

# **Proposal to extend the Gower AONB**

## **Context**

The Countryside Council for Wales (CCW) is the Welsh Government's statutory advisor on landscape issues in Wales. CCW is the only organisation that has statutory powers under s82 Countryside and Rights of Way Act to designate new areas of Outstanding Natural Beauty (AONBs) or National Parks in Wales under s7 National Parks & Access to the Countryside Act 1949.

CCW receives a number of requests on a regular basis from a variety of organisations and individuals requesting CCW to consider designating new areas as AONBs or National Parks, or to vary existing protected landscapes boundaries.

## **Proposed extension to the Clwydian Range AONB**

With the last landscape designation taking place in 1985 by our predecessor organisation, CCW had no direct experience of applying consideration of the statutory designation process within a modern context of societal engagement and public sector resourcing constraints.

The proposal to extend the Clwydian Range AONB was rooted in the Hobhouse proposals in 1947, which provides the basis for all our landscape designations, and had been examined but never concluded by the Countryside Commission for Wales in 1977 and again in the 1980s. This proposal was once again revisited following a commitment in CCW's Landscape Policy Document (1996), the formal policy statement of intent in Denbighshire CC Unitary Development Plan and completion of CCW's LANDMAP, a national database of landscape information. These developments formed the basis of the recent proposal to extend the Clwydian Range AONB and were further supported by a longstanding professional and public view that the area was likely to be of national importance in landscape terms. These formal commitments led to CCW beginning a programme of work to evaluate the evidence base.

## **Testing a methodology**

In undertaking an evaluation of the proposal, CCW was also committed to testing a methodology for considering the appropriateness of designation as a tool for maintaining landscape quality and helping to achieve rural sustainability.

Essentially this methodology includes:

- Establishing whether the area is of national importance in landscape terms.
- Identifying the special qualities of the landscape that make it rare or representative.
- Evaluating the existing evidence base to test the national importance in terms of the natural beauty criteria.

- Examining public support and professional recognition that the area is of outstanding landscape quality.
- Identifying the forces for change and likely trends impacting on the area.
- Testing the appropriateness of designation as a mechanism for managing the forces for change. Which includes a thorough consideration of alternative mechanisms to designation.
- CCW would then need to give careful consideration to the desirability of designating the area and would seek to understand the likely support or opposition by the relevant local authorities.
- If CCW's Council conclude that all of these favour a move towards designation, then a public consultation / information programme would be undertaken to provide an opportunity for a public examination of issues relating to the proposal.
- Following the Public Consultation / Information Programme, if CCW Council would need to consider whether it is appropriate to move into the Statutory Consultation with the relevant local authorities.
- If there are objections at this stage from the relevant local authorities then this would be likely to trigger examination at a Public Inquiry.
- If there is support from the relevant local authorities and CCW still believes that it is desirable for the provisions of the CROW Act for the conservation and enhancement of natural beauty should apply to the area, then CCW's Council has the powers to agree to make a Designation Order.
- By law CCW can only consider an area as desirable for designation due to its outstanding natural beauty and not for any other purpose or reason.
- Any Designation Order made is then subject to scrutiny and consideration by Welsh Government, who have the power to reject, vary or confirm the Order.
- The provisions of the Act will only apply to an area if it is formally confirmed by Welsh Government Ministers.

In summary this is a lengthy, statutory process that requires a comprehensive and solid evidence base for the proposal which is subject to public and government scrutiny. Experience from England suggests that this is not overly protracted timescale. Although a little different, the designation of the South Downs National Park took more than ten years complete.

The Clwydian Range and Dee Valley AONB proposals enabled CCW to test the methodology. CCW is currently undertaking work to conclude an outstanding issue associated with the Clwydian Range & Dee Valley process.

### **Proposed extension to Gower AONB**

The Gower AONB was the first Area of Outstanding Natural Beauty to be designated in England and Wales in 1956. A further four AONBs were designated in Wales up to 1985.

CCW receives a number of requests for new areas to be designated or proposals for boundary variations. It is the same legal process for varying a boundary as it is for designating a new area. CCW was made aware of the Gower Societies aspirations

through a letter to Roger Thomas, CEO of CCW from Malcolm Ridge, Chairman of the Gower Society, in 2005.

Over the years there has been further correspondence from the Gower Society outlining their desire for CCW to examine their proposal to extend the existing AONB beyond the Swansea, Clydach and Gorseinon conurbations into a detached area of Mynydd Y Gwair. This area is identified in Welsh Governments TAN8 Strategic Search area and there have been proposals for a windfarm which has recently (15<sup>th</sup> March 2012) been the subject of a Court of Appeal ruling due to likely impacts on peat but the proposals could potentially be resubmitted if those impacts were addressed.

Throughout this period CCW has explained that our efforts and resources have been focussed on developing and testing a methodology through the Clwydian Range & Dee Valley AONB process and therefore we would not be in a position to consider The Gower Societies proposals until that process had finished. The first part of the process has only recently concluded with John Griffiths, Minister for Environment and Sustainability confirming the Designation Order on 22<sup>nd</sup> November 2011.

In this time of public sector constraints it should be noted that CCW does not have the capacity, resources or expertise to consider multiple proposals contemporaneously.

The Gower Society submitted a petition to the Welsh Government Petitions Committee which was considered on 13<sup>th</sup> March 2012. It is disappointing that the Petitions Committee have been given incorrect information that CCW has been considering these proposals to extend the Gower AONB since 2005. During this period as outlined, CCW has been working with our partners and invested great efforts in developing and testing a robust and thorough process with the successful conclusion of the Clwydian Range & Dee Valley being confirmed as an AONB. The Gower Society have been regularly updated on progress with this work on the Clwydian Range and Dee Valley through correspondence, meetings with CCW's Chief Executive and normal local liaison arrangements.

### **Fundamental changes to the Environment Sector in Wales**

There needs to be some recognition of the fundamental changes being proposed for the environmental sector in Wales. Welsh Government's Natural Resource Wales paper contains proposals to merge some of the functions of CCW, Forestry Commission Wales and Environment Agency Wales into a new Single Body on 1<sup>st</sup> April 2013. **It would not be feasible to establish the evidence base to consider the Gower Societies' proposal and complete the legal process outlined, before CCW loose our powers to designate and cease to exist.**

With the Welsh Government proposed Environment Bill in 2014/15 there is also expected that there to be a fundamental review of all designations in Wales, including landscape designations, to assess how they will assist in the delivery of Governments' aspirations for an ecosystem approach to sustainable development. This provides both challenges but also opportunities as other mechanisms may emerge for an

integrated planning and management landscape approach for the delivery of multiple outcomes.

## **Conclusion**

CCW welcomes the interest that the Gower Society and others have in conserving the landscape of Wales, however for the reasons set out in this paper, CCW is not in a position to consider this or any other proposal at the present time.

Given the high level of interest by the public in landscape, it is likely that these issues will need to be given careful consideration by the new Single Body. It is probable that the Board of the Single Body will need to examine the national picture of landscape designation in Wales, within the context of Welsh Government policy and the proposed Environment Bill for Wales, and whether there should be any formal consideration of the proposals put forward by The Gower Society, Cambrian Mountains Society and numerous other groups and individuals. This is based on the assumption that the Single Body will be Welsh Governments statutory landscape adviser and will retain its landscape designation powers.

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30<sup>th</sup> March 2012

## **Annex 1**

Link to Gower Society petition:

<http://www.senedd.assemblywales.org/documents/s6066/Coversheet.pdf>

Link to Petitions Committee discussion;

<http://www.senedd.tv/schedule.jsf>