Frequently Asked Questions

27th October 2022

# Surrey Hills Area of Outstanding Natural Beauty Boundary Review Project

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## **1. Introduction**

It is Natural England’s statutory responsibility to designate National Parks and AONBs.

In July 2021 Natural England announced a new programme for landscape, working with stakeholders, communities, and government. This includes determining four proposals for either new AONBs, or extensions to existing AONBs. One of these is to consider a proposal for an extension to the Surrey Hills AONB. This project is now underway.

The purpose of this Frequently Asked Questions document is help inform about AONBs and the Surrey Hills AONB in particular; the designations process and Natural England’s role; as well as some of the implications for any area that is designated as an AONB.

For more detailed information on the designation process see the Natural England Guidance on Assessing landscapes for designation at the AONB website: <https://www.surreyhills.org/wp-content/uploads/2022/06/Guidance-on-Assessing-Landscapes-for-Designation-Updated-2021_with-Cover-page-30.6.21.pdf>

## **2. Background**

### **Q. What is an AONB?**

**A.** An [Area of Outstanding Natural Beauty](https://www.gov.uk/guidance/areas-of-outstanding-natural-beauty-aonbs-designation-and-management) (AONB) is land protected by the Countryside and Rights of Way (CRoW) Act 2000. Section 82(1) of the CRoW Act defines an AONB as “an area which appears to Natural England to be of such outstanding natural beauty that it is desirable that the protective provisions of Part IV of the Act should apply to it for the purpose of conserving and enhancing the area‘s natural beauty.” There are currently 34 [AONBs in England](https://landscapesforlife.org.uk/about-aonbs/aonbs/overview).

The Surrey Hills AONB was first designated in 1958 under legislative provisions originally set out in the National Parks and Access to the Countryside Act 1949 ([https://www.surreyhills.org](https://www.surreyhills.org/)).

### **Q. Who makes decisions with regard to new landscape designations?**

**A.** Natural England has a discretionary power under S.82 of the CRoW Act, to designate Areas of Outstanding Natural Beauty (AONB) or to vary the boundary of an existing AONB by a subsequent Order (a variation Order). Any decision will be made by Natural England’s Board, having considered the evidence and the results of the statutory consultation and the statutory Notice period. The Orders do not take effect however unless and until they are confirmed by the Secretary of State (Defra). The Secretary of State has the power to call a Public Inquiry under the Inquiries Act 2005 if minded to do so.

### **Q. What is Natural England’s remit?**

**A.** Natural England is the government’s independent adviser on the natural environment, with special responsibilities for creating National Parks and Areas of Outstanding Natural Beauty and reviewing their boundaries. We also have a wide range of other responsibilities for the natural environment. More information about our work is at [www.gov.uk/government/organisations/natural-england](http://www.gov.uk/government/organisations/natural-england).

### **Q. How does Natural England decide which areas should be designated as AONBs**?

**A.** In deciding whether to designate an AONB, or to vary an existing AONB boundary, Natural England must first consider whether the land has outstanding natural beauty and then whether designation is desirable for the purpose of conserving and enhancing the area’s natural beauty. This decision requires Natural England to address three broad questions:

1. Does the landscape have sufficient natural beauty to be considered outstanding?
2. Is it desirable, to designate this landscape as AONB in order to conserve and enhance its natural beauty?
3. Where should the boundary be drawn?

Further details are given in subsequent sections below on the ways in which these three questions are addressed in practice.

### **Q. How is the Surrey Hills AONB managed?**

**A.** The management of the Surrey Hills is overseen by the Surrey Hills AONB Board as an independent partnership that leads on the preparation, monitoring and review of the AONB Management Plan on behalf of its constituent bodies and other partner organisations. The AONB Board also plays a leading role in developing an image and sense of identity for the Surrey Hills AONB and developing and supporting initiatives that implement the AONB Management Plan policies.

The work of the AONB Board is achieved through the Surrey Hills AONB Unit taking forward a range of initiatives that promote the special character of the Surrey Hills, establish partnerships, secure funding, ensure implementation and monitor effectiveness. In recognition that the Surrey Hills AONB is a nationally important landscape, 75% of the Unit’s core costs are funded by central government through DEFRA with 25% of core costs from the six local authorities to reflect their statutory responsibilities towards the AONB.

## **3.** **Review of the boundary Surrey Hills AONB**

### **Q.** **What areas are currently within the Surrey hills AONB?**

**A.** The Surrey Hills AONB stretches across Surrey’s North Downs, from Farnham in the west to Oxted in the east of the county. It also includes the Greensand Hills which rise in Haslemere and stretch eastwards to Leith Hill, the highest point in Southern England. [www.surreyhills.org](https://www.surreyhills.org/)

### **Q.** **Why is the boundary of the Surrey Hills AONB being reviewed?**

**A.** The Surrey Hills AONB partnership has long considered that the AONB should be extended into adjacent areas that that it considers meet the criteria for designation as an AONB. Some of these areas are locally designated as an Area of Great Landscape Value (AGLV). Representations to this effect have been made to Natural England and predecessor bodies over a number of years.

### **Q.** **Why is this work starting now?**

**A.** The Rt Hon George Eustice MP, Secretary of State (Defra), made a Written Ministerial Statement on the 24th June 2021 which included reference to Natural England taking forward the government’s commitment to designate additional protected landscapes with specific reference considering the designation of the following four new areas.

* Yorkshire Wolds AONB
* Cheshire Sandstone Ridge AONB
* An extension to the Surrey Hills AONB
* An extension to the Chilterns AONB

This followed the publication of the government commission Landscapes Review, in September 2019 (the ‘Glover Review’).

### **Q.** **What has happened so far?**

**A.** Natural England has appointed consultants experienced in this area of work who have assisting in evidence gathering with local people and stakeholders prior to undertaking the technical assessment of natural beauty and in determining the desirability of extending the AONB to include areas assessed to have outstanding natural beauty.

From 1st December 2021 – 31st January 2022 Natural England put out a call for evidence to gather a range of data and information in a structured way which addresses the specific technical requirements of the formal assessment process via an online engagement platform and a digital app, as well as via workshops (see the website for further information: [www.surrey-hills-aonb-boundary-review.org](http://www.surrey-hills-aonb-boundary-review.org).

### **Q. What are the next steps and expected timescales?**

**A.** Natural England has appointed consultants experienced in this area of work who are assisting in undertaking the technical assessment of natural beauty and working with local people and stakeholders to ensure that we have access to the best available evidence.

The following is a summary of the practical steps being followed in order to fulfil the legislative requirements (with indicative timescales for each):

1. Review all available evidence relevant to the assessment of natural beauty and to the desirability of designation, engaging with stakeholders with regard to evidence gathering and consideration of relevant issues; prior to undertaking the technical assessment of natural beauty; determining the desirability of designating any qualifying areas and to identifying proposed revised boundaries by end of November 2022.
2. Submission to the NE Board of assessments on whether Natural England should vary the boundary of the existing Surrey Hills AONB for approval to undertake a statutory and public consultation: by end of January 2023.
3. Preparation of documentation for and subsequent undertaking of the formal statutory and public consultation. This is the main opportunity to provide formal responses about the proposal when the background technical documentation will be made available to inform responses: by end of May 2023.
4. Review responses to the statutory consultation prior to seeking NE Board approval of a draft Order with regard to amending the boundary of an existing AONB and approval to proceed to a formal period of Notice: By end of November 2023.
5. If the proposal is changed to include additional land as a result of representations made at the formal statutory and public consultation, a further period of statutory consultation is required on the changes.
6. Plan and proceed with the formal period of notice. This provides a formal opportunity for public comment. This is in effect a further round of statutory and public consultation: December 2023 to January 2024.
7. Analyse representations received during the formal Notice period, potentially amend technical assessments and proposal, followed by seeking approval from Natural England’s Board for the making and submitting an Order to the Secretary of State (Defra) to vary the boundary of the Surrey hills AONB: by end of January 2024

### **Q.** **When is the boundary review expected to be completed?**

**A.** A national landscape designation (AONB/ National Park) is a significant undertaking requiring robust evidence gathering, engagement and consultation with local and national communities and stakeholders and is therefore rightly not a quick process. We expect each designation to take 2-3 years. Previous designations have taken three to five years from commencing technical assessments to the submission of a designation order for confirmation by the Defra Secretary of State. The time until the Minister confirms an order varies according to several factors including whether a public inquiry is deemed necessary.

Assuming the above timetable is followed, and the Natural England Board determines that a boundary variation should be made following the technical assessments and statutory consultation, Natural England would expect to submit a variation Order to the Secretary of State for a decision by approximately the end of January 2024.

It is not possible to say how long the Secretary of State’s decision will take following submission or whether a Public Inquiry will be called.

### **Q.** **How will local people be able to engage?**

**A.** Natural England will work collaboratively with local partners to ensure there are good engagement opportunities throughout the process. This could include opportunities to contribute to evidence gathering as well as through informal and formal consultation.

### **Q.** **Could the review result in the designated area being reduced?**

**A.** Natural England is considering whether there are further areas that might have potential to be designated as extensions to the existing Surrey Hills AONB. Natural England is not considering removing land from the existing AONB and will not be recommending that any areas are de-designated.

## **4.** **The Designation Process in more detail**

### **Q.** **How does Natural England go about fulfilling this statutory responsibility?**

**A.** Natural England’s *Guidance on Assessing Landscapes for Designation* was updated in June 2021 and sets out how we evaluate natural beauty as well as the desirability of designation and the criteria we use to identify detailed boundaries. The guidance can be accessed here: <https://www.surreyhills.org/wp-content/uploads/2022/06/Guidance-on-Assessing-Landscapes-for-Designation-Updated-2021_with-Cover-page-30.6.21.pdf>

### **Q.** **How is the assessment of Natural Beauty undertaken?**

**A.** Once an area has been selected for consideration for designation, it will be considered in detail, using the guidance referred to above. This guidance explains how Natural England normally expects to apply the statutory designation criteria in practice when assessing landscapes for designation.

Natural beauty is not exhaustively defined in the legislation. It is also a very subjective characteristic of a landscape and ultimately involves a value judgment. In deciding whether an area has natural beauty, Natural England must therefore make a judgment as to whether people are likely to perceive a landscape as having outstanding natural beauty.

In order to make these value judgments (some of which are subjective) in a transparent and consistent way, the Guidance sets out clear factors Natural England uses, reflecting precedent from past designations as to what has been accepted as relevant to natural beauty. These include landscape and scenic quality, relative wildness, relative tranquillity, and the contributions made to natural beauty by natural and cultural heritage features.

### **Q.** **Does land already have to have outstanding natural beauty in order to be included in an AONB or can ‘potential’ natural beauty be taken into account.**

**A.** The test which has to be applied is stipulated in the legislation and is whether the area “is of such outstanding natural beauty that…”. The test is in the present tense. Thus, as a whole, the area must be deemed to be already of outstanding natural beauty. The assessment is not however carried out at a field-by-field level and there may be small pockets within it which do not fulfil the designation criterion in their own right. The decision to include non-qualifying land depends on the location, scale, and effect of that land, with more scope within the body of a large qualifying area than towards the margins. In rare cases, where there is confidence and a high degree of certainty that an existing, well-developed initiative will enhance a non-qualifying area to a qualifying standard, that may be taken into account. Large urban areas are however excluded. It is also possible to have ‘outliers’, as part of an AONB, these are areas of qualifying land which sit outside the main body of a designation but are separated from it by non-qualifying land. These areas would however need to be of sufficient scale to make this desirable.

The statutory designation purpose, i.e., the conservation and enhancement of natural beauty becomes relevant once an area is designated and projects and investment to enhance the natural beauty of the area will be actively encouraged throughout the area.

### **Q.** **How does Natural England decide whether it is desirable to designate land as an AONB?**

**A.** It is an important principle in designation, however just because an area is assessed as meeting the natural beauty criterion, it does not mean that it will necessarily be designated. Natural England must also deem it to be ***desirable*** to designate it for the purpose of conserving and enhancing its natural beauty.

Factors that are considered relevant to the ‘desirability’ of designation include:

* Is there an area which satisfies AONB technical ‘outstanding natural beauty’ criterion?
* Is the area of such national significance that the AONB purpose should apply to it?
* What are the issues affecting the area’s special qualities and how could these be affected by designation?
* Can AONB purposes be best pursued through the management mechanisms, powers, and duties along with access to possible additional funding, volunteers, marketing opportunities, which come with AONB designation?
* Are there other relevant factors which tend to suggest whether it is or is not desirable to designate the area?

For example, if land already subject to development consent, we would need to consider what stage is that consent in the planning process and how likely is that consent to be implemented, if land has been identified in an adopted local plan or if there is a planning proposal has been submitted, then this would most likely result in the land not being proposed for designation. The scale and nature of the proposal would need to also be taken into account. If a development proposal is in the body of an area proposed for designation it may be included. If it is on the edge of a proposed designation, it would be excluded at boundary setting, when most up to date information on planning allocations is used.

The more closely that any issue raised, relates to the statutory purpose (the conservation and enhancement of natural beauty), then the greater its relevance and importance.

### **Q.** **How does Natural England identify new boundaries for a proposed extension?**

**A.** If Natural England decides that an area has outstanding natural beauty and that it is desirable to designate, the last step prior to statutory consultation is to identify a detailed boundary and justify it. Boundaries will normally follow a permanent physical feature which ideally is clearly visible on the ground, such as a wall or hedged field boundary, road, or the built edge of a settlement. There is clear Ordnance Survey Guidance and much relevant precedent on what constitutes a good boundary.

Landscape and scenic quality rarely change suddenly and one of the boundary considerations established through precedent is that where there is an area of transition in landscape or scenic quality, a boundary should be drawn towards the high-quality end of the area of transition, to include areas of high-quality land and exclude areas of lesser quality. In other words, the boundary should be drawn conservatively.

### **Q.** **At the time of the statutory consultation Who are the statutory consultees?**

**A.** The CRoW Act requires that Natural England undertakes a statutory consultation of the principal local authorities covering the area prior to reaching a final decision, but in practice Natural England will open this consultation to anyone who might have an interest in the project.

### **Q.** **Why would a Public Inquiry be called**

**A.** The Secretary of State may if so minded, call a Public Inquiry to assist in their decision making in relation to whether the designation should be confirmed or not or amended. A Public Inquiry provides a further opportunity to explore any remaining unresolved objections to assist the Secretary of State in their decision making.

## **5.The Implications of Designation**

### **Q.** **What will change as a result of designation as an AONB?**

**A.** The provisions of the Countryside & Rights of Way Act will immediately apply i.e.:

* S84 (4) specifically provides for a local authority whose area consists of or includes the whole or any part of an Area of Outstanding Natural Beauty to have the power to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of the area.
* S85(1) confers a General Duty to have regard to the purpose of AONB designation as follows: “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.”
* S85(2) defines ‘relevant authorities’ for these purposes as encompassing any Minister of the Crown, any public body, any, statutory undertaker and any person holding public office.
* S87 (3) confers general duties as to the protection of interests of the countryside and the avoidance of pollution.
* S89 (2) places a duty on relevant local authorities to 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 with a further duty to review the plan at "intervals of not more than five years". An AONB Management Plan sets out the policy for the management of an AONB and includes an action plan for carrying out activity in support of the purpose of designation. The Management Plan plays an important role in supporting and co-ordinating the action of the organisations that make up the AONB Partnership, including setting the work programme of the AONB team.

### **Q. What are the wider implications if designation goes ahead?**

**A.** Any areas that become a part of the Surrey Hills AONB will have the benefit of the national status that designation brings and the statutory protection this provides. They will be fully reflected in future AONB Management Plans and benefit from the resources and skills of the AONB Management Unit.

There are no changes to access rights over and above those that already exist.

### **Q.** **How will AONB designation affect planning and development?**

**A.** Designation has no effect on who makes decisions on applications for planning or development consent. For example, all planning applications will continue to be determined by the relevant local planning authorities, who will also continue to prepare and adopt local plans in line with the National Planning Policy Framework which provides the highest level of planning protection for AONBs.

In an AONB, great weight would be given to conserving and enhancing landscape and scenic beauty, the scale and extent of development would be likely to be limited and planning permission refused for major development unless in exceptional circumstances where it is in the public interest. Development promoters and decision-makers will be advised to refer to the AONB Management Plan and to technical and design guidance published by the AONB to demonstrate how their proposals promote the conservation and enhancement of the natural beauty of the area.

Some Permitted Development Rights are withdrawn, requiring affected proposals to be subject to the full planning application process.

### **Q.** **How will designation affect landowners and other land managers?**

**A.** Ownership of land remains unchanged within an AONB, and there is no restriction on how land can be farmed. There is also no impact on Single Farm Payments to farmers and landowners. Historically farmers and landowners have been able to benefit from past agri-environmental schemes which were specifically targeted at land in designated landscapes, most recently the Farming in Protected Landscapes Scheme. Landowners and managers within the AONB may in the future also benefit from greater access to new agri-environmental measures being announced by DEFRA as part of the ELMs programme.

### **Q.** **How will designation affect nature conservation?**

**A.** The natural beauty of an AONB encompasses contributions made by both natural and cultural heritage features. Future management of the area will thus seek to ensure that the wildlife and habitats that are so intrinsic to its natural beauty, are conserved and enhanced. This is also the case with cultural heritage features. The integrated management approach taken by the AONB will also assist with the management of any potential conflicts which may arise between wildlife, cultural heritage, and recreation.

## **6.** **Questions raised during the stakeholder engagement stage**

### **Q. Was the stakeholder engagement stage a consultation?**

**A.** No. This stage of the project aimed to involve local people and stakeholders’ in gathering evidence prior to the assessment of whether further areas met the criteria for designation as set out in the Countryside and Rights of Way Act 2000. The purpose of this exercise was simply to assist Natural England in ensuring that we have as much relevant evidence as possible prior to undertaking the technical assessment of the natural beauty of areas adjacent to the existing Surrey Hills AONB.

There will however be a formal statutory consultation on any areas proposed as extensions to the AONB. This will follow completion of our technical assessments and is expected to be towards the end of January 2023.

### **Q.** Why weren’t all Parish Councils in Surrey contacted at the start of the stakeholder engagement stage?

**A.** Natural England endeavoured to contact directly all the Parish Councils with land within and adjacent to the Area of Search as well as contacting a wide range of other stakeholders considered relevant to the project. Engagement however is not restricted to those who were contacted and in order to ensure wide engagement, we also published a press release to coincide with the start of this stage and further promoted this work via social media. Information with regard to the project was published on the Surrey Hills AONB website.

### **Q.** What is the Area of Search and how has it been defined?

**A.** The Area of Search is simply a broad area of land that has been identified as potentially suitable for designation. This area has been defined on the basis of previous initial technical assessments of natural beauty and other evidence relevant to the landscape adjacent to the existing AONB, including the local landscape designation defined by Surrey County Council (the ‘Area of Great Landscape Value’).

### **Q.** What are Evaluation Areas?

**A.** The Area of Search has been divided into ‘Evaluation Areas’ as indicated on the website. These form an initial framework to gather, collate and assess evidence on which judgements about natural beauty have been made.

The definition of Evaluation Areas as shown on the website, however, has not precluded consideration of additional areas where relevant evidence on natural beauty has been submitted.  All evidence submitted by stakeholders and the definition/ extent of the Evaluation Areas has been reviewed following the ‘call for evidence’ period and prior to the start of our assessment work.

It should be noted though, that as set out in Natural England’s guidance, the assessment of natural beauty is undertaken across tracts of land and therefore small parcels of land may not always be suitable for evaluation.

Following this, any Evaluation Areas initially judged to have outstanding natural beauty has been identified as ‘Candidate Areas’ and then further assessed in terms of the desirability of their inclusion in an extension to the Surrey Hills AONB.

### **Q.** Can urban settlements be included within the AONB?

**A.** Settlements can form an integral part of the countryside and may contribute to the natural beauty of a landscape and form part of an AONB. However, when assessing landscapes for designation, extensive areas of built development require particular care, bearing in mind that all settlements are different and must be considered on their individual merits. Relevant considerations include the character and qualities of a settlement and its relationship to the wider countryside.

For the purposes of the Surrey Hills AONB Boundary Review, urban areas on the edge of the Evaluation Areas have been excluded and are unlikely to qualify for designation as part of this boundary review. However, some larger settlements fall within Evaluation Areas such as Haslemere (Evaluation Area 14 (EA14)) and Godalming (Evaluation Area 3 (EA3)). In general, we do not anticipate large built-up areas comprising modern development/ infrastructure to warrant designation and have not specifically asked for evidence on these areas. However, this does not preclude evidence on settlements being submitted and we will review relevant information where it is provided.

### **Q.** What is ‘Wash-Over’ and in what circumstances might it be applied?

**A.** ‘Wash-over’ enables parcels of non-qualifying land/settlement to be designated even though they may not, of themselves, qualify for designation. This may happen at the margins of a designation, (i.e., a small parcel of non-qualifying land may be included in order to define a suitable boundary), or within the body of a designation i.e., where an area/settlement may be washed over by qualifying land where there is strong grounds for doing so.

AONBs are national designations, and it follows that particular care and scrutiny must be given to circumstances where this discretion is considered. Natural England’s Guidance states that consideration is given to the location and scale of non-qualifying land, as well as the effect/ benefit of its inclusion in the AONB, when making decisions involving ‘wash-over’.

### **Q.** **Why haven’t all the areas recommended by landscape consultants Hankinson Duckett Associates been included within the Area of Search/ Evaluation Areas?**

**A.** Hankinson Duckett Associates (HDA) undertook some initial assessment work in 2013 which only partly followed the Natural England approach to assessing landscape for designation, as set out in its published guidance document. The HDA report recommended ‘areas for AONB inclusion’ or ‘secondary potential additional areas for further scrutiny’. Some of the areas HDA recommended for inclusion reflected boundary issues and were described as ‘anomalies’.

HDA’s recommendations were considered alongside other relevant landscape evidence in defining the current Area of Search/ Evaluation Areas and most of their recommendations have been included at this initial stage. It is important however, to note that areas assessed as not meeting the majority of the natural beauty factors as set out in Natural England’s guidance did not go forward as Candidate Areas.

Once we have determined that there are areas adjacent to the existing AONB boundary which have outstanding natural beauty (‘Candidate Areas’) and are considered desirable to designate, the last stage is then to identify proposed boundaries which would then be subject to statutory and public consultation.   It is therefore at this later stage that any boundary anomalies would be addressed where we deem it necessary to do so, including those referred to in the Hankinson Duckett report.