**Item 5**

**Surrey Hills AONB Board meeting: 8 March 2023**

**Public Questions**

**1. Sa****lly Blake to ask the Chair:**

The Surrey Hills AONB Management Plan, in Biodiversity Management Policy B1, says “Existing designated sites (SSSIs, SPAs & SACs) within the AONB will be conserved, enhanced & managed by partners with the support of Natural England, to ensure that all such sites are brought into or maintained in ‘favourable’ condition”.

It also says the “State of the AONB Indicators for Biodiversity” are the “Extent and condition of designated areas (SSSI, SAC, SPA, RIGS, SNCI)” and the “Extent and condition of habitats of principal importance as listed in Section 41 of the NERC Act 2006”.

Sites of Special Scientific Interest (SSSIs) are our nationally designated sites of importance for habitats and species. It is essential to ensure their protection, conservation and, where necessary, their restoration, in these times of accelerating climate change and biodiversity loss. There are 22 of these sites in the Surrey Hills AONB with a total area of 5121 hectares.

The attached summary, using data from Natural England, shows that, of the area of SSSIs in the Surrey Hills AONB, 68% was assessed in ‘Favourable’ and 32% in ‘Unfavourable’ condition.

However, most of these assessments are so out-of-date, they are probably irrelevant. Only 2% of the area was assessed last year, only 33% assessed in the last 5 years, 22% assessed 5-10 years ago, and 41% assessed 10-15 years ago.

In addition to this, no new SSSIs have been designated in the Surrey Hills AONB since 1994.

Please could the Board advise if, and how, they will help nature conservation and enhancement in SSSIs and other protected sites - Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Sites of Nature Conservation Importance (SNCIs) and habitats of principal importance - in the Surrey Hills AONB, in particular:

* Assessment. Will the Board (or the Chair on its behalf) write to Natural England and ask it to assess all SSSIs in the AONB regularly and at least every 3 years? Will the Board also ask Natural England to set out its plan for the future in terms of time and resources for SSSI assessments, and for bringing the backlog up to date? Will other protected sites be assessed as well? Does the Board, or its Natural England or Surrey Wildlife Trust members, have any other ideas how this can be accomplished if Natural England cannot do it?
* Condition. Will the Board look at the management of SSSIs and other protected sites, when their condition has been deemed Unfavourable, with a view to providing advice, improving their management, and returning them to a Favourable condition within 3 years?
* Protection. Will the Board work to ensure that any access the AONB facilitates or promotes, to SSSIs or other protected areas, is sustainable and non-damaging?
* Designation. Will the Board actively assist the designation of new SSSIs, and other protected areas, which have habitats and species that make them suitable for that designation?
* Monitoring. Will the Board reinstate the monitoring of SSSIs, to require 3 yearly assessments, favourable condition reports, sustainable use without damage, and progress on designations, in its quarterly Board meetings?

**Reply:**

Dear Sally

Thank you for your Public Question and for your summary of the state of SSSIs in the Surrey Hills AONB. We have sought advice from Natural England to inform this response.

We are aware that there is an array of sites that have not been condition assessed by Natural England for 5+ years; however we understand that this does not mean that Natural England staff have not visited sites or that management is not in place. Natural England has had shifting monitoring priorities but is now focused on updating features that have not been assessed in the last 10 years. This year NE staff completed full Common Standard Monitoring (CSM) for a number of units which have now been uploaded to the public database (Designated Sites View).

Natural England is aware of the backlog but cannot commit to completing monitoring every three years for all SSSIs across the Surrey Hills AONB given its other statutory duties and responsibilities. It is moving to a system of monitoring features across a whole site instead of units as this provides a clearer picture of how the SSSI is functioning at a landscape scale. This will be complex for large sites such as Mole Gap to Reigate Escarpment, as it would require a significant amount of data to update a feature condition across such a large area. However as third party data can be used to update its systems, as long as it is CSM compliant, this is something that the Surrey Hills team will explore with NE and partners, particularly coordinating through landscape scale partnerships like Heathland Connections and Big Chalk.

Natural England now has a target to make sure that remedies are in place for features assessed as unfavourable. This will involve making sure active management is in place and NE advise on favourable management and what targets need to be achieved. NE already works with different landowners across the Surrey Hills who are either in Countryside Stewardship or seek management advice.

In summary, although Natural England cannot commit to producing 3 yearly assessments for all SSSIs across the Surrey Hills, CSM-compliant data can be supplied by partners and we can seek to update those features. Site checks with a less formal assessment may be updated and the Surrey Hills team will work with Natural England to suggest monitoring priorities to incorporate into business planning. Although sharing of some information and agreements may be limited due to GDPR, this should nevertheless provide an overview to report to Surrey Hills Board meetings and to inform the AONB Management Plan priorities.

Yours sincerely

Kathy Atkinson

Independent Chair, Surrey Hills AONB Board

**2. Jenny DeSoutter to ask the Chair:**

The Surrey Hills AONB has influence over the management of some of the most precious and also most threatened countryside in Surrey. In the last 25 years the AONB has done a lot to promote the identity of the Surrey Hills and in particular to foster business interests and connectivity by promoting the Surrey Hills brand and promoting access for all. While reaping these benefits it is important not to neglect the Golden Goose. Given the well-known and largely man-made Biodiversity crisis which threatens the very stuff of which these hills are made, does the Chair agree that the time has come actively to prioritise the core mission of the AONB,  to give the highest priority, in terms of commitment and resources, to conserving, and nurturing (as implied in Section 92 of the CROW Act 2000),  not only the visual amenity and utility of the landscape and its benefits for man, but first and foremost the biodiversity, the living diversity of Nature and its wildlife, which is what gives our environment not only its beauty but its vitality and its meaning?

 **Reply:**

Dear Jenny

Thank you for your Public Question raising your concerns about the biodiversity emergency and how this should be prioritized by the Surrey Hills Board.

Conserving and enhancing the natural beauty of the Surrey Hills AONB is the primary purpose of the Surrey Hills Board, but I acknowledge that over the past 25 years there has been a general and continued decline in the state and condition of nature. This is the result of a whole array of pressures including climate change, the reduction in environmentally sensitive farming and land management, the increased accumulation and use of agrochemicals and disturbance due to recreational pressure, particularly dogs. In the face of such pressures, the ability of the Surrey Hills Board to make a difference has been woeful.

In recent years however the Surrey Hills Board has secured more resources to direct at nature recovery. This includes publishing Making Space for Nature, a landowner and land manager led approach to nature recovery which identifies key species with monitoring data, that indicate habitat condition and which have a resonance amongst our land managers and the public.

In terms of practical action, we are delighted that Defra is investing in the Farming in Protected Landscapes environmental land management scheme, which has now been extended until 2025. The priority outcome is nature recovery and this funding provides the Board with additional staff capacity to maintain and extend the Clusters of farmers and landowners which have a focus on countryside conservation.

We are also working strategically in taking forward the Lawton principles of Making Space for Nature by aiming to achieve a better managed, bigger and more joined up approach to environmental land management. This is being progressed through landscape partnerships like Heathland Connections, Big Chalk and aligning with the emerging Local Nature Recovery Strategy with Surrey County Council and the Surrey Local Nature Partnership,

Our access work is also putting nature recovery at its heart. Many of our projects aim to educate and even restrict public access where this may have a detrimental impact on nature, for example protecting ancient trees and ground nesting birds. The investment in access infrastructure is to better manage access and reduce the impact on habitats. The development of the Surrey Hills website and video content is an opportunity for people to experience the Surrey Hills without having to visit it. The Surrey Hills Society’s Conservation Volunteers is to deliver projects that have a positive impact on nature and our Surrey Hills Arts Inspiring Views deliver nature outcomes, eg. wild flower planting and butterfly conservation habitats.

In the next year or so the Surrey Hills AONB Board will need to begin the process of developing a new five year management plan for the Surrey Hills. This will be guided by advice from Defra and Natural England that is being prepared for all National Landscapes. It is a great opportunity to ensure that nature recovery and the protection of the natural environment, reflected in the purpose of the designation, are clearly at the heart of everything we do and as widely understood by all our residents and visitors.

Yours sincerely

Kathy Atkinson

Independent Chair, Surrey Hills AONB Board

**3. John Oliver to ask the Chair:**

Does the Board Chair, and do the Board Members, agree with the AONB Director that the proposed boardwalk at Newlands Corner, which is a structure that has a total area larger than the Discovery Centre (which has a footprint which very few would regard as “de minimis” – the Director’s view of the boardwalk footprint), does not require the consent of the Planning Inspectorate under section 38 of the Commons Act 2006 and, if so why?

**Reply:**

Dear John

Thank you for your Public Question. The Albury Estate has been awarded a grant to try to protect the ancient yew tree groves at Newlands Corner which includes a low level boardwalk. In applying for the grant, the Estate considers that the works are exempt from commons consent. This view concords with the advice received by the AONB Director that the boardwalk is exempt from commons consent for the following reasons:

**1) The nature of the restriction in Section 38 Commons Act 2006.**

The proposed works do not fall within the list of restricted works identified in Section 38 subsection 1-4.

None of the discussed works would have the effect of preventing or impeding access to the land (Subsection 2a). Nor would they consist of the laying of concrete, costed roadstone or similar material (subsection 2b). As such, it is the AONB Director’s opinion that the discussed works do not constitute restricted works within the meaning of Section 38.

**2) Exempted works**

Even if the boardwalk did constitute restricted works, a number of exemptions are identified in Common Land Guidance Sheet 1B, including a (non-exhaustive) list of examples of works that will not need consent, since they either:

(A) are so small or of such short duration that they do not impede access
(B) do not constitute a new impediment to access
(C) facilitate access

Examples given of works which will not need consent include:

* *Resurfacing which consists only of the repair (with a similar surface) of existing lawfully constructed footpaths, roads and car parks (falls under A)*
* *Creating or widening loosely surfaced footpaths (e.g., gravel, shingle, stones) for public use where the path is in keeping with the character of the common and facilitates a legitimate use of the common (A and C)*
* *Erecting small direction signs and information boards (falls under A and C)*
* *Placing seats which are in keeping with the character and use of the land*

Although boardwalk and the associated works discussed might, in part, constitute a change in surface, and is not directly mentioned as an example in the non-exhaustive list contained in Guidance Sheet 1B, it is clear that the works would not impede access to the common in any significant manner (it is designed to improve it, the alternative being to erect fencing across the common to protect the trees) and that its instillation would facilitate appropriate uses of the common, so as a result would fall clearly under the exemptions contained under clause (A) and (C) in the Guidance Sheet.

The only boardwalks in Surrey where there is evidence of commons consent being granted are for much larger raised structures at Horsell Common and Thursley NNR.

Based on the evidence above, I consider on behalf of the Board, to support the AONB Director’s view that the boardwalk does not require the consent of the Planning Inspectorate under section 38 of the Commons Act 2006.

Yours sincerely

Kathy Atkinson

Independent Chair, Surrey Hills AONB Board