

HERTFORDSHIRE COUNTY COUNCIL

CABINET

MONDAY 17 JUNE 2002 AT 2.00 P.M.

CHILTERN AREA OF OUTSTANDING NATURAL BEAUTY - Creating a Statutory Conservation Board

Report of the Director of Environment

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1. Purpose of report

To seek the Cabinet's views on proposals by the shadow Conservation Board for the creation of a statutory Board, with specified functions and powers.

2. Summary

The 15 local authorities which comprise the current Chilterns Partnership are being asked to agree, in principle, to the establishment of a new, statutory Conservation Board for the Area of Outstanding Natural Beauty (AONB). The Countryside and Rights of Way Act 2000 provides for the creation of Boards, seen as useful in AONBs covering multiple local authority areas. The shadow Board (Vice Chairman: Bill Storey) supports the creation of a Conservation Board as a way of:

- securing long term Government funding;
- formalising the current ad hoc joint working arrangements;
- ensuring public involvement in, and scrutiny of, the setting of policies and priorities for the AONB; and
- influencing the relevant strategies and investment programmes of public, private and voluntary organisations.

The shadow Board is working with the Department of Environment, Food and Rural Affairs and the Countryside Agency on the drafting of an Establishment Order – the first under the Act – and proposes that this be laid before Parliament early in 2003. Should this be approved, a Conservation Board will become a legal entity with prescribed duties and powers, and with at least 60% of its members drawn from the three tiers of local government. In all the preparatory work to date the Chilterns partners have been clear that the new arrangements must:

- complement/add value to existing local authority activity;
- include nominations from all 15 principal authorities; and
- not result in any significant increases in costs.

3. Conclusions

3.1 The Cabinet is invited to give its views to the shadow Conservation Board on the overall “fitness-for-purpose” of the statutory Conservation Board.

In particular the Cabinet is invited to include in any response, its views on:

- the extent to which the proposals will achieve assured long-term Government funding;
- ways in which the proposals will enhance the public’s involvement in and awareness of the AONB;
- whether the interests of the AONB can be better advanced, through influencing the strategies and programmes of others.

3.2 The Cabinet is asked to consider the proposed size, composition and working methods of the Conservation Board and on whether, overall, the proposals enshrined in a draft Establishment Order should be supported by the local authorities in the Chilterns AONB.

Background

- 1.1** The County Council is actively involved in the Chilterns Area of Outstanding Natural Beauty (AONB) – designated in 1965 and covering 833 km² of Bedfordshire, Buckinghamshire, Oxfordshire and Hertfordshire. The Chilterns is one of 41 AONBs representing the finest landscapes in England and Wales outside National Parks.
- 1.2** The Chilterns is one of the larger AONBs and spans the administrative boundaries of 15 local authorities and two Government Offices. The 1997 visitor survey showed that there are 52 million visits per annum, making the Chilterns the most heavily used area of nationally protected countryside in the UK. The area has a high concentration of nationally important conservation sites and species and is amongst the most heavily wooded in England. Development pressure is intense yet, despite its proximity to London, 70% of the area is actively farmed.
- 1.3** At present, the AONB is overseen by the partner organisations who form a voluntary joint committee under the Local Government Act 1972. Priorities are set and action agreed via a management plan, subjected periodically to public consultation. Six full-time “core” staff co-ordinate and pump-prime practical action, provide advice and secure financial and other commitments from a wide range of participating bodies. The Countryside and Rights of Way Act 2000 (CROW) enhanced the status of AONBs to widen their remit on a par with National Parks and to provide for the setting up of Conservation Boards. These changes were made in recognition of the limitations of the old system which relies upon goodwill and minimal funding commitments from central Government.
- 1.4** In May 2000, in anticipation of provisions in the (then) Countryside and Rights of Way Bill, this County Council’s Environment Committee approved the setting up of a shadow Conservation Board with the main task of investigating the feasibility of establishing a statutory Board. With Countryside Agency assistance and in collaboration with the Department of Environment, Food and Rural Affairs (DEFRA) and advice from the Local Government Association, consultants were employed to examine legal and constitutional implications and the likely scope of duties, powers and shared functions. The shadow Board has considered the consultants’ conclusions and is recommending that the partner organisations, including the local authorities, agree in principle to the creation of a Conservation Board. The next stage would be for DEFRA officials to prepare a draft Establishment Order. The Secretary of State would then formally consult the partners on the draft Order in the autumn with a view to seeking an Affirmative Resolution in both Houses of Parliament early in 2003.

2 Analysis

2.1 In previous Committee discussions the County Council has acknowledged the significance of the Chilterns AONB for its scenic, cultural and amenity value. Further, the area has an impact beyond the boundary of the official designation (which covers only 15% of the land area of Hertfordshire): Hitchin, Harpenden, Hemel Hempstead, Rickmansworth and Tring are gateways to the AONB and, because of connecting chalk streams, St Albans has recently been involved in a joint project with AONB staff funded by the Environment Agency. The Chilterns may, therefore, be seen as encompassing many Hertfordshire communities within its sphere of influence.

2.2 The LGA and DEFRA have jointly published a guidance note about conservation boards and this is shown as Appendix A. The powers being suggested by the shadow Board are relatively straightforward and in some ways it is more informative to explain what is not included:

- planning powers* (specifically excluded by the Act);
- rights of way powers;
- compulsory purchase powers; and
- powers to levy or precept local authorities.

* although the Board would seek a special place in the planning system to give it influence over developments having an impact on the special character of the Chilterns.

2.3 Likely headings in the draft Establishment Order are shown as Appendix B. The Order will also specify the size and composition of the statutory Board, in accordance with the Countryside and Rights of Way Act:

- At least 40% nominated by principal local authorities;
- At least 20% nominated by Parish/Town councils; and
- Up to 40% nominated by the Secretary of State.

The partners believe it is essential that all local authorities are able to nominate a Board member. The proposal is, therefore, to form a Board of 29 members:

- 15 local authority nominations (including 1 each from HCC, Dacorum Borough, North Hertfordshire and Three Rivers Districts);
- 6 Parish/Town council nominations (2 each from Buckinghamshire and Oxfordshire, 1 each from Bedfordshire and Hertfordshire); and
- 8 Secretary of State nominations.

Local authorities will nominate their members directly, from amongst serving councillors. A nominating process for parish/town councils is yet to be agreed although is likely to be achieved through the county associations. The

Secretary of State nominations will involve advertising publicly and selecting against widely drawn criteria.

- 2.4** In a separate, parallel exercise, Hertfordshire County Council is undertaking work, on behalf of the Countryside Agency and wholly funded by it, to identify the most efficient and effective means of securing financial, personnel, legal and property services for the Board once it becomes a body in its own right. The most likely solution will be for these functions to be handled by one of the constituent local authorities.

3 Financial Implications

- 3.1** The shadow Board is recommending the creation of a statutory Board in order to give stability to joint arrangements which have hitherto depended upon goodwill and relatively short term decisions over funding, particularly from central Government. In recognition of the enhanced status of AONBs and commitments needed for an enduring partnership, the Countryside Agency has offered to fund at the enhanced rate of 75%, the eligible “core” costs of the Conservation Board, including both practical work on the ground and the costs involved in servicing the Board itself.
- 3.2** In the current financial year the core budget for the AONB is £390,000. Income is derived chiefly from Countryside Agency grant and subscriptions from the local authorities. Hertfordshire’s four councils contribute a total of £23,979 with the county council’s share at £11,991 (from the environmental projects fund in the Environment Department).
- 3.3** The Countryside Agency is providing a further £176,000 in 2002/3 towards various fixed term projects valued at £400,000. Match funding for these projects comes from public, voluntary and private sector interests including local authorities, water companies, Royal Society for the Protection of Birds, the National Trust, Chilterns Society and European Union (RECITE fund).
- 3.4** There are likely to be modest additional costs arising from transition to a statutory Board. These, however, cannot be calculated precisely until the HCC research is complete (paragraph 2.4 refers).