

Executive

COTSWOLDS AREA OF OUTSTANDING NATURAL BEAUTY MANAGEMENT PLAN 2008-2013

6 July 2009

Report of Head of Planning and Affordable Housing

PURPOSE OF REPORT

To consider whether to endorse the Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan as supplementary guidance.

This report is public

Recommendations

The Executive is recommended:

- 1) To endorse the Cotswolds AONB Management Plan as supplementary guidance as allowed by the provisions of paragraph 6.3 of Planning Policy Statement PPS12.

Executive Summary

Introduction

- 1.1 This report considers a request from the Cotswolds Conservation Board to the Council to endorse the Cotswolds AONB Management Plan as supplementary guidance under the provisions of Section 6.3 of PPS12.
- 1.2 The report summarises the background to the request and the content of the management plan, and highlights those policies of most relevance to this Council. None of the policies in the management plan are likely to conflict with the existing policies contained in the Council's local plans or those to be developed under the LDF, as the Board and the Council have shared objectives in relation to the protection and enhancement of the AONB. Endorsement of the Plan would enable reference to be made to the Plan's policies and objectives in planning application decisions, and assist in demonstrating that the Council is meeting its obligations under the Countryside and Rights of Way Act 2000 and complying with Policy C3 in the South East Plan.

Proposals

- 1.3 To endorse the Cotswolds AONB Management Plan as requested by the Cotswolds Conservation Board.

Conclusion

- 1.4 To endorse the Cotswold AONB Management Plan as supplementary guidance.

Background Information

- 2.1 The Cotswolds Conservation Board (the Board) formally adopted the Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2008-2013 (the Plan) on 27th March 2008, and the Plan was published on 28th April 2008. The Board is a statutory body created as a result of the Countryside and Rights of Way Act (CROW) 2000 and established in 2004. This Council is represented on the Board by Councillor Reynolds. The main aims of the Board are to conserve and enhance the natural beauty of the AONB, and to increase understanding and enjoyment of the special qualities of the AONB ensuring that these complement the conservation and enhancement of the AONB. The Plan sets out a vision for the management of the AONB, together with the Board's aims and objectives over the five year period.
- 2.2 Paragraph 6.3 of the Government's Planning Policy Statement PPS12 allows for the preparation of supplementary guidance to assist the delivery of development by bodies such as the Board, where this would provide economies in production, and avoid duplication (for example where the guidance would apply to areas greater than single districts). The PPS states that such guidance would not be a supplementary planning document, but indicates that if the guidance has been subject to consultation and sustainability appraisal (where necessary) it might be afforded equivalent weight to an SPD in decision making. The PPS indicates that this may be more likely if the supplementary guidance has been endorsed by the Councils to which it relates.
- 2.3 The Board has therefore formally requested that this Council, together with others within the Cotswolds AONB, endorses the Plan as supplementary guidance under the provisions of Section 6.3 of PPS12.
- 2.4 In support of the request, the Board considers that the Plan meets the criteria set out in paragraph 6.3 of PPS12. It indicates that during the preparation of the Plan, a Strategic Environmental Assessment (as required by the SEA Regulations 2004) and an Appropriate Assessment (as required by the Conservation (Natural Habitats etc) (Amendment) (England and Wales) Regulations 2006) have been undertaken. The Plan was also the subject of extensive consultation.
- 2.5 The Board also indicates that the Plan is an amplification of Policy C3 of the South East Plan. The South East Plan acknowledges the importance of AONB Management Plans in identifying priorities and approaches to effective management in AONBs, and Policy C3 indicates that Local Planning Authorities should have regard to the Management Plan in drafting Local Development Documents.

Content of the Plan

- 2.6 The Plan sets out the Board's vision for the AONB for the next 25 years. The introductory section looks at external forces for change which will impact on the AONB, identified as climate change, globalisation on land use, and pressures from development, changing lifestyles and transportation. The next two sections on Conserving and Enhancing, and Understanding and Enjoyment reflect the two main aims of the Board. Each section contains a

set of associated objectives, policies, actions and tasks. The objectives and policies are intended to be taken up by organisations and individuals involved in managing the AONB whilst the actions and tasks set out how the Board will pursue the objectives, sometimes in partnership with others. The final section on implementation, monitoring and evaluation indicates that implementation of the Plan will require the support and involvement of a range of organisations, and will be monitored by the Board by reviewing progress and reporting in its Annual Review.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 Only a small part of Cherwell District, around the village of Epwell, is included in the Cotswolds AONB, as indicated on the plan attached at Appendix 1. The area of AONB straddles the boundary of Sibford and Wroxton Wards.
- 3.2 Under Section 85 of the Countryside and Rights of Way (CROW) Act 2000 all relevant authorities, including District Councils, have to have regard to the purpose of conserving and enhancing the natural beauty of an AONB “in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty”.
- 3.3 The Department for Environment, Food and Rural Affairs (Defra) advises (Defra 2005) that AONB Management Plans can provide a useful mechanism for securing relevant authorities’ active involvement in the management of the AONB and demonstrating their compliance with the duties set out in the CROW Act.
- 3.4 In addition the South East Plan indicates that Local Planning Authorities should have regard to AONB Management Plans in drafting Local Development Documents.
- 3.5 The reason for the Board requesting the Council’s endorsement of the Plan is to ensure that its vision, objectives and policies are reflected in the strategies, plans and action plans of local authorities. A list of the policies is attached at Appendix 2, with those of most relevance to this Council highlighted in bold.
- 3.6 The Council’s Adopted Cherwell Local Plan 1996 and the Non-Statutory Cherwell Local Plan 2011 both contain policies to protect and enhance the AONB (Policies C12 and EN33 respectively), consistent with the aims of the Board. It is likely that the Local Developed Framework will also contain a policy relating to the AONB. None of the policies outlined by the Board in its Plan are likely to conflict with the existing policies contained in the Council’s local plans or those to be developed under the LDF, as the Board and the Council have shared objectives in relation to the protection and enhancement of the AONB. Endorsement of the Plan would enable reference to be made to the Plan’s policies and objectives in planning application decisions within the AONB. As such there would seem to be no reason to refuse the Board’s request to endorse the management plan as supplementary guidance, and its endorsement would assist the Council in meeting its obligations under Section 85 of the CROW Act and Policy C3 of the South East Plan.
- 3.7 The Plan indicates the Board’s intention to prepare a three year rolling Business Plan and recognises the need to secure partners’ agreement to activities, targets, responsibilities and resource allocations outlined in the

Business Plan to ensure commitment to Plan tasks that require their involvement. However at this stage there are no financial/resource implications for the Council.

The following options have been identified. The approach in the recommendations is believed to be the best way forward for the reasons outlined under paragraph 3.5 above.

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| Option One | To endorse the Cotswolds AONB Management Plan as supplementary guidance |
| Option Two | To not endorse the Cotswolds AONB Management as supplementary guidance |

Consultations

Development Control and Major Developments No comments

Rural Development and Countryside Manager No comments

Implications

Financial: There are no financial effects arising from this report.
Comments checked by Eric Meadows, Service Accountant 01295 221552

Legal: Section 85 of the Countryside and Rights of Way Act 2000 indicates that “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.” A “relevant authority” includes district councils. Endorsement of the Plan could assist in demonstrating the Council’s compliance with this duty.
Comments checked by Nigel Bell, Solicitor 01295 221687

Risk Management: No issues arising from this report
Comments checked by Rosemary Watts, Risk Management and Insurance Officer 01295 221566

Wards Affected

Sibford, Wroxton

Corporate Plan Themes

Theme 6: Protect and enhance the local environment
Theme 8: Rural perspective

Executive Portfolio

Councillor Michael Gibbard
Portfolio Holder for Planning, Housing and Economy

Document Information

References

Defra, 2005 *Duties on relevant authorities to have regard to the purposes of National Parks, AONBs and the Norfolk and Suffolk Broads- Guidance Note*

Appendix No	Title
Appendix 1	Map of Cotswolds AONB in Cherwell District
Appendix 2	List of Cotswolds AONB Management Plan Policies
Background Papers	
A copy of the Cotswolds AONB Management Plan 2008-2013 has been placed in the Member's Room and can be viewed on the AONB website using the following link: http://www.cotswoldsaonb.org.uk/management_plan/	
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