

Countryside Rights of Way Act : Part 4

New Protection for Our Finest Countryside

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Introduction

The Countryside and Rights of Way Act 2000 is set to bolster the management and protection of the Areas Outstanding Natural Beauty (AONBs) of England and Wales.

Our AONBs have been established, along with our National Parks, by the 1949 National Parks and Access to the Countryside Act. The AONBs give planning protection to around fifteen percent of the English countryside, and four percent of rural Wales. Within England this includes a very wide range of landscape types, from the wild Cornish coast to the soothing chalk and limestone topography of the south, and the starkly beautiful uplands of the north.

Reversing an historical oversight

AONBs have always lagged well behind the National Parks in terms of their public, professional and political recognition; and the resources available for their good management. National Parks for example, have the benefit of National Park Authorities to lead their management, a job which they do very well.

AONBs are established to conserve and enhance the natural beauty of the countryside. Until now AONBs have had precious little statutory backing for that important role, except the additional protection they are afforded under the planning system. And that protection has been widely (and wrongly) assumed to be weaker than that enjoyed by the National Parks.

The lack of statutory attention to the management needs of AONBs probably seems to stem from an assumption by legislators in the late 1940s that those traditional farming practices which created these wonderful and varied landscapes would continue to maintain them into the future.

This assumption of course failed to foresee all the new pressures which would emerge to put huge pressure on these landscapes, and indeed the rest of the countryside, over the rest of the 20th Century, including agricultural intensification, the growth of traffic on minor country roads, and a general erosion of local character and distinctiveness by a range of social and economic changes.

Confirmation that AONB landscapes are as good as those in National Parks

During the summer of 2000 the Planning Minister confirmed to the House of Commons that AONB landscapes are the equivalent of National Parks landscapes and have the same level of protection from inappropriate developments. This was something that the Countryside Agency already firmly believed, but a ministerial statement was needed to make this crystal clear to a sometimes sceptical audience of planners and other professional decision makers.

The new AONBs legislation

This announcement was a prelude to the introduction of new AONB measures into the Government's Countryside and Rights of Way Bill, which finally became law at the start of December. So what does the final Act actually provide for AONBs?

A new duty on public bodies

The Act places a duty on public bodies to 'have regard' to the need to conserve and enhance the natural beauty of AONB landscapes when carrying out their statutory functions. This is a provision which already applies to National Parks. It is intended to ensure that the conservation and enhancement of these areas is always an important consideration for local authorities, statutory

undertakers and national agencies in shaping plans and policies which may affect an AONB.

Statutory Conservation Boards

The Act enables statutory Conservation Boards to be established, where there is sufficient local support, to lead the management of AONBs. These Boards are aimed primarily at the larger AONBs which cross lots of local authority boundaries. For those areas a single board can be better placed to manage an AONB in an efficient and strategic manner than all its local authorities trying to co-ordinate management plans, activities and resources amongst and between themselves.

Conservation Boards are primarily about management efficiency and effectiveness, not about imposing a new bureaucracy on an area. It is important to appreciate that many local authorities already have management arrangements for their AONBs. The arrival of statutory conservation boards for some AONBs in no way invalidates the joint advisory committees and other non-statutory structures which operate in most AONBs and which do sterling work. The AONBs are a very varied bunch and each must have the management arrangements which best meets its local circumstances and needs. The Conservation Board model will only suit a minority.

Conservation Boards will be set up through individual Establishment Orders approved by Parliament. Those orders will identify what if any functions of direct relevance to the good management of the AONB, a particular conservation board should take over from its local authorities. Those functions might include running countryside management services, or managing the rights of way network. Alternatively boards will be able to run those management functions concurrently with their local authorities.

Planning and development control functions will not be transferred. Conservation Boards will not be quasi-local or planning authorities. Instead the boards will need to continue to work very closely

with their existing local authorities, which will continue to contribute significantly to their funding.

Local authority and parish representatives will occupy the majority of the seats on a board. The balance of seats will be taken by Secretary of State appointees who can bring a wider perspective to the management of the AONB, by representing recreational, land owning and other pertinent interests.

Conservation Boards and public enjoyment of AONBs

To the extent that it doesn't conflict with the primary conservation and enhancement purpose of the AONB, a Conservation Board will also have a duty to 'have regard to the purpose of increasing the understanding and enjoyment by the public of the special qualities of the area.' This recognises that whilst AONBs have not been established to provide recreational opportunities very many of them (not surprisingly) attract very large numbers of visitors. Conservation Boards need to be able to accommodate this in a positive way in their management of the area.

Looking out for the interest of local people

Conservation Boards will also have a duty to 'seek to foster the social and economic well being of local communities'. This provision mirrors exactly a duty which applies to National Park Authorities. It is designed to enable and encourage the Boards to look for opportunities for linked environmental, social and economic benefits in pursuit of their main duty to conserve and enhance their area. This is of course something which fits very nicely with the concept of sustainable development. It could produce new sustainable recreational initiatives which build a wider understanding and support for the area and bring new visitor trade to local pubs, shops and hotels.

This duty should also enable boards to contribute to the plans and strategies of others which do have a community focus, including the new Community Strategies required from local authorities by the Local Government Act 2000.

Management plans for all AONBs

Finally the Act requires all AONBS to have management plans produced, published and regularly revised by their local authorities or by conservation boards where established. Such plans are absolutely essential to the proper and strategic management of these areas. They need to identify the main pressures on the AONB and bring together the widest possible partnership of local interests and resources to tackle those pressures. The Countryside Agency and Countryside Council for Wales is preparing guidance on how a new generation of AONB management plans should be prepared.

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*For further information on the CROW Act and AONBs visit the Countryside Agency website:
www.countryside.gov.uk*