

High Weald Joint Advisory Committee

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Working together to care for one of England's finest landscapes

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High Weald AONB Unit response to the consultation on the Government's response to the Landscapes Review: National Parks and AONBs in England

We welcome the opportunity to respond to the consultation document. To do this we have worked closely with colleagues in the other English AONB teams and with the National Association for AONBs (NAAONB) to develop a joint response.

The joint response submitted by the NAAONB represents the High Weald AONB officers' general views on the Government's response to the Landscapes Review.

In addition to the NAAONB response to the consultation, we would like to make some specific points in no particular order, which are as follows:

1. Address the misunderstanding in the Government response on the difference between the AONB teams and the AONB landscape

In the Government's response to the Landscapes Review there seems to be a confusion distinguishing between the organisations (AONB teams, advising on the conservation and enhancement of AONBs) and the landscapes (the physical landforms, designated as AONBs). For example, the Government states *'We intend to create a single set of statutory purposes for AONB teams and National Parks Authorities, providing a more consistent and unified statutory framework for all protected landscapes.'*

Please note that the current primary and subsidiary AONB purposes refer to the AONB designation and not to the bodies advising on their conservation and enhancement, and this will also be the case should any new purposes be created, or existing purposes amended. The confusion in the government's response suggests there may be a wider misunderstanding and if so, this will need to be addressed.

2. Recognize the responsibility for the conservation and enhancement of AONB landscapes lies with a wide range of organisations

Given the possible misunderstanding above, it is important to re-iterate the formal legal responsibility for both development control and for management of AONB landscapes (including the duty to prepare an AONB Management Plan) lies with all local authorities in whose area an AONB exists (except in the Chilterns and the Cotswolds AONBs).

In addition, all public bodies, statutory undertakers, and persons holding public office have a statutory duty under CROW Act 2000, Section 85, to '*...have regard to the purpose of conserving and enhancing natural beauty...*'. This duty places an obligation on a wide range of organisations not just to consider any detrimental impacts on AONBs of their policies and activities (both outside as well as within the boundary), but positively to consider how they might enhance the AONBs' natural beauty.

3. While supporting the need for actions to recover nature, we question the need to amend the current statutory purpose to 'drive nature recovery', and 'explicitly mention biodiversity'.

The primary purpose of AONB designation is to '*conserve and enhance natural beauty*'. Natural beauty includes wildlife (nature/biodiversity). The architects of the 1949 National Parks and Access to the Countryside Act understood this – AONB designations were based on the Huxley Conservation Areas (i.e. nature areas). In addition, when the Countryside and Rights of Way Act 2000 (CRoW) subsumed and strengthened the AONB provisions of the 1949 Act, Section 92 of CRoW made it clear that the conservation of natural beauty includes the conservation of '*flora, fauna and geological and physiographical features*.'

That natural beauty includes nature was re-iterated by Government guidance on AONBs published in 2001 and it states '*Natural Beauty is not just the look of the landscape, but includes landform and geology, plants and animals...*'

Given that nature conservation and the recovery of natural processes and ecological systems is already integral to 'natural beauty', there is no need for government to amend the primary purpose. Instead, the government needs to ensure the term 'natural beauty' is better understood by all to include nature recovery and biodiversity, and to communicate this more effectively.

4. We do not support the proposed amendment to include the principle 'natural capital' in the current statutory purpose.

There are too many questions concerning the validity of 'natural capital' as a concept given the inherent risk of reducing nature to the status of a commodity to be marketed at its exchange value. Also, there is a persistent misunderstanding associated with 'natural capital' that the environment is part of the economy (it's the other way round – the economy is a completely dependent part of the environment) and this leads to errors when calculating 'natural capital' valuations.

5. We support the need to improve opportunities for all parts of society to enjoy and have access to the AONB, and for public health and wellbeing. But, as above, we question the need to amend the current statutory purpose to accommodate this given this had already been anticipated 70 years ago by the 1949 Act.

In the 1949 Act 'natural beauty' replaced other phrases such as 'landscape beauty' and 'characteristic landscape beauty' to drive home the importance of landscape as an aesthetic experience bringing people a sense of *pleasure, wellbeing, and connectedness* with nature.

'Natural beauty' already encompasses public health, greater opportunities, and access for all and rather than amending the statutory purpose, the government should focus on identifying how this can be met and ensuring it provides adequate resources to support this work – demands for new outcomes will require new resources.

6. We support the need to strengthen the recognition that cultural heritage is important. But, again, it needs to be understood the term 'natural beauty' already includes cultural heritage

Past qualifications and amendments to the relevant legislation make it clear that natural beauty includes considerations such as cultural heritage. Government guidance published in 2001 provides a useful non-technical definition: *"Natural Beauty" is not just the look of the landscape, but includes landform and geology, plants and animals, landscape features and the rich history of human settlement over the centuries'.*

In addition, the Natural Environment and Rural Communities Act (2006) clarified that land used for agriculture, woodlands, parkland or with physiographical features partly the product of human intervention in the landscape is not prevented from being treated as an area of 'natural beauty'.

All landscapes are complex and interrelated assemblages of natural, semi-natural, and wholly artificial features that give character and diversity to the earth's surface and form the physical framework within which human societies exist. We subscribe to the European Landscape Convention definition of landscape as *'An area perceived as by people whose character is the result of the action and interaction of natural and human factors'.*

7. Double the current core funding for AONB teams over the life of this parliament and establish a fair and forward-looking funding formula reflecting ambitions and future needs

If the Government wants to meet the proposals and the ambitious and transformational change envisaged by the Landscape Review, an increase in Government funding and a new and fair funding formula is essential.

Failure to do this will continue to threaten the current financial and operational viability of the AONB teams and our ability to undertake our work. While most AONB teams also have temporary project staff using funds the core team has raised elsewhere, a too small and unviable core team seriously hampers any attempts to raise additional funds from other sources. Non-government funders refuse to contribute to the costs of AONB core teams or their core work. **Doing more with less is no longer an option.**

The Landscape Review recommended the funding for AONB bodies to be doubled. Government funding, which has always been inadequate, has been cut by 36% over the last ten years and the average size of each AONB core team is now only four people.

The total annual Government funds provided to all 34 English AONB teams is roughly the same as the budget given each year to our nearest National Park Authority, the South Downs.

The area of the High Weald AONB is the same size as the North York Moors National Park, but it has a population that's six times greater. Also, the High Weald AONB is administratively complex. This means the existing demands on the under-resourced High Weald team are considerable and the team is required to:

a) work with multiple officers within each of the 15 local authorities with land in the AONB and numerous other organisations on how they should meet their formal legal obligations to the AONB and consider any impacts of their policies and activities while

b) working with many residents and visitors whose actions have an impact on the High Weald and help them to conserve and enhance the AONB.

In addition, new and greater expectations placed on the High Weald team demand ever greater resources from the team. These expectations are summarised as follows:

- The great rise in numbers of housing development applications (particularly for major developments) affecting the High Weald increasingly drives residents, consultants, and local authorities to seek our specialist advice, guidance, and input
- Greater efforts by public organisations, the statutory undertakers, and others to meet their statutory duties towards the conservation and enhancement of the AONB has also resulted in an increasing demand on our advice, guidance, and support
- The move to ELM is a fundamental change for most farmers and land managers requiring them to change their practices. Adapting to this change will not be straight forward and most will need locally based support and guidance. This increasingly requires us to work closely for a sustained period with farmers and land managers across the High Weald to help them achieve the multiple objectives ELM requires
- The changing nature of landownership in the High Weald caused by new residents buying farms and woodlands. This is a growing trend and often they have no farming or woodland management experience and little understanding of rural, biodiversity or landscape matters. These newer landowners need tailored and integrated guidance and long-term assistance to help them manage their farms and woodlands responsibly, and to prevent harm to the High Weald
- The Landscape Review confirmed a need for a more to be done for a wider and more diverse range of people, and better public access to and enjoyment of the countryside. We will need to play a substantial role making the High Weald a more inclusive landscape and to do more to encourage active public participation to contribute to the Government's environmental targets, rural economy, and health and well-being aspirations for the nation. The increase in new residents to the High Weald because of the significant increase in housing development in the AONB will exacerbate this need
- The expectation that AONB teams will manage and award grant schemes (such as Defra's Farming in Protected Landscapes) is growing. Our track record supporting individuals and groups to develop their ideas into tangible achievements on the ground for multiple objectives is increasingly recognised. Yet this role requires considerable time and expertise

for it to be successful and adequate and commensurate resources (financial and personnel) are needed to ensure this.

For 30 years the High Weald team has developed an enviable track record implementing our own and other people's innovative programmes in the High Weald and coordinating and guiding the work of others. There are many opportunities for us to meet the Government's vision that AONBs are at the heart of nature recovery and landscape conservation contributing to cultural heritage, greater inclusion, environmentally responsible farming, climate change mitigation, and the green economy.

But if the Government is proposing we build on our existing excellent track record to do even more at this critical time, the Government must also recognize and urgently address the need for adequate resources to secure the future of AONB landscapes and the viability and resilience of the local AONB teams. This was recognised by the Landscapes Review.

8. Strengthen the legal framework relating to AONB designation by giving the statutory duties greater weight to ensure all relevant authorities meet their duties when exercising their functions and contributing to AONB management plan implementation

The Countryside and Rights of Way Act 2000 places a statutory duty on all relevant authorities to '*have regard*' to the purposes of conservation and enhancement of the AONB while performing their functions. The Landscape Review called for this duty to be strengthened to "*further*" these purposes and to implement protected landscapes' management plans.

The current statutory duty requires public bodies and statutory undertakers to have regard for AONBs at all stages of their decision making and across all their functions (not only development control and planning). DEFRA expect these organisations should be able to '*demonstrate that they have fulfilled*' the duty and '*clearly show*' how they have considered the AONB purpose in their decision making.

The relevant authorities should be required to demonstrate clearly how their policies, decisions, and actions have complied with the statutory duties so they themselves can judge, and be judged on, their efforts to meet their obligations to conserve and enhance an AONB.

9. Give AONB bodies a stronger voice in planning including statutory consultee status in planning applications and development plans

The High Weald AONB is facing an unprecedented level of development which threatens to fundamentally change its distinctive character. The responsibility for determining planning applications remains with the 15 local authorities of the High Weald. The AONB Unit is not a statutory consultee on planning matters, and it remains each local planning authority's decision whether they consult us on a particular planning application or development plan.

The Glover Review recognized that AONB bodies need to be given a stronger voice in planning and recommended statutory consultee status.

10. Confirm that AONB Management Plans are the single most important document for AONB landscapes and recognize the expertise of AONB teams developing AONB Management Plans

AONB landscapes cross administrative boundaries and AONB Management Plans provide a decision-making framework and offer practical integrated solutions on local and national environmental priorities (e.g. addressing climate change, nature recovery, environmentally responsible agriculture) and help develop and deliver small and large scale multi-disciplinary land management projects.

They are locally owned and democratically accountable strategies, based on evidence, for looking after these beautiful places in the interests of both people and nature. They aim to coordinate policy, investment, and action by others to achieve the legal purpose of '*conserving and enhancing natural beauty*' for the benefit of current and future generations.

AONB Management Plans are informed by a detailed understanding of the history and character of landscape and the forces that have created it. Underpinning each Management Plan is the recognition that people and communities are important, and these Plans can help define how society's future relationship with the land can ensure the continued management and evolution of our landscapes and the long-term vibrancy of our rural and urban communities.

11. Recognize that AONB teams and AONB Management Plans already contribute to efforts to recover nature both in purposes and actions and could do more given adequate resources to do so

Recently there have been justifiable concerns about the decline of nature across the country including within AONB landscapes. Some have sought to blame this decline within AONBs on perceived failures of AONB teams, yet the Landscapes Review recognised that the scale of the negative trends affecting wildlife in AONBs and National Parks was mirrored across the rest of the country. It accepted there are reasons for this that are beyond the control of AONB teams and National Park Authorities.

The claim against AONB teams also forgets the scale of the work for nature recovery that AONB teams have consistently delivered for many years despite inadequate resourcing.

In their criticisms of AONB teams there is a failure to recognize that the main mechanism for nature recovery (Countryside Stewardship) in England for the last 30 years has been in the hands of others and relies on the active participation and involvement of landowners, farmers, and other land managers.

AONB teams don't own or control land and neither do they have regulatory or executive powers to fall back on. AONB teams can't compel any organization or individual to do anything but despite this and because of successful collaborations with others, all AONB teams can point to an astonishing track record where AONB staff have enthused and persuaded, worked with, and held the hands of others to realise improvements for nature.

For decades AONB teams have routinely and consistently added value to Countryside Stewardship and other programmes to recover nature. AONB teams have done this in many ways and not least by securing extraordinary levels of additional resources, which is even more remarkable given their small team size, limited funding, broad remit, and an absence of powers while also having to work with a range of influential and often conflicting vested interests.

Yes, more must be done to ensure nature recovers in AONB landscapes by the AONB teams but also by others including public and private bodies, wildlife NGOs, and the landowning and farming community. AONB teams through our behaviours, innovative programmes, and multiple partnerships have long demonstrated our commitment to recovering the abundance of characteristic species and healthy natural processes that underpin these distinctive and much-loved landscapes.

Our reach and our ambition extend across our landscapes. We work with many organisations and individuals, and we work directly with wildlife NGOs, landowners and land managers who do have the means to directly deliver for nature.

But to realise our full reach and ambition requires adequate and secure financial and personnel resources.

Closing remarks

The Government is now in the position to support the English AONB teams to ensure England's statutory designated landscapes are fit for the 21st century and beyond– delivering more for climate, food and the rural economy, nature, and people. It is essential any proposed changes not only look to the future but are built on and informed by the legacy and the learning from the last 70 years of AONB designations across England.

The above comments are the professional views of the AONB Unit's staff, and they are not necessarily the views of the High Weald AONB Joint Advisory Committee

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Advising on the management of a nationally important landscape

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