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## Area of Outstanding Natural Beauty Board (Surrey Hills Board)

22<sup>nd</sup> June 2021

### SURREY HILLS AONB BOUNDARY REVIEW

#### **Purpose of the report:**

This is to provide the AONB Board with a report on the progress, tasks and next steps in Natural England's project to review the boundary of the Surrey Hills AONB

#### **Recommendations:**

It is recommended that:

The Surrey Hills AONB Board note and support the progress made so far and the proposed next steps in developing a collaborative approach between Natural England and the Surrey Hills AONB team in planning the boundary review.

#### **Introduction:**

Natural England Board confirmed its approval to start a project to assess possible extensions to the boundary of the Surrey Hills AONB at its meeting of 5<sup>th</sup> May along with a programme of other landscape measures elsewhere. Having recently received budget approval from our Finance Director, we have now started the procurement process for a suitably qualified and experienced landscape consultancy to support the project. We expect to announce Natural England Board's decision publicly during the second week of June and to begin the work soon after that.

Since the start of the year and in anticipation of the Board's decision, Natural England and Surrey Hills AONB officers along with the AONB Board Chairman have been working to develop a collaborative approach with an emphasis on a comprehensive review of the boundary, undertaken as efficiently and quickly as possible whilst encouraging significant local stakeholder engagement in the process. In doing so, we will continue to

ensure that any proposed boundary amendments are fully justified under the relevant legislation.

## **The Task**

1. Section 82(1) of the Countryside and Rights of Way Act 2000 states “Where it appears to Natural England that an area which is in England but not in a National Park is of such outstanding natural beauty that it is desirable that the provisions of this Part relating to areas designated under this section should apply to it, Natural England may, for the purpose of conserving and enhancing the natural beauty of the area, by order designate the area for the purposes of this Part as an area of outstanding natural beauty”.

2. Section 83(7) states that “an order under Section 82 may be revoked or varied by a subsequent order under that section”. This provides the statutory basis for Natural England’s decision with regard to determining whether an Order varying the boundary of the Surrey Hills AONB should be submitted to the Secretary of State for confirmation.

3. The steps we take to give practical effect to this legislation are set out in our “Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty in England” document. In following these steps, however, we are keen to identify opportunities to enable the process to be more collaborative, engaging and streamlined than in previous designations and this is our aim for the Surrey Hills AONB designation project. In summary the three questions that must be addressed for any area proposed as an extension to the AONB are:

- Does this 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?

4. Once these questions have been addressed and if areas are considered to merit inclusion as extensions to the existing AONB, the CRoW Act then requires Natural England to consult any County and District Councils affected by the proposed boundary variations. In previous designation projects going back many years, the statutory consultation has also been extended to allow everyone with an interest in the proposed extensions to respond by undertaking a full public consultation. It is also our intention to extend the consultation in this way for this project.

5. Following any statutory and public consultation it will be for the Natural England Board to determine whether a boundary variation Order should be drafted. This would then be subject to a 28 day Notice period prior to submission to the Secretary of State (EFRA) for confirmation. The Notice period allows anyone who wishes to do so to make representations to Natural England, objecting to, supportive of, or proposing amendments to the Order, and stating the grounds on which they are made. Natural England is then required to analyse all representations made and amend the proposals if

necessary, before making (signing and sealing) the legal Order and submitting it to the Secretary of State.

### **Initial activity in advance of the formal start of the project**

6. In planning for this work, Natural England officers and Surrey Hills AONB colleagues have co-designed an improved engagement process. Collaboration underpins these improvements. This includes partnership in project governance and planning for facilitated engagement with stakeholders, participatory evidence gathering and clear messaging to communities to support greater understanding and transparency. We will also test the use of new technologies, for example participatory GIS web apps to support evidence gathering.

7. Initial activity has involved:

**7.1 Development of collaborative governance arrangements:** a Surrey Hills Management Advisory Group (MAG) has been established and has been actively engaged in the initial planning of the project. The Terms of Reference of the MAG is at Annex 1.

**7.2 Development of a collaborative approach:** the approach that we expect to follow to ensure that full use is made of constructive engagement with the MAG and TAG is set out at Annex 2. This approach has been endorsed by the Natural England Board for testing through this designation project.

**7.3 An initial training workshop:** an event was organised for members of the MAG as a basis for developing a common understanding of the steps required in the designation process.

**7.4 Initial planning for the establishment of a Technical Advisory Group (TAG):** the intention is to bring together key stakeholders with an interest in the AONB and relevant technical expertise in order to support the delivery of the proposed Surrey Hills AONB boundary variation. Members of the TAG will be expected to provide technical advice and assistance to the project team and act as a sounding board and quality assurance group at key stages of the project. The Terms of Reference of the TAG is at Annex 3.

**7.5 Development of a specification for the landscape consultancy procurement:** in summary we will be seeking consultants who will combine innovative approaches to stakeholder engagement in the process of evidence gathering with a high level of expertise in the evaluation of natural beauty. This is alongside other tasks that will support decisions regarding the desirability of extending areas considered to have outstanding natural beauty into the existing AONB and in identifying potential new boundaries which would be subject to formal consultation. The specification has been shared with the MAG for comment.

### **Conclusions:**

8. Section 82(1) of the Countryside and Rights of Way (CROW) Act 2000 bestows on Natural England statutory responsibility for the designation of land as an AONB. In summary, this states that Natural England can designate an area in England as an AONB if it is satisfied that it has such natural beauty

that its designation is desirable for the conservation and enhancement of its natural beauty. Section 83(7) of the same Act gives Natural England the power to vary the boundaries of existing AONBs.

9. In developing a collaborative approach to the review of the Surrey Hills AONB boundary, we intend to work very closely with our AONB partners in project governance and to prioritise facilitated engagement with stakeholders (including Parish Councils), to develop participatory evidence gathering and to ensure that there is clear communication with communities to support greater understanding and transparency.

10. We also intend to test and apply the use of new technologies, for example participatory GIS web apps to support evidence gathering as for example currently in use in a project to create a new National Nature Reserve at Wigan and Pennington Flashes in the North West of England.

### **Financial and value for money implications**

11. Natural England is responsible for the consultancy and other costs associated with this project.

### **Equalities and Diversity Implications**

12. An Equality Impact Assessment (EIA) will be undertaken.

### **Risk Management Implications**

13. A risk register will be developed and reviewed as part of the detailed planning and implementation of the project. A risk that is important to highlight at this stage of the project is the possibility of being unable to appoint consultants due to cost, poor value for money or poor quality. In this circumstance, mitigation would be explored through considering the scope for flexibility in resource availability and reconsideration of tasks as set out in the contract specification.

<b>Next steps:</b>
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14. The next steps for the project are to

**14.1 Agree an Area of Search:** the next step is for a decision to be taken about the extent of the area to be subjected to detailed assessment for designation. This exercise will include reviewing the detailed Designation Histories for the surrounding AONBs, local plan policies and their supporting evidence base and any other documentation which identifies local areas as having high value for landscape (ie greater than that accorded to surrounding areas); in order to identify an Area of Search for agreement by the MAG. This will aim to ensure that consensus is reached about which areas have most potential for designation and to ensure subsequent evidence gathering and assessment is targeted at areas where there is likely to be evidence of high landscape value, as well as manageable and cost effective. The intention is

for Natural England officers to work together with the Technical Advisory Group to identify the proposed Area of Search.

**14.2 Identify relevant evidence sources:** In order for Natural England to determine that an Order extending the Surrey Hills AONB should be made, the Board must have sufficient evidence that only those parts of the Area of Search which are both of outstanding natural beauty and are determined to be desirable to designate for their conservation and enhancement are proposed. Once a specific Area of Search has been agreed by the MAG, the process of gathering evidence relevant to this area can begin while the contract procurement for the full assessment is underway.

14.3 A wide range of relevant information needs collating ready for the consultants to review along with data for a range of relevant mapping. Some examples of relevant documentation held locally will include all Landscape Character Assessments covering the Area of Search, Designation Histories for local AONBs, extant assessments of natural beauty, local authority Local Plan Documents, natural and cultural heritage designation citations and local Planning Inspectorate Decisions relevant to landscape quality and value. Relevant data, some of which will be held locally, will include solid and drift geology, digital terrain modelling, national and local natural and cultural heritage designations, reserves and sites and relevant local heritage, history and tourism Guides.

14.4 Our aim is to have developed a comprehensive evidence base specific to an agreed Area of Search ready for consultants to start detailed assessment, in collaboration with local stakeholders, immediately following their appointment.

**14.5 Complete the procurement process for a landscape consultancy** Contracts to engage consultancies funded by Natural England are now procured via a central Defra Commercial Group. Advice we have received is that this must be through an open market tender and that we must allow four months for the process to be completed. We can therefore expect the consultancy to be operational from the beginning of September.

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**Sources/background papers:**

- Section 82(1) and 83(7) of the Countryside and Rights of Way Act 2000
- Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty in England (link: [Guidance](#))

## Annex 1

### **Management and Advisory Group for Surrey Hills AONB boundary variation**

#### *Terms of Reference*

**Role: The group brings together representatives from Natural England and SH AONB Board to support a collaborative and effective approach to delivering the proposed variation to Surrey Hills AONB.**

#### **Purpose of group:**

- To assist NE in the assessment and determination of a proposed boundary variation to Surrey Hills AONB
- To foster a collaborative and effective process
- To develop and share understanding, learning, views and progress on potential improvements to the designation process
- To communicate to wider stakeholders and communities

#### **Objectives**

To achieve this, the group will:

- Provide a partner management group to secure progress
- Consider joint partner messaging on progress
- Support the work of the Technical Group to assist in securing:
  - Evidence in support of assessments
  - An identified area of search
  - Technical assessments including for natural beauty and desirability
  - Identification of possible new boundaries
  - Local engagement & consultations
- Appraise need for and secure resources

#### **Membership:**

NE Area Manager (Chair)  
NE Project Manager  
NE Technical Advisers  
NE Principal Adviser  
Chair of Technical Group  
AONB Chair  
AONB Director  
AONB Planning Adviser  
+ Others to be involved as agreed on specific agenda items.

The consultant will attend and advise as and when necessary

**Secretariat:**

The secretariat for this group will be provided by Natural England

**Frequency of Meetings:**

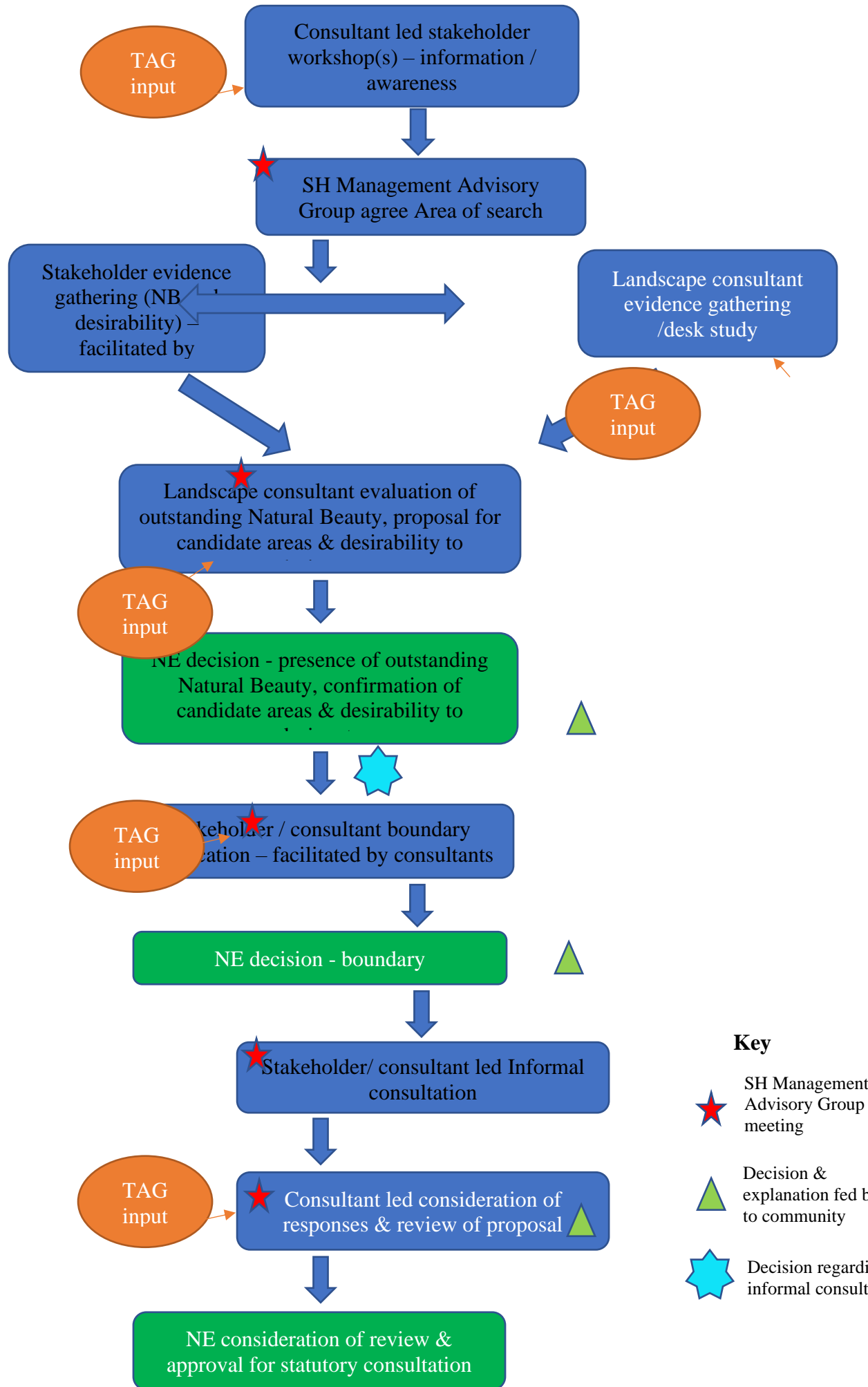
The group will initially meet monthly to be reviewed as project progresses.

**Engagement:**




Members of the Liaison Group will:

- Act as positive ambassadors for the collaborative process
- Act as links to constituent bodies, ensuring good flow of information and issues.
- Contribute to the purpose and objectives of the group through solution focused dialogue
- Build on their existing skills and knowledge to improve their own and others' understanding and knowledge of landscape designation
- Consider and treat information and views shared in confidence to further effective joint working
- Act without prejudice to views subsequently expressed by member organisations.

**Annex 2: An agreed collaborative approach for designation**



**Key**

-  SH Management Advisory Group meeting
-  Decision & explanation fed back to community
-  Decision regarding informal consultation



## **Annex 3.**

### **Technical Advisory Group for Surrey Hills AONB boundary variation**

#### **Terms of Reference**

**Role:** The group brings together key partners from across the AONB who have technical expertise that will support the delivery of the proposed Surrey Hills AONB boundary variation.

#### **Purpose of group:**

- To provide technical advice and assistance to the project team
- To act as a sounding board and quality assurance group for the proposals as they develop.

#### **Objectives**

- To advise and assist through the provision of expertise and relevant evidence with regard to:
  - the assessment of natural beauty;
  - the desirability of designation; and
  - the identification of boundaries.
- To provide signposting to relevant up to date data, documents and other information, as required; providing details of relevant initiatives/ issues in the area.
- To advise on database of local stakeholders.
- To contribute to the development of an inclusive, best practice approach to the informal and statutory consultations on the assessments of natural beauty and desirability of designation and on proposed boundaries.

#### **Membership:**

The membership will include Natural England, the Surrey Hills Planning Officers Working Group (OWG) and the consultants

The group will co-opt advisers as required in pursuance of the objectives.

#### **Frequency of Meetings:**

The group will initially meet monthly or as required, to be reviewed 6 monthly.