



## Agenda Item 9 Western Area

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**Councillor Dennis Brown: Cabinet member for  
Environment and Transport**

# REPORT

## **New Memorandum of Agreement for the Cranborne Chase and West Wiltshire Downs AONB Partnership.**

### **I. Executive Summary:**

A new 6 year Memorandum of Agreement (MoA) has been drawn up for the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty AONB partnership. Members from both Western Area (17<sup>th</sup> June 2004) and Cabinet (23<sup>rd</sup> June 2004) are invited to adopt the Memorandum of Agreement

47% of the AONB lies within the Salisbury District, predominantly in the Western Area.

Local Authorities have statutory duties regarding AONBs under the CRoW Act 2000, to:

- 1) 'Have regard' to conserving and enhancing the natural beauty of the AONB
- 2) Set up a method for joint working (a partnership) on issues related to the AONB
- 3) Produce an agreed Management Plan for the AONB by 1<sup>st</sup> April 2004, and thereafter implement and review the plan.

The AONB team has completed the Management Plan. Cabinet approved the draft plan on (29/10/03). The final copy has been reviewed by an internal Working Group (Appendix 2), comments made, and priorities set for 2004-2005 for the Salisbury District. This report reflects the views of this working group.

The MoA formalises the current Partnership structure, which has evolved since the introduction of the CRoW Act. This comprises a 5-strong AONB permanent team, a Partnership Panel of 25 members, a Technical Advisory Group (TAG) of 13 members, and a larger Forum where local groups can input into the AONB process. SDC is represented by 1 officer who sits on TAG and attends the Partnership Panel, an Elected Member on the Partnership Panel, and a Planning officer who sits on the Planning Working Group.

The Countryside Agency grant aids the AONB Partnership at a level of 75% of running costs and 50% of project costs. To date, Local Authorities have funded the remaining shortfall on a proportional

basis. Of the local authorities SDC is the 2<sup>nd</sup> largest financial contributor to the AONB (23.51% of the shortfall in 2004-2005, amounting to £13,000).

Adopting the new Memorandum of Agreement will help to fulfill the council's statutory responsibilities. It does not commit the council to specified levels of funding, which will be negotiated on an annual basis. It will help to create a stable working environment for the new AONB team to start implementing the management plan. It will ensure that the Salisbury District is fully represented on the Partnership, and can play a strong role within the Partnership. If the council is not satisfied with the way that the partnership is performing, notice terminating our involvement can be given.

Members are also invited to endorse priorities agreed by the SDC Working Group for 2004-2005, to provide a measure of progress with which SDC can monitor Best Value.

## **2. Background Information on the AONB**

### **2.1 Boundary and location**

The Cranborne Chase and West Wiltshire Downs AONB covers 981km<sup>2</sup> in area. The boundary encompasses land within Wiltshire, Hampshire, Dorset, and Somerset, spanning 7 District Councils and 4 County Councils. Some 47% of the AONB lies within the Salisbury District, predominantly within the Western Area (See Section 6.6 for a full list of wards).

### **2.2 The CRoW Act**

New AONB legislation is contained in the Countryside and Rights of Way Act 2000 (CRoW Act). Local authorities now have the following statutory responsibilities <sup>(3)</sup>:

- S.85(1) "In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty".
- S.89(2) "Prepare and publish a plan which formulates their policy for the management of the AONB and for the carrying out of their functions in relation to it". In addition, the plan must be agreed, produced and published by 1<sup>st</sup> April 2004, and reviewed every 5 years.
- S.89(11) Set up a method for joint working on all issues related to the AONB, or to recommend the establishment of a Conservation Board<sub>(1)</sub>.

### **2.3 Background to the AONB partnership**

The CCWWD AONB designation was confirmed in 1983 by the Countryside Agency. An officer's working group was formed to discuss issues/manage the AONB<sub>2</sub>, including an officer from SDC. Following the introduction of the CRoW Act 2000, an officer was seconded from Dorset County Council to investigate the implications of the Act for the AONB. It was felt that a permanent staffed 'AONB team' was needed to ensure statutory responsibilities were met<sub>(2)</sub>.

A Management Plan Development Officer, Communications officer, GIS officer, and 2 part-time (job-share) administrative assistants were employed in 2002. Wiltshire CC is responsible for employing this

team. Unfortunately the Communications and GIS officers left the team in September 2003 because the contracts offered by the CCWWD AONB had only been for 2 years. Despite staffing setbacks, the Management Plan was produced by April 1<sup>st</sup> 2004. The Partnership has re-advertised the two vacated posts, and expect to have filled the posts by August 2004. Wiltshire CC has offered the contracts on a 5- year basis.

The AONB team have been based at the Larmer Tree, Nr Tollard, but will move to new offices in Cranborne in July 2004 due to space and health and safety considerations. An alternative school-conversion in Tisbury was considered, but was discounted as it would not ready in time, and a financial contribution towards conversion costs was required.

Appendix I provides a summary of the current partnership working arrangements. The AONB team co-ordinate the AONB Partnership meetings. The Partnership Panel (Steering Group) meets 2-4 times per annum and makes key decisions. A Technical Advisory Group meets on a more regular basis and helps to maintain communication between the key partners. Topic Groups also undertake specialist work and help to form policies for the AONB team. Public participation is encouraged through the annual Forum Meetings. SDC is fully represented on the key decision-making bodies (Section 3). The memorandum of agreement will formalise this partnership structure.

## **2.4 Management Plan**

A report on the draft AONB Management Plan was placed before the Western Area on and Cabinet on 29<sup>th</sup> October 2003 by Lesley Waller, which outlined financial and other implications. Both Committees endorsed the visions, aims and aspirations set out in the Draft Management Plan. Cabinet however, commented that the actions proposed for year one would benefit from prioritisation as completion of all of them within one year appeared over- ambitious.

The final copy of the Management Plan was produced by 1<sup>st</sup> April 2004, and launched at the Annual Forum meeting on 18<sup>th</sup> May. Copies will be made available prior to Western Area Committee and will be placed in the Member's Room prior to cabinet.

An internal Working Group met on 5<sup>th</sup> April 2004 to discuss the 5- year action plan contained within the Management Plan. In particular, it was felt that SDC priorities should be picked out from the plan to provide focus for the AONB team, as well as finding out which actions SDC officers may be able to help with. The Working Group consisted of officers from Forward Planning, Community Initiatives, Transport and Community Planning, alongside the Portfolio Holder for Transport and the Environment, Cllr Brown, and the SDC representative on the AONB Partnership, Cllr Hooper. The Economic Development and Tourism Department also contributed. The results of this discussion are contained in [Appendix 2.](#)

## **3. Salisbury District Council's involvement in the AONB partnership**

### **3.1 Personnel**

2 representatives from SDC sit on the AONB partnership. Councillor Jeremy Hooper, Elected Member for Tisbury and Fovant, has represented SDC on the Partnership Panel for several years. The

Environment Community Development Officer provides support and advice to the partnership through the Technical Advisory Group and also attends Partnership Panel meetings.

A Forward Planning officer also provides vital technical input into the AONB Partnership through the Planning and Development Working Group. The Rural Economy, Environment, and Community Working Groups will be re-convened over the coming year, and further SDC representatives are eligible to participate in these as well.

### **3.2 Financial**

The 11 Local Authorities contribute funding to the AONB under a matched funding agreement. The Countryside Agency funds the AONB partnership at a level of 75% for core costs, and 50% of project costs. To date, the 11 local authorities have made up the funding shortfall on a proportional basis (See Section 10.7 of the MoA). As 47.02% of the AONB lies within SDC boundaries, SDC is asked to contribute ½ of 47.02% (23.51%) of the shortfall. SDC is therefore the 2<sup>nd</sup> largest contributor to the partnership. For every £6,000 that SDC contributes towards running costs, around £18,000 can be drawn down from the Countryside Agency.

Other key financial contributors are Wiltshire CC (30.69% of the funding shortfall), and Dorset County Council (14.74% of the shortfall). Other authorities do however, contribute additional personnel and resources (e.g. Hampshire DC will undertake a historical landscape survey worth £14,000 in 04/05, and East Dorset DC is printing the management plan).

The AONB team currently produces estimates of budget needs in September/October, based on staffing costs and projected project costs. Contributing partners relay these budget bids to their organizations, and then inform the AONB team of the actual budget available in March/April.

For 2004/2005, total cost estimations produced by the AONB team ranged from between £218,773-£227,942 (£13,446-13,985 from SDC). These costs were recalculated in April 04 to £13,285.51. £13,000 is available within existing budgets, and this has been agreed with the AONB team. The

## **4. The Memorandum of Agreement**

The first Memorandum of Agreement (MoA) was signed by the Joint Intermim Management Group on 8<sup>th</sup> October 2002, following the appointment of the 5-strong management team. The new MoA is for 6 years, running from April 1<sup>st</sup> 2004 - April 1<sup>st</sup> 2010, subject to a satisfactory review by the AONB Partnership after 3 years. Partners have been requested to sign it by 1<sup>st</sup> July 2004. It will be backdated to 1<sup>st</sup> April. In the interrim period from 1st April 2004- 1<sup>st</sup> July 2004, the previous MoA will be extended.

### **4.1 Why is a new MoA needed?**

A new Memorandum of Agreement is needed by the AONB Partnership for several reasons, to:

- Re-affirm the commitment of all partners to the AONB partnership
- Re-define the focus of the partnership from producing a plan to implementing it
- Reflect minor changes to the partnership structure that have evolved over the past 2 years, and tighten up the wording of the agreement to the satisfaction of key partners

- Maintain a stable working environment for the members of staff on the AONB team
- Act as a point of reference for solving disputes within the Partnership should they occur

## 4.2 Summary of contents

A full copy of the MoA is available on request. The MoA is in two parts. Part A identifies the managerial (partnership) structure and staffing arrangements, and all partners are requested to sign it. Part B identifies administrative and financial arrangements for the AONB. Organisations such as SDC who contribute finances to the partnership are requested to sign this part.

### *Part A: Managerial structure and staffing*

1	Introduction & background – how the MoA is set out
2	<b>Partnership purpose:</b> ‘to deliver the statutory purposes of designation for AONBs and to deliver the statutory duties and other requirements in managing AONBs on behalf of its members’.
3	Describes the structure of the AONB partnership (See Appendix I)
4	<b>Partnership Forum:</b> purpose is to allow local groups and organisations to raise issues, make suggestions and provide local expertise/advice. Meets annually. Membership open to all groups with an interest in the AONB.
5	<b>Partnership Panel:</b> Responsible for preparing and implementing policies to conserve and enhance the AONB, promote and champion the area, fulfil duties under the CRoW Act, respond to significant planning proposals, manage budgets, agree the AONB manager work programmes. Prepare annual reports, organise the AONB forum, deliver projects to implement the management plan.  25 members sit on the Partnership panel (11 local authority (LA), 9 bodies with a national/regional perspective on AONB management, and 5 with a local perspective. Each LA is represented by 1 elected member & 1 officer may also attend. Each AONB member has 1 vote. On financial matters, the Countryside Agency and 8 of the 11 LA’s are considered quorate.  The partnership panel will appoint an independent chair, and meet 3 x per year.
6	<b>AONB Team:</b> contains an AONB manager, project development officer, information & communication officer, 2 x P/T support officers. The team carries out core functions such as preparing and reviewing the management plan, implementing/coordinating implementation of the management plan, monitoring progress, promoting the AONB, providing advice, seeking funding.
7	<b>Topic groups</b> may be established to work on specific issues, following agreement by the Partnership Panel. The Terms of Reference for each group will be agreed by the Partnership Panel.
8	The <b>Technical Advice Group</b> supports and advises the AONB team and Partnership Panel. Core members include LA officers, the Countryside Agency and English Nature. It will help to form policies, reports and agendas, and ensure effective communication between the AONB team and key members of the partnership.

## Part B: Administrative and Financial Arrangements

9	<b>Administrative arrangements:</b> Staff to be employed by Wilts. CC. The Countryside Agency must be represented on the interview panel. Work programmes will be agreed by the Partnership Panel.
10	<b>Financial arrangements:</b> Wilts. CC will collect and manage Partnership costs. Eligible costs are described. The Countryside Agency (CA) will fund core costs at 75% and 50% of Project costs. LA contributions are 'expected' to be on a proportional basis, with SDC contributing 23.51% of costs not met by the Countryside Agency (CA). The budget bid will be agreed annually by the Partnership Panel by 31 <sup>st</sup> October. <i>Rises in excess of inflation will require express consent from all funding bodies.</i> Wilts CC will submit a bid to the CA by 30 <sup>th</sup> November each year. The CA will make a formal grant offer by March the following year. Other partners will make their agreed contributions following an invoice from Wilts CC.
11	<b>Termination:</b> a partner may terminate their participation in the agreement by giving 3 months written notice. Costs are liable up until the date of termination. All funding partners will ensure their employer's liability insurance fully covers the involvement of their organisation and employees in the project
12	<b>Arbitration:</b> Any dispute arising from the interpretation of the terms of the MoA shall be referred to the arbitration of a single arbitrator agreed by both parties.

### 5. How would signing the MoA meet SDC's Core Values?

The MoA enables SDC to remain a strong and full member of the AONB Partnership. As well as providing a means of fulfilling SDC's statutory requirements (Sections 2.2 & 6.1), this will help SDC to meet the following core values:

Value	How does signing the MoA meet this value?
Providing excellent service	Help SDC to achieve more in the relevant wards through Partnership working
Being environmentally conscientious	The primary aim of managing an AONB is to conserve landscape and other valuable features such as habitats, species, historical landscapes, etc.
Communicating with the public	A wide range of local community groups form part of the AONB Partnership Forum (meets annually).
Promoting a thriving local economy	Help SDC/AONB team work together to implement the AONB management plan, which contains actions for promoting the local economy of the area.
Wanting to be an open, learning council, and a willing partner	Enable SDC to take a proactive and strong stance within the AONB Partnership

### 6. Implications

#### 6.1 Legal

SDC has a legal commitment under the CRow Act 2000 to 'prepare and publish a plan which formulates their policy for the management of the area of outstanding natural beauty and for carrying out of their functions in relation to it' (Section 89(2)). The partnership is the most cost effective way of achieving this. If SDC does not sign up to the current Partnership through the MoA it will have to prepare its own management plan or negotiate a different method of working together with other

Local Authorities and relevant bodies such as English Nature and the Countryside Agency. This may lead to delays in implementing SDC's other commitments under the CRoW Act.

Whilst signed up to the MoA, SDC is committed to complying with its terms. There is however a provision to enable the council, or any of the other parties, to terminate their participation in the MoA on the giving of 3 months' written notice. Therefore, if at some time in the future the council is not satisfied with the way that the partnership is performing, notice terminating our involvement can be given.

## **6.2 Financial**

The amount requested from SDC during 2004-2005 was £13,285, and £13,000 was made available (Section 3.2). The SDC expenditure committed in the memorandum of agreement is therefore contained within existing budgets. In future years rises in excess of inflation will only proceed with the express consent of all funding partners.

Local authorities are expected to help fund AONB partnerships to ensure their duties under the CRoW Act are fulfilled<sup>(1)</sup>. Section 10 of the MoA accordingly states that members are expected to maintain annual contributions at a similar rate to 2004/2005 levels (outlined in Section 3.2). Costs are calculated by the AONB team according to agreed staffing levels and estimated running/project costs. However, there are two mechanisms to ensure that the AONB budget does not rise above acceptable levels that cannot be met. The budget is negotiated by the Partnership Panel and Technical Advisory Group on an annual basis during August-September (Section 10.6 of the MoA). Financial problems arising year-to-year can be dealt with during this period. The MoA also states that rises in excess of inflation will only proceed with the express consent of all funding partners. In the event that the size of the contribution required was more than the council considered acceptable, SDC has the right to terminate the agreement by giving 3 month's notice.

## **6.3 Human Rights**

None.

## **6.4 Personnel**

SDC would need to retain it's current levels of staffing (Section 3.1) to remain a strong partner within the AONB Partnership. Additional SDC representation may be requested by the AONB team when the Topic Groups (MoA Section 7) are reconvened. The frequency of attendance expected of representatives is not however, specified within the MoA.

## **6.5 Community Safety**

None

## **6.6 Wards Affected**

Western Area: All wards

Northern Area: Till valley and Wyle

Southern Area: Ebble.

## **7. Recommendations:**

### **7.1. Memorandum of Agreement**

Members are invited to adopt and sign the Memorandum of Agreement. There are several reasons why Members should agree to sign the MoA:

- Working in partnership on AONB issues is a statutory obligation, as is the process of agreeing and reviewing the management plan.
- The Memorandum of Agreement formalizes procedures and mechanisms that have been previously agreed by SDC representatives over the course of the past 2 years. It does not tie SDC to new procedures or mechanisms.
- The Partnership does not tie SDC to specified levels of funding – and there are two mechanisms in place to ensure budgets do not rise above an acceptable level.
- The Management Plan provides a means of monitoring actions and results, to ensure that Best Value is achieved for the Salisbury District. Priorities agreed by an SDC Working Group can also be used as a means of monitoring value for money.
- If it is felt that value for money is not being achieved after a reasonable period of time SDC can withdraw from the current MoA by giving 3 months notice.

Section 4.1 also outlines why the MoA is needed from the AONB Partnership perspective.

### **7.2: SDC Priorities**

Members are asked to endorse the priorities that the Working Group identified from the Management Plan action tables (Section 2.4). These will be given to the AONB team, and progress on these priorities monitored to ensure that the Partnership can demonstrate Best Value for Salisbury District Council. The full list of comments made on the Action tables are contained in Appendix 2.

- 1) *Planning / development control*  
AC15: Set up a planning topic group to rationalise the policies and procedures for commenting on planning applications, and share existing information.
- 2) *Environment and landscape*  
AC1, AC2, AC11, AC21: set up a Landscape Scale Restoration programme, provided that it is linked to LBAP targets as well as landscape targets. Finding funding sources for farmers and land-managers to implement changes will be a priority if this is to be successful.
- 3) *Community Planning*  
AC102: Link into SDC Community Plans (produced in July 04), focussing on supporting the findings of the Community plans and helping to implement projects without duplicating existing services and work programmes.
- 4) *Economic development/tourism*  
AC 63, AC89: Need to develop a higher, more credible profile - starting with local people. An audit of recreation and tourism information would be useful to find out what is needed to promote the AONB 'product', but developing a well-publicised programme of walks, talks, site visits would gain tangible results quickly.



5) Access

AC9: Promote effective communication between authorities on cross-border rights of way issues to ensure they do not impact on the quality of the AONB landscape, and consider access throughout

## 8. Consultation Undertaken

This report will be sent to the Western Area Committee on 17<sup>th</sup> June, and then to Cabinet on 23<sup>rd</sup> June. It is important that both Committees agree to sign the MoA given the financial implications for SDC, but the potentially positive implications of the AONB Partnership for the Western Area.

The MoA was placed before the relevant Councillors and the Legal department in April 2004. Two changes were requested: 1) to clarify that SDC Members cannot ask an SDC officer to vote on their behalf. Should a member be unable to attend an important meeting, the voting right of the officer would have to be agreed in advance by the Local Authority itself; 2) that express permission be gained from funding partners if the annual budget rises above the rate of inflation. Wording has been satisfactorily altered within the MoA.

An internal SDC working group has been set up (See Appendix 2) to discuss relevant AONB issues such as setting priorities within the management plan. This group will meet as necessary to review progress on the priorities, and ensure SDC remains proactive within the Partnership.

Cabinet was consulted on the draft management plan on 29<sup>th</sup> October 2003. A paper on the implications of the CRoW Act was also placed before the Western Area on 29<sup>th</sup> March 2001.

Public consultation has been a key consideration of the AONB team in drawing up the Management Plan. The annual forum meetings provide a means for local groups and organisations to participate in the management of the AONB. The 2004 May Forum took place in Dinton, to discuss 3 key AONB issues - planning, access (rights of way), and landscape restoration.

## 9. Background papers

1. The Countryside Agency. 2001. *Areas of Outstanding Natural Beauty: A guide for partnership members*. Countryside Agency Publications, Wetherby.
2. CCWWD AONB. 2001. *Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty Business Plan (December 2001-march 2004)*. Joint Intermim Management Group.
3. Countryside and Rights of Way Act 2000.  
<http://www.hmso.gov.uk/acts/acts2000/20000037.htm>