3. SUMMARY IMPACT ASSESSMENT

<b>COMMUNITY IMPACT</b>	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	Ensuring the ongoing sustainability of the Shropshire Hills AONB contributes to several priorities, including: -ensure that neighbourhoods are safe, clean and well maintained -improve the health and wellbeing of our communities and address health inequalities Throughout the AONB there is active community involvement
	Will the proposals impact on specific groups of people?	
	Yes	The Shropshire Hills AONB is a beneficial resource to people who live and visit the area, is a considerable tourist destination and contains the Wrekin which is easily accessible to the people of Wellington and Telford.
<b>TARGET COMPLETION/DELIVERY DATE</b>	Target date for establishment of the Conservation Board is 2018. This target has been set by Shropshire Council in relation to their scheduled reduction in contributions to the AONB partnership. Shropshire Council and Telford & Wrekin Council to have written jointly to Defra asking for the Statutory Instrument by December 2016.	
<b>FINANCIAL/VALUE FOR MONEY IMPACT</b>	Yes/No	The service area holds a budget of £2,634, paid annually to Shropshire Council. This is representative of Telford & Wrekin Council's AONB area equating to 0.6%. It should be noted that there is an anticipated temporary cash flow shortfall in the Partnership

		<p>Business Case of £17k in 2018/19 (identified appendix 1, section 9). Shropshire Council holds AONB Partnership reserves and it is anticipated Shropshire Council will transfer these reserves to the Conservation Board. It is anticipated these will be used to; bank roll the anticipated temporary cash flow deficit; cover potential redundancy liabilities and used as a source of match funding. AEM 15/09/16.</p>
<b>LEGAL ISSUES</b>	Yes	<p>The Countryside and Rights of Way Act 2000 provides for the creation by the Secretary of State of Conservation Boards for the management of AONBs. The Secretary of State can, by statutory instrument, make an order for the establishment of a Conservation Board.</p> <p>If made, the Order will make provision for the constitution, membership and administration of the Board. It will also clarify the functions which may be exercised by the Board concurrently with the local authorities. The Board would be responsible for the production of the AONB Management Plan. In the exercise of its functions, the Board must have regard to the conservation and enhancement of the natural beauty of the AONB and increasing the understanding and enjoyment by the public of the AONB.</p> <p>The arrangements under the Establishment Order cannot be changed without a formal amendment to the Order. (IR:09/09/16)</p>
<b>OTHER IMPACTS, RISKS &amp; OPPORTUNITIES</b>	Yes	<p>The creation of an independent AONB Conservation Board requires joint working from the two relevant local authorities: Telford &amp; Wrekin and Shropshire Councils. The Council's must write formally to Defra supporting the proposed creation of a Conservation Board and requesting that Defra draft the Parliamentary Order under the Countryside &amp; Rights of Way Act (2000) which allows creation of a Conservation Board. The Order then must pass through the parliamentary process before the Conservation Board becomes a Statutory Body in its own right. There are uncertainties in terms of timescales relating to the parliamentary aspects of the process.</p> <p>The AONB designation enhances the natural environment of the Borough and contributes to the overall attractiveness of the Borough and will support the local business and visitor economy and support community health and wellbeing.</p>
<b>IMPACT ON SPECIFIC WARDS</b>	Yes	<p>The impact of a landscape scale designation like an AONB is considerably wider than the physical land</p>

		<p>which it covers in terms of visual and landscape impacts and benefits to local businesses, visitor economy and health and wellbeing.</p> <p>The part of the AONB within Telford &amp; Wrekin is within Wrockwardine Ward and Cllr Jacqui Seymour has established links within the AONB Partnership. Cllr Chris Turley (ward member for The Nedge) represents TWC on the AONB Partnership and is representing TWC on the Transition Board.</p>
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## **PART B) – ADDITIONAL INFORMATION**

### **4. INFORMATION**

#### **Current AONB Partnership Structure**

- 4.1 The Shropshire Hills Area of Outstanding Natural Beauty (AONB) is a national designation under the National Parks and Access to the Countryside Act (1949, as amended) which places a number of statutory duties on local authorities within the designated AONB area. The AONB designation has a defined purpose to ‘conserve and enhance natural beauty.’
- 4.2 The Shropshire Hills AONB is largely within Shropshire Council’s (SC) administrative area with a small area (0.6%) of the AONB sitting within Telford & Wrekin Council’s (TWC) administrative area and covering the Wrekin Site of Special Scientific Interest (SSSI) and surrounding land. The proportion of the AONB in Telford & Wrekin may be small but it includes one of Telford’s iconic features (The Wrekin) and forms the Wrekin Strategic Landscape within the new Telford & Wrekin Local Plan (Submission version).
- 4.3 Telford & Wrekin Council has a statutory duty to undertake the production and review of a Management Plan for the AONB alongside Shropshire Council. The Management Plan is produced by the AONB Partnership and is then formally endorsed by both Councils. The current Management Plan runs from 2014 – 2019 and is available at: <http://www.shropshirehillsaonb.co.uk/a-special-place/management-plan/>
- 4.4 TWC is represented on the Partnership by Cllr Chris Turley supported by Officers. TWC makes a financial contribution to the management of the AONB which currently stands at £2,694 annually.

#### **Current AONB Partnership Activity in the borough**

- 4.5 The AONB Partnership engages in AONB Management Planning, advocacy, funding of on the ground activities through the Conservation Fund, tourism and promotion work across the whole AONB area. Those activities benefit the borough, support the visitor economy, health and wellbeing of residents, supports engagement with landowners and delivers investment in to the Borough’s economy.

- 4.6 The AONB Manage also chairs the Wrekin Forest Partnership which works directly with landowners and conservation bodies around the Wrekin and has been instrumental in the production of the Wrekin Forest Plan. The Wrekin Forest Plan has assisted Shropshire Wildlife Trust in applying for Heritage Lottery Funding (HLF) for a Wrekin Forest Landscape Partnership Scheme directly focussed on the Wrekin and surrounding land, its ecology and heritage and on engaging difficult to reach communities within the borough. If successful, this HLF scheme would deliver significant funding into the borough.

### **The proposal**

- 4.7 The Shropshire Hills AONB Partnership is seeking to move to a new structure which would be independent of the two local authorities and which would not require a Host Organisation - a role which Shropshire Council currently fulfills.
- 4.8 In June 2016 the AONB Partnership approved a motion to work towards establishing an independent AONB Conservation Board structure as the preferred independent structure and has produced a detailed business case.
- 4.9 Should the local authorities approve the proposal, via their respective Cabinets, then the two authorities would then jointly write to Defra on behalf of the AONB Partnership to ask that Defra draft the Statutory Instrument which is required in order to establish an AONB Conservation Board.

### **Background to the current proposal**

- 4.10 The proposal for the new independent management structure has been triggered by Shropshire Council bringing forward proposals to reduce their investment into the AONB. This was set to impact on the delivery of their host obligations and would have affected the spending of the Defra funding (£186,416 for 2016/17) which is secured to deliver the AONB Management Plan but is drawn down by the Host Organisation.
- 4.11 The AONB Partnership has negotiated with Shropshire Council over the proposed changes and the two organisations have broadly agreed that the AONB Manager post would be amended to reduce the risk to the post and in the light of Shropshire's need to reduce spend the AONB Partnership will take on more back office and support services and work with the Council over the medium term to review further, partner contributions. Shropshire Council has agreed to continue on as host organisation for a period of two years while the Partnership seeks to establish an independent management structure.
- 4.12 Shropshire Council has proposed a reduction in funding to £25,000 in 2018/19 and discussions are ongoing as to its long term contributions to the AONB partnership. Shropshire Council has recognised the need to continue to contribute financially to the management of the AONB in order to support the long term sustainability of an independent AONB structure.

- 4.13 Telford & Wrekin Council are not seeking to reduce their existing financial contribution or support for the AONB. Officers and Elected Members have met with Shropshire Council regarding the proposals and regularly attend the AONB Partnership meetings. In the light of the benefits to the AONB from the independent status, particularly in accessing sustainable funding, broad support has been given to date, to explore all the options for alternative management structures.

### **Establishing a Conservation Board**

- 4.14 A Conservation Board is established by a Parliamentary Order under the Countryside & Rights of Way Act (2000). If supported through the parliamentary process then the Conservation Board becomes a Statutory Body in its own right which is responsible for protecting the purpose of the AONB and is responsible for the production and delivery of the AONB Management Plan. The Conservation Board can also claim the Defra funding directly rather than relying on a Host Organisation to do so.

### **Representation**

- 4.15 The make up of a Conservation Board is set out in national guidance. The balance of organisations represented on the Conservation Board, and their proportions, is set out in the national guidance to avoid potential for a single interest to become too significantly represented on the board. A Conservation Board is required to be made up of at least 40% local authority representatives, at least 20% Town/Parish Council representatives with the remainder being appointed by the Secretary of State.
- 4.16 It is proposed that the Shropshire Hills Conservation Board would be a simple, streamlined and efficient structure with a relatively small executive Board of 10-14 members. The appointments and administrative processes for this would be simple, while providing strong involvement of the two local authorities and an optimum size for decision making.
- 4.17 The current AONB Partnership contains 41 member organisations and acts as an advisory group. The proposed Conservation Board structure would be simpler for decision making but would remain supported by a wider partnership which has expressed strong interest in continued involvement in AONB activities.

### **Ongoing Local Authority Involvement**

- 4.18 Although the local authorities would no longer have the Statutory Duty to protecting the purpose of the AONB under the Conservation Board model they are left with a 'duty of regard,' under Section 85 of the CROW Act, the Conservation Board requires their support to function since the proportions of representation are set out in the guidance accompanying the Act. Local authority funding would remain a valuable resource in delivering the AONB Management Plan and local authorities are expected, under the national guidance, to contribute financially.

### **Other Options**

4.19 A Conservation Board is not the only independent structure option available. Other potential models include an AONB Trust or a suitable charity structure. At present these options do not appear to provide the sustainability and stability which the Conservation Board structure offers but should this route prove unachievable then the AONB Partnership will give further consideration to the other available options.

### **Establishing a Transition Board**

4.20 At the AONB Partnership meeting on 14<sup>th</sup> June 2016 the Partnership agreed the creation of a Transition Board to facilitate the work to explore options and, with the Local Authorities endorsement and DEFRA approval, the transition from the current Joint Advisory Committee structure to the eventual Conservation Board.

4.21 The Transition Board also has a responsibility for ensuring that the 'day-to-day' work of the AONB Partnership continues while any transition occurs.

4.22 The AONB Partnership has sought nominations to the Transition Board from within the existing Partnership. A number of current Partnership members including Cllr Chris Turley, Shropshire Councillors, a Parish Council representative and the current chair and vice chair have agreed to sit on the Transition Board.

## **5 NEXT STEPS**

5.1 If both Council's Cabinets approve the proposals then the local authorities will need to write jointly and formally to Defra requesting that the Parliamentary Order be produced and progressed through Government and would then work with Defra to support and progress the formal process for the creation of the Conservation Board. Shropshire Council Cabinet meets to consider the proposal on 19<sup>th</sup> October 2016.

## **6 IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

### **Benefits**

6.1 An independent structure can provide the AONB with a more defined, independent voice which can be used to lobby on planning matters and other issues core to the AONB and in effective grant funding applications. An independent structure can receive the Defra grant funding directly, can claim the funding in advance and receives a slight increase in Defra contributions compared to a hosted structure. An independent AONB management structure removes the AONB from a local authority Host Organisation and removes the structure from the risk associated with ongoing reductions in budgets and funding.

### **Risks**

6.2 There are risks associated with a Conservation Board structure which stem from the need for the organisation to be able to carry out its own banking and to be financially

independent. The Conservation Board does not have the borrowing power associated with a local authority Host Organisation and may have to work harder to ensure that the flow of income and expenditure can be coordinated.

### **Concurrent Powers**

- 6.3 The Conservation Board Establishment Order would be likely to include a list of powers under various acts which would be retained concurrently by both the local authorities and the Conservation Board. In both the Chilterns and the Cotswold Establishment Orders these include powers in relation to commons, bylaws, establishment of country parks, waymarking, protection of ancient monuments etc. It is anticipated that Defra will advise in detail which powers should be held concurrently between the local authorities and the Conservation Board during the drafting of the Establishment Order and on how those concurrent powers would be exercised.

## **7 PREVIOUS MINUTES**

Approval of the AONB Management Plan 2014 – 2019 – CAB 20th February 2014 Minutes and associated report to Cabinet.

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