

Individual Cabinet Member Delegated Decision

Cabinet Member for Finance, Development Management and Strategic Planning - Cllr Nick Botterill

Service - Environment

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Reference: FDMSP-02-24

INTENTION: ENDORSEMENT OF THE COTSWOLDS NATIONAL LANDSCAPE MANAGEMENT PLAN 2023-2025

Purpose of Report

1. To seek approval to endorse the new Cotswold Management Plan 2023-25 for the National Landscape, referred to in the legislation as an Areas of Outstanding Natural Beauty (AONB).

Relevance to the Council's Business Plan

2. The Cotswold Management Plan and endorsement of it is in line with the Sustainable Environment priority of the Business Plan 2022-2032 (adopted 2022), which seeks the Council to take the lead to become carbon neutral and, together, to take responsibility for conserving the environment. The proposal also helps to achieve a Thriving Economy by facilitating sustainable growth.

Background

3. Wiltshire Council is required by Section 89 of the Countryside and Rights of Way Act 2000 to prepare and publish a management plan for any and all AONBs that fall wholly or partially within its area. AONB is still the legal designation albeit they are now referred to as National Landscapes.
4. Wiltshire has 3 National Landscapes (NL) that partially fall within the boundary. North Wessex Downs to the east, Cranborne Chase to the South and to the north the Cotswolds which is the smallest area of a NL that falls within the county.
5. Section 89 of the Act requires the council to, 'prepare and publish a Management Plan which formulates [their] policy for the management of the AONB and for carrying out of their functions in relation to it.'
6. National Landscape Management plans have to be reviewed every five years. The new plan was adopted by the Cotswold National Landscape Conservation Board on 21st February 2023 following extensive consultation. Cllr Steve Bucknell represented Wiltshire Council on the CNL Board. The current Cotswold Management Plan covers the period 2023-2025.
7. The Constitution for the Cotswold is also quite different from both North Wessex Downs

and Cranborne Chase as it is one of only two Conservation Boards (recognised as legal entities). The Cotswold NL have a Board of 37 Members – 15 Councillors (one from each of our local authority partners), 14 Secretary of State (Defra) appointees and 8 parish/town council appointees. The name used for the organisation associated with the designation is the Cotswolds National Landscape Board. At times this is abbreviated to National Landscape Board or The Board. However, the legal name of the organisation remains the Cotswolds Conservation Board but this name is no longer used in most circumstances.

Main Considerations for the Council

8. The Cotswolds National Landscape Management Plan is a statutory plan, which sets out the vision, outcomes and policies for the management of the Cotswolds National Landscape for the period 2023-2025.

9. The vision sets the overall context for the plan and was adopted in 2022 following consultation with stakeholders. The vision was drawn up in the light of three interlinked key issues:

Key Issue 1, The Climate Emergency

Key Issue 2, Nature's decline and the Ecological Crisis

Key Issue 3, Health and societal changes

10. The plan goes on to define the special qualities of the National Landscape. These are the aspects of the area's natural beauty which make it distinctive and which are considered valuable, especially at a national scale. It is the impact of these key issues amongst others, on the special qualities that has informed the development of the plan's outcomes and policies.

11. The outcomes express the desired state of the National Landscape. They are arranged under three over-arching headings which reflect the National Landscape's purpose of designation (to conserve and enhance natural beauty) and the National Landscape Board's additional purpose (to increase understanding and enjoyment).

12. An important consideration for local authorities in endorsing the plan is the extent of alignment with local authority plans including development plans (i.e. Local Plans, Minerals and Waste Local Plans, Neighbourhood Plans and Development Plan documents). However, endorsement does not require a complete alignment between the Cotswold Management Plan and other local authority plans.

13. Considering that there are 15 local planning authorities coincident with the Cotswolds National Landscape, each with multiple documents that constitute their development plans, achieving such alignment would be challenging.

14. It is therefore intended that the Management Plan will help inform the development of future Local Authority plans and so it is, to a certain extent, aspirational. Page 13 of the Cotswold Management Plan addresses this particular point:

“One of the areas which the Management Plan policies relate to is in the policy-making and decision-taking of local planning authorities (LPAs). For example, it is hoped that LPAs will have regard to the Management Plan policies when reviewing and developing their own policies, including those within their development plans. The Management Plan policies are aspirational and as such, they might go further than current policies in individual development plans. It is intended that these aspirational policies will aid in helping to develop and evidence new local plan policies.

The Management Plan should be a material consideration in planning decisions. However, it is recognised that planning law requires that applications for planning permission be determined in accordance with the LPA's development plan (unless material considerations indicate otherwise)".

15. It should be noted that since the plan was written the Levelling Up and Regeneration Act 2023, placed a stronger requirement on LPA's to contribute to the delivery of National Parks and National Landscape (AONB) Management Plans. The changes broadly take two forms:

- A strengthening of the s.85 Duty of Regard from "a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty" to "a relevant authority ... must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty". The amendment also gives the Secretary of State the power to make provision through regulations about how a relevant authority is to comply with the strengthened duty including things that the authority may, must or must not do to comply with it.
- Giving the Secretary of State the power to make regulations requiring protected landscape Management Plans to contribute to the meeting of any target set under Chapter 1 of Part 1 of the Environment Act 2021, including setting out how they will do so, and setting out how "any plan under section 89 relating to an area of outstanding natural beauty in England" must further the purpose of conserving and enhancing the natural beauty of that area.

16. The council meets the aforementioned duties by endorsing a singular Management Plan for the National Landscape that covers the full extent of the protected area, prepared by the Conservation Board and endorsed by all 15 of the local authorities parts of whose areas lie within the boundary. Wiltshire Council is now asked to formally endorse the 23-25 Cotswold Management Plan.

Overview and Scrutiny Engagement

17. No engagement has been undertaken with the Council's Overview and Scrutiny function.

Safeguarding Implications

18. There are no safeguarding implications associated with the proposal.

Public Health Implications

19. The Management Plan will help deliver nature's recovery and improved access to the countryside and in doing so help improve the health and wellbeing of local residents.

Procurement Implications

20. Procurement will be undertaken in line with corporate procedures.

Equalities Impact of the Proposal

21. There are no equalities impact implications in relation to the proposal.

Environmental and Climate Change Considerations

22. The proposal to endorse the Cotswold Management Plan will support the protection and restoration of biodiversity, natural flood management and carbon sequestration. It aligns with the environmental aspirations as set out in the Climate Strategy and those in the Green and Blue Infrastructure Strategy.

Risks that may arise if the proposed decision and related work is not taken

23. The Council is required by Section 89 of the Countryside and Rights of Way Act 2000 to prepare and publish a management plan for any and all AONBs (now National Landscapes) that fall wholly or partially within its area. To not endorse the new Management Plan would mean that this duty is not fulfilled.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

24. There are no risks that may arise from the endorsement of the Cotswold Management Plan. As set out above Local Planning Authorities, under the strengthened duty, must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty and will have regard to the Management Plan policies when reviewing and developing their own policies, including those within their development plans. The Management Plan policies are therefore aspirational and as such, they might go further than policies in individual development plans. It is intended that these aspirational policies will aid in helping to develop and evidence new local plan policies and not conflict with existing.

Financial Implications

25. There are no new financial implications arising from the proposal to endorse the Management Plan. The 3 National Landscapes that partially fall within Wiltshire each receive annual funding contributions according to DEFRA funding formula, 75% central government, 25% combined local authority contributions. Wiltshire Council contributes to the each of the NL in line with the above.

Legal Implications

26. Wiltshire Council is required by Section 89 of the Countryside and Rights of Way Act 2000 to prepare and publish a management plan for any and all AONBs (now National Landscapes) in its area. The plan must be reviewed every five years.

Workforce Implications

27. There are no new workforce implications arising from the proposal.

Options Considered

28. The council has been an integral part in the development of the ne Cotswold Management Plan 2023-2025 and as part of the consultation process that followed. All comments received have been given due consideration and the final Management Plan was amended to take these into consideration. Whilst there is an option to not endorse the Plan there remains a duty under the Rights of Way Act to have such a plan in place and a

strengthened duty that the LPA must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty

Proposal

29. To approve the endorsement of the new Cotswold National Landscape Management Plan 2023-2025.

Reason for Proposal

30. The endorsement of the Cotswold Management Plan aligns with the duties placed on the authority. The Cotswold Management Plan as proposed has been given due consideration by the council.

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Appendices

None

Background Papers