

HERTFORDSHIRE COUNTY COUNCIL

CABINET
MONDAY 19 MAY 2003 AT 2.00 P.M.

Agenda item no.

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CHILTERNES AREA OF OUTSTANDING NATURAL BEAUTY: CONSERVATION BOARD

Report of the Director of Environment and County Secretary

Author: Richard Brown

Telephone: 01992 555250

Executive Member: Derrick Ashley

1. Purpose of the Report

To seek the Cabinet's views on a draft Establishment Order proposed by the Secretary of State for Environment, Food and Rural Affairs. The Order, if affirmed, would have the affect of setting up a statutory Conservation Board to oversee protection and enhancement of the Chilterns Area of Outstanding Natural Beauty.

2. Summary

The 15 local authorities, which comprise the current Chilterns Partnership, are being asked to agree 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 AONB's that are administratively complex and under pressure from development. 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 has been 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. 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.

The draft order has now been published and comments are requested by 30 May.

Analysis of the draft has revealed possible shortcomings in the scope of powers available which would mean the Board would be unable to effectively implement the AONB Management Plan.

Potential difficulties have also been identified over financing of the Boards operation because of the additional costs of VAT and members allowances.

3. Conclusions

- 3.1 The Cabinet will want to give its views to the Secretary of State on the draft Establishment Order, informed by the results of discussions which will be reported orally on 19 May. The Cabinet at its meeting on 17 June 2002 set out key requirements. The Draft Order caters for one of these – representation for Hertfordshire local authorities – although the issues of powers and finances, unless or until resolved, might lead to a rejection of the proposals.
- 3.2 The Cabinet will want to know the views of other local authorities and these will be reported orally. In particular, any difficulties can be more effectively dealt with by local authorities acting together, maintaining momentum towards a positive outcome for the Chilterns AONB.

1. Background

- 1.1 The County Council is actively involved in the Chilterns Area of Outstanding Natural Beauty (AONB) – designated in 1965 and covering 833km of Bedfordshire, Buckinghamshire, Oxfordshire and Hertfordshire. The Chilterns is one of 41 AONB's 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 (known as the shadow Conservation

Board) under the Local Government Act 1972. Priorities are set and action agreed via a management plan, subjected periodically to public consultation. The plan has recently been updated, with a comprehensive range of targets for 2002-2007. 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 and provided 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 June 2002 the Cabinet decided to support, in principle, the establishment of a statutory Conservation Board subject to: -
- the new arrangements complementing existing County Council activity;
 - representation for all appropriate Hertfordshire local authorities (HCC, Dacorum Borough Council, North Hertfordshire District Council, Three Rivers District Council);
 - no significant cost increases, and
 - prior agreements being reached with the Conservation Board where powers are to be shared.

2. The Government's proposals

- 2.1 The Secretary of State for Environment, Food and Rural Affairs (DEFRA) has published a draft Establishment Order setting out proposals for the constitution, administration and functions of a Conservation Board for the AONB. She is seeking comments on the draft by 30 May. The CROW Act requires that the majority of local authorities give consent to the creation of a Board. The Order (a Statutory Instrument) would need to receive affirmative resolutions in both Houses of Parliament, and a slot has been provisionally earmarked in November. The formal establishment date would be in January/February 2004. The draft Order is shown as an appendix to this report.
- 2.2 The draft Order contains clauses on appointment of members, conduct of meetings, personal liability, financial administration and provision of information, all drawn from the Act or other legislation and in line with best practice recognisable to this County Council. It is proposed that each of the 15 local authorities nominate one member to the Conservation Board. A further 8 Board members would be appointed by the Secretary of State and 6 by a county-based collegiate of Parish Councils.
- 2.3 Part III of the draft Order lists 28 separate concurrent functions to be undertaken by the Board. Currently, local authorities exercise these functions, as appropriate and the new arrangements would mean the Board would assume the same powers alongside local authorities.

3. Analysis

- 3.1 The greater part of the draft Order deals with administrative and reporting arrangements and these appear to reflect the processes and practices of modern local authorities like Hertfordshire County Council. The Board would include nominees from all the relevant Hertfordshire local authorities.
- 3.2 The specific powers listed in Part III of the draft Order may not, in themselves, enable the Board to implement fully the AONB Management Plan. Local Authorities now have a general power under Section 2 Local Government Act 2000 to promote the social, economic and environmental well being of their areas. The equivalent “well being” power provided for the Statutory Board in the CROW Act 2000 is worded differently and is arguably less extensive. At present the shadow Board, acting on behalf of the local authority partners, can get involved in, for example, giving advice to land managers, making financial contributions to other organisations and environmental education. If these activities or any other activities do not fall within the concurrent powers in Part II, the Statutory Board’s well being power may be insufficient. At the time of writing this report, urgent discussions are underway between local authorities and with DEFRA and the Countryside Agency in an attempt to resolve his issue. An oral update will be given to the Cabinet.

4. Financial implications

- 4.1 In previous debates the County Council has acknowledged that the creation of a statutory Board would lead to a cost increase. Detailed calculations have not yet been completed although early indications are that additional annual expenditure of about £26,000 would be needed, about £6500 (25%) of which would be met by the 15 local authority sponsors. This would add about £600 per year to the HCC contribution which is £12500 in the current year.
- 4.2 Separate but related investigations into the potential costs of a Board have revealed that the new body would not be eligible to reclaim Value Added Tax (VAT). Discussions are continuing and are centering on whether an enhanced rate of Government/Countryside Agency grant aid can be paid to help offset additional VAT costs. A further update will be provided to the Cabinet.
- 4.3 The draft Order refers to allowances for Board members. A separate scheme is proposed, based upon guidance from the Office of the Deputy Prime Minister.

As with VAT, discussions are going on with a view to obtaining enhanced grant aid to offset the costs of member's allowances. An oral update will be given to the Cabinet.

- 4.4 The combined costs of VAT and members allowances might add up to £65,000 to the annual budget of the AONB – an increase of nearly 20%.