



SIGNED OFF BY	Head of Planning
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TO	Executive
DATE	Thursday, 10 October 2019
EXECUTIVE MEMBER	Portfolio Holder for Planning Policy

KEY DECISION REQUIRED	Y
WARDS AFFECTED	Chipstead, Hooley and Woodmansterne; Kingswood with Burgh Heath; Merstham; Reigate Hill;

SUBJECT	Surrey Hills AONB Management Plan 2020-25
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RECOMMENDATIONS
<p>(i) The Surrey Hills Area of Outstanding Natural Beauty Management Plan for the period 2020-25 (Annex 1) be adopted;</p> <p>(ii) The Head of Planning be authorised, in consultation with the Portfolio Holder for Planning Policy, to make any necessary additional minor changes to the Management Plan before final publication.</p>
REASONS FOR RECOMMENDATIONS
<p>Recommendation (i): The Countryside and Rights of Way Act (2000) (“the CRoW Act”) places a statutory duty on local authorities to prepare and review – every five years – a Management Plan for any Areas of Outstanding Natural Beauty (AONB) within their boundaries. Adoption of the Management Plan for 2020-25 ensures that the Council fulfils this duty.</p> <p>Recommendation (ii): This will allow for minor factual, typographical and formatting amendments to be agreed without delay prior to publication of the final document, in conjunction with the AONB Board.</p>
EXECUTIVE SUMMARY
<p>Under the Countryside and Rights of Way Act (2000) (“the CRoW Act”), the Council has a statutory duty to prepare and regularly update a Management Plan for the Surrey Hills Area</p>

of Outstanding Natural Beauty which is partly within its administrative boundary.

The existing Management Plan which was adopted by the Council in June 2014 and expires this year. A revised Management Plan for the forthcoming five year period has been prepared and consulted on by the AONB Board on behalf of this Council and the five other constituent authorities. It now falls to each Council to formally adopt the Plan.

The new Management Plan does not contain any fundamental changes in policy from the existing plan but has been updated to take account of the latest national policy and guidance.

The Council currently provides a contribution towards the AONB unit for its role in coordinating the review and delivery of the Management Plan. The Management Plan is not a costed business plan and does not commit the Council to any additional financial resources to secure its implementation.

Executive has authority to approve the above recommendations

STATUTORY POWERS

1. Local authorities with Areas of Outstanding Natural Beauty (AONB) within their administrative boundaries have a statutory duty under Section 89 Part IV of the Countryside and Rights of Way Act 2000 ("the CRoW Act") to prepare and adopt a Management Plan for that area.
2. Under the same act, local authorities must review such plans at intervals of no more than 5 years.
3. The AONB board to which the Council delegates its responsibility for the preparation and review of the Management Plan is established under sections 101 & 102 of the Local Government Act 1972, sections 19 & 20 of the Local Government Act 2000 and under the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000.

BACKGROUND

4. The Area of Outstanding Natural Beauty (AONB) is a nationally important landscape; great weight is given to conserving its landscape and scenic beauty through the National Planning Policy Framework. Overlying the AONB and areas on the fringe of the AONB is the Area of Great Landscape Value (AGLV), which is a County-level designation indicating important landscape in its own right but of significance also as a protective buffer to the AONB.
5. Section 89 of the CRoW Act places a statutory responsibility on relevant local authorities to produce and regularly review an Area of Outstanding Natural Beauty (AONB) Management Plan.
6. In the case of the Surrey Hills AONB, which traverses Reigate & Banstead and four other areas in Surrey (Waverley, Guildford, Tandridge and Mole Valley), this function is undertaken by the Surrey Hills AONB Board under delegated arrangements agreed in 2008. The Board is made up of representatives of the constituent local authorities, including Surrey County Council, and partner organisations such as the National

Trust and Surrey Wildlife Trust.

7. It is the Board which prepares that Management Plan on behalf of the constituent local authorities; however, responsibility for the Plan rests with the local authorities and each one is required to separately adopt it.
8. The policies within the Management Plan are a material consideration in the determination of planning applications (insofar as they are relevant), and complement policies in the Council's own Core Strategy and Development Management Plan.
9. The Management Plan also has a role in securing and obtaining funding from central government and grant-giving organisations to support the initiative and activities being undertaken by the AONB Board and its partners.

KEY INFORMATION

Preparation of the Management Plan

10. The Surrey Hills Management Plan is a strategic document which provides the vision, policies and plans for the future positive management of the AONB. The purpose of the Management Plan is to provide a context for the various initiatives that support the conservation and enhancement of this nationally important landscape.
11. The existing Management Plan which was adopted by the Council in June 2014 expires this year. To comply with statutory duties, the Surrey Hills AONB Board coordinated the preparation of the revised Management Plan for the period 2020-2025 on behalf of the six constituent authorities.
12. Preparation of the revised Management Plan was supported by members of the AONB's Officers Working Group (including input from officers of this Council), members of the Surrey Hills Partnership and individuals from a wide range of conservation, land management, tourism and other organisations.
13. In addition, a period of public consultation was held to develop and inform the revised Management Plan during late 2018/early 2019. This included a public survey which showed a high degree of support for the policies, vision and statement of significance in the current Management Plan. The consultation also included a symposium which considered various themes including climate change and recreational pressures, the outputs from which also informed the Management Plan.

Summary of content and policy changes

14. Given the strong support expressed during the consultation for the existing Management Plan policies and vision, a 'light touch' approach has been taken to the review. Broadly speaking, there have not been any major changes to the overall vision, thrust and aims of the Management Plan. Instead, the changes ensure that the new Plan responds to changing circumstances, latest planning policy and national plans such as the Government's 25 year Environmental Plan. Many of the changes made improve are focussed on improving the clarity and readability of the document; however, the more substantive alterations include:
 - Greater recognition of the health and well-being benefits of the Surrey Hills landscape, both within the vision and in policies relating to recreation and tourism
 - Expansion of the scope of policies on woodlands to cover hedgerows and veteran

trees, and recognition of issues such as biosecurity

- Amendments to biodiversity policies to include water resources in recognition of the importance of wetland habitats within the AONB. Specific changes to Policy B4 to seek biodiversity gains through the planning process, consistent with the “net gain” principles in the Government’s 25 Year Plan.
- Additional guidance on the landscaping of developments, development resulting in the loss of agriculture and external lighting on developments within the AONB.
- Additional supporting text relating to schemes designed to declutter rural roads and promoting sensitive verge management to support biodiversity objectives.
- Refocussing of the “Development and the Local Economy” policies to “Economy, Tourism and Community Development. The revised policies have an emphasis on sustainable development, the promotion of local services and produce, affordable housing and community transport.

Environmental and Habitats Assessment

15. As part of the preparatory and supporting work for the Management Plan, a Habitats Regulation Assessment (HRA) and Environmental Report (incorporating Strategic Environmental Assessment (SEA)).
16. The SEA identifies that the potential for adverse impacts is concentrated around those aspects of the Management Plan that would give rise to direct interventions in the landscape (e.g. changes in land management practices or built development). However, the SEA identifies that – for built development and land use – the planning system (and Local Plan policies) would provide the principal means of addressing potential harm that may arise on individual schemes. For land management practices (and other activities falling outside of the remit of planning, potential harm would be addressed through best practice dissemination.
17. The HRA evaluates the extent to which the revised Management Plan has the potential to give rise to ‘likely significant effects’ on European designated nature conservation sites¹ within and around the Surrey Hills AONB area. Overall, the HRA assessment concludes that implementation of the AONB Management Plan would not give rise to likely significant effects on such sites against any impact pathways. The HRA does however recommend one minor change to a policy (Policy B1) which has been incorporated into the final version proposed for adoption.

Adoption and publicity

18. The draft Management Plan was subsequently agreed by the AONB Board in March 2019, recommending adoption by the constituent authorities. The final version is included at Annex 1; the only change compared to the version approved by the AONB Board relates to Policy B1 to reflect the recommendations of the HRA.
19. Subject to the approval of, and adoption by, the constituent authorities, the AONB Board will meet in the coming months to agree arrangements for the launch and publication of the new Management Plan.

¹ Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar sites

OPTIONS

20. The options available to the Executive are set out below:

Recommendation (i): Adoption of Surrey Hills AONB Management Plan

- Option 1: Adopt the AONB Management Plan 2020-25 (Annex 1): This will enable the Council to fulfil its duties under the CRoW Act in the most cost effective manner. It will also ensure a common and coordinated approach to management is taken by all authorities with an interest in the Surrey Hills AONB. This option is recommended.
- Option 2: Recommend changes to the Management Plan prior to adoption: Any changes would also need to be subject to agreement of other constituent authorities through the AONB Board and, depending upon their nature, may require further public consultation and revised Habitats and Environmental Assessments. Failure to achieve support from other constituent authorities for any changes would leave the Council in a position where it either adopts the current version, or seeks to prepare its own separate Management Plan which would break the coordinated approach historically taken and require the Council to commit further resources to develop it. Any changes could lead to delays which could jeopardise adoption within the timescales required by the CRoW Act, leaving the Council (and other partner authorities) open to legal challenge unless special dispensation is granted by Defra. This option is not therefore recommended.
- Option 3: Do not adopt the Management Plan: Similar to above, the Council would still be required to meet its obligations under the CRoW Act and therefore would have to prepare its own Management Plan: this would require the Council to commit further resources to develop policies and carry out the required public consultation. Taking forward a separate plan could also potentially lead to inconsistent management across the Surrey Hills area. In addition, it is unlikely to be feasible for the Council to prepare such a document within the timescales required by the CRoW Act, which could leave the Council open to legal challenge. It is therefore not recommended.

Recommendation (ii): Delegated authority for minor changes

- Option 1: Delegate authority to the Head of Planning to make minor changes: This will enable the Council to approve any minor (e.g. typographical, formatting, grammatical) changes to the document prior to its final publication. This would avoid the need to revert back to Executive for further approval for minor inconsequential changes which would be inefficient and cause delays. This option is recommended.
- Option 2: Do not delegate authority to the Head of Planning: This would mean any minor changes to the document would require further approval of the Executive, thus causing unnecessary delays for what would ultimately be very trivial adjustments. It is not therefore recommended.

LEGAL IMPLICATIONS

21. Local Authorities with AONBs within their areas have a statutory duty under the

CRoW Act 2000 to prepare and adopt a Management Plan for and review this Management Plan at intervals of not less than 5 years.

22. Adoption of the Management Plan will enable the Council to comply with these statutory duties and avoid legal challenge.

FINANCIAL IMPLICATIONS

23. The completion of the Management Plan review has been carried out within the existing core funding provided by the Council and other partners. Delegation of Management Plan responsibilities to the AONB Board is still considered to remain the most cost effective way for the Council to discharge its statutory duties in relation to the AONB. The Council, and other constituent authorities, contributes to the overall costs of the AONB unit each year. (Reigate & Banstead's contribution for 2019/20 was £2,640).
24. By adopting the Management Plan, the Council does not make a commitment to providing additional funding to support the implementation of any specific actions or strategic priorities. Should proposed actions under the Management Plan lead to the need for additional financial commitment or staff resources, prior approval will be sought from the Executive on a case by case basis.

EQUALITIES IMPLICATIONS

25. An Equalities Impact Screening Assessment has been carried out. This concludes that the Management Plan would have a positive impact on two target groups and a neutral impact upon the remainder. A full Impact Assessment is therefore not required. The Screening Assessment is attached as a background paper.

COMMUNICATION IMPLICATIONS

26. As above, upon adoption, the Management Plan will be launched and publicised. These activities will be led by the Surrey Hills AONB Board on behalf of the constituent authorities in the normal way.

RISK MANAGEMENT CONSIDERATIONS

27. Adoption of the Management Plan as recommended is considered to involve fewer risks than the other options which are not recommended. The main risk associated with adoption is the risk of legal challenge by a third party aggrieved at the process or content of the document. However, this risk commonly arises when the Council adopts a policy document and there is nothing which would suggest that it is a high likelihood in this case. The need for more robust SEA/HRA was identified during the process of preparing the Management Plan and this has now been completed as discussed above. It is therefore considered that the process of preparing and adopting the document is sound and has followed relevant requirements.

OTHER IMPLICATIONS

28. No further implications have been identified.

CONSULTATION

29. As discussed above, the draft Management Plan was prepared by the Surrey Hills AONB Board in consultation with the six constituent local authorities via the Officers Working Group. Surrey Hills Partnership Members, all relevant statutory and non-statutory consultees and expert individuals from a wide range of conservation, land management, tourism and other organisations were also involved in development of the draft Management Plan. Public consultation was also undertaken on the content of the Management Plan.
30. Upon adoption by the constituent authorities, the Management Plan will be launched and publicised. These activities will be led by the Surrey Hills AONB Board on behalf of the constituent authorities in the normal way.

POLICY FRAMEWORK

31. Adoption of the Management Plan and the continued positive management of the AONB supports the "Place" theme of Our Five Year Plan.
32. The Council's adopted Core Strategy (Policy CS2: Valued Landscapes and the Natural Environment) seeks to protect and enhance the landscapes of the Surrey Hills AONB, as does the existing policy in the Borough Local Plan 2005 (Pc1). The Borough Local Plan policy is expected to be replaced shortly by the emerging Development Management Plan (NHE1). Policy NHE1 in the Development Management Plan specifically requires regard to be had to the latest AONB Management Plan. The AONB Management Plan also relates to the Council's own adopted Green Infrastructure Strategy.

BACKGROUND PAPERS

Equalities Impact Assessment Screening for Surrey Hills AONB Management Plan 2020-25