

**Draft MINUTES of the SURREY HILLS AREA OF OUTSTANDING NATURAL BEAUTY BOARD (SURREY HILLS BOARD) held at 14:00 on 7 June 2023 at Epsom Downs Racecourse, Surrey.**

**PRESENT:**

**Chair:**

Kathy Atkinson Independent

**Core Members:**

Councillor Marisa Heath*	Surrey County Council
Councillor Ruth Reed*	Waverley Borough Council
Councillor Claire Malcomson	Mole Valley District Council
Councillor Catherine Sayer	Tandridge District Council
Stephen Rudd	Natural England
Stephanie Fudge	National Trust

**Delivery Partners:**

Martin Cantor	Surrey Hills Society
Simon Whalley	Surrey Hills Enterprises Community Interest Company

**Advisory Members:**

Kristina Kenworthy	Campaign to Protect Rural England
Romy Gue*	National Farmers' Union
Mike Waite*	Surrey Wildlife Trust
Stuart McLachlan	Surrey Association of Local Councils

**Observer:**

Ali Clarke Surrey Hills Arts

**Apologies:**

Gordon Jackson	Surrey Hills Society and Surrey Hills Trust Fund
Alistair Burtenshaw	Surrey Hills Arts
Tim Bamford	Country Land and Business Association

**In attendance:**

Rob Fairbanks	Surrey Hills AONB Director
Emma Cole	Surrey Hills AONB Communications Lead
Sarah Thiele	Farming in Protected Landscapes Officer
Clive Smith	Surrey Hills AONB Planning Adviser
Andre Ferreira	SCC Democratic Services
Perdita Hunt, OBE	Surrey Deputy Lieutenant
Heather Kerswell	Former Independent Chair, Surrey Hills AONB Board
Various observers	Surrey Hills AONB Partnership and the public

\*Attended online.

## **1. CHAIR'S WELCOME AND ANNOUNCEMENTS**

The Chair introduced herself and welcomed all Board members, partnership members, officers, members of the public and Perdita Hunt, OBE, a Deputy Lieutenant for Surrey.

Perdita Hunt provided a brief background of the work done by the Lord Lieutenant's office and mentioned that a special scheme, The King's Award, had been introduced by the Lieutenancy to acknowledge and nominate individuals in Surrey who had excelled and gone over and above their normal duties. She had nominated the previous Independent Chair of the AONB Board, Heather Kerswell, for this award as her vision, commitment, energy, eye for detail, professionalism and dedication had been valued and appreciated by many. She read a short citation of Heather's achievements and noted that the award was a small way in which the Lord Lieutenant could add to her many accolades and awards for her service to the community of Surrey.

Heather Kerswell accepted the award and thanked Perdita Hunt for the award and the Board for their support during her time as Chair of the Board.

The Chair noted that Jeremy Hunt MP, Chancellor of the Exchequer, would be hosting a visit by Thérèse Coffey MP, the Secretary of State for the Environment, Food and Rural Affairs, on 9 June 2023. While the visit was being co-ordinated by Mr Hunt, the aim was to leave Ms Coffey in no doubt about the beauty and value of the Surrey Hills and its worth as a landscape deserving the highest possible protection. The Chair would be attending the visit with Rob Fairbanks and Clive Smith and would provide feedback to the Board.

## **2. APOLOGIES FOR ABSENCE**

The following apologies for absence were noted:

Gordon Jackson (substitute: Martin Cantor), Tim Bamford, Alistair Burtenshaw (substitute Ali Clarke).

## **3. DECLARATIONS OF INTEREST**

None declared.

## **4. MINUTES OF THE PREVIOUS MEETING**

The minutes of the Board meeting held on 8 March 2023 were approved as a correct record of the meeting.

## **5. PUBLIC QUESTIONS**

No public questions had been received by the deadline.

## **6. NATURAL ENGLAND AONB BOUNDARY EXTENSION PROJECT**

Stephen Rudd provided an update on the progress made with the Boundary Extension Project since the last Board meeting.

The formal statutory and public consultation started on 7 March 2023 and would conclude on 13 June 2023. During this period as many stakeholder groups as possible had been consulted so that they understood the process, which included the distribution of consultant packs and briefings for local authorities and special interest groups and public briefing sessions at locations throughout the Surrey Hills. Post the local elections in May, briefing sessions were offered to newly elected councillors.

There had been some media interest, which included radio and TV and up to 5 June 2023 894 responses had been received; this number would probably increase as the deadline approached.

After the consultation ended the responses would be collated and split into qualitative and quantitative evidence and if this analysis resulted in additional areas being proposed, further consultation would be required. The aim was to finish the analysis by end-November 2023, after which a detailed report would be produced which could include details of additional areas to be proposed for inclusion. If no further consultation was required, approval would be sought from the Natural England Board; the formal notice period and draft legal order would then be the next step. The notice period before it was submitted to the Secretary of State (SoS) was 28 days, which was effectively another consultation; during this period further proposals could be submitted. If there were any, these would be analysed, which could take up to June/July 2024; subject to the Natural England Board approval, these would then be submitted to the SoS. If further areas were to be proposed, it would add another three to four months to the consultation.

It was not possible to say how long the SoS would consider the submission and whether they would approve it or call for a public enquiry.

With reference to any additional areas which were proposed at the end of the consultation period, the Chair asked if the mechanism to consider these areas would be the same as the mechanism used up to now. Would it be an on-the-ground assessment or would it be desk-based? Stephen Rudd replied that the same methodology would be applied during the entire process; if additional areas were to be considered, on-the-ground assessments would be carried out and these would be done as robustly as the initial assessments. At this stage no trends in consultation submissions had been identified as the analysis was yet to begin; however, there was significant interest in some areas. Detailed

information would be provided on how each additional request was considered.

In response to Claire Malcolmson on whether the process would be put on hold if there was to be a general election, Stephen Rudd said that the aim was to submit the most robust proposals which could be approved; all proposals were evidence-led. There was of course no certainty on when a general election would be called, the timescales for the consultation could not be altered that much; all that could really be done was to follow the process. If there was to be a pre-election period, it could be that the process could be held up, and although there were unknown factors; the aim was to stick to the mandate of the boundary review process.

## **7. SURREY HILLS NATIONAL LANDSCAPE TEAM'S POSITION ON THE BOUNDARY EXTENSION**

The Chair noted that any individuals or organisations could make submissions on the Boundary Review and the AONB team saw this as an opportunity to make a submission as a staff team and not as a Board. Ideally the team submission should not conflict with submissions by Board members or individual local authorities; it was therefore about adding and supporting rather than arguing against.

The team specifically considered how the natural beauty criteria in Surrey were considered and applied, taking into account that Surrey was very close to London. These considerations in the application of the natural beauty criteria and would be finalised after the meeting, realising that some constituent members still had to finalise their positions.

Rob Fairbanks made a presentation and provided some context on the AONB team's submission on the boundary extension proposals, which is attached as Appendix A to these minutes.

Kristina Kenworthy commented that it was appropriated for the AONB team to comment in this way. With Surrey's close proximity to London, it was correct that the criteria had to be weighted differently; Surrey's unique history had to be considered. She specifically referred to golf courses; whilst their development had been opposed in the past, this view should be revisited, given the changing circumstances. The criteria used in Surrey should therefore be more liberal, given its geographical location.

Catherine Sayer commented that the 'tranquillity' criterion carried too much weight as this meant that certain areas had been discounted from inclusion purely on this ground, whilst they met all the other criteria. As an example, where an area which met all the natural beauty criteria was right next to a motorway but well screened, it should not necessarily be excluded.

Stephanie Fudge noted that the inclusion of golf courses posed a problem and could be challenged. It was also important that the timescales for the process were adhered to as a possible general election could delay the process.

In response to Claire Malcolmson on what weight these proposals carried with Natural England, Stephen Rudd noted that the AONB team was one of the consultees. The process was run within existing guidance and although there was some flexibility, the natural beauty criteria were applied within that guidance. There was no formal weighting of the various criteria and an area did not have to meet all the criteria to qualify. All evidence would be used to make a judgment and some areas were more finely balanced than others, based on all the criteria. It could be that evidence received during the consultation tipped the scales for or against an area. 'Tranquillity' could tip the balance but did not trump all the other criteria. There were areas in Surrey which were hugely impacted by road noise and this did play an influence in some cases. It could be that when Natural England visited an area in a different time of year that 'tranquillity' was assessed differently – for example, leaves on trees and prevailing winds could play a role. Golf courses could be included within the new boundary, but it depended on whether they met the natural beauty criteria; courses would be judged on their merits on a case-by-case basis. The more unnatural an area was, the harder it would be to qualify. It should also be borne in mind that this was a Natural England project; where reference was made to proposals by 'consultants', they were used purely where technical work was outsourced.

The Chair noted that, in their proposals, the AONB team took on board that there was no formal weighting and that an area did not have to meet all the criteria.

Stephen Rudd noted that this was a statutory consultation and input by the statutory consultees, i.e. the local authorities, did carry greater weight because if they objected, it could trigger a public inquiry.

The Chair reminded Board members that it was therefore important that local authorities did not object, but supported the existing proposals where that was the case, and proposed additions if they so wished.

Simon Whalley noted that a well-manged golf course probably contained a wider variety of habitats than some woodland areas and the bio-diversity criteria were therefore important.

Martin Cantor commented that golf courses in Surrey occupied a significant portion of land and that there were a wide variety of bird species on some courses which one did not find elsewhere.

Catherine Sayer noted that Tandridge DC took the project very seriously and employed planning consultants and consulted with parish councils and other groups. A mass of evidence was gathered, and seven areas

had been proposed for inclusion which fell into two categories. The first was where a number of errors had been found in the Natural England proposals, e.g. an area referred to as allotments was in fact a burial ground. The second category was where judgment was used for an area. She was grateful to the AONB team for supporting five of the seven areas at this stage, evidence for the other two areas would be submitted shortly. It was hoped that the additional proposals would be re-assessed.

Stephen Rudd noted that both qualitative and quantitative data would be made available. Qualitative data would be coded but was not always easy to analyse. All evidence would be considered and where there were obvious errors, these areas would have to be reconsidered and boundaries could possibly be adjusted.

Clive Smith noted that most Local Plans provide that Areas of Great Landscape Value (AGLVs), a local designation, would be retained until the AONB boundary review had been finalised. It was likely that parts of an AGLV would not be designated as part of the AONB and the question arises as to what kind of protection these areas would have. Once they were included in an AONB, their current protection would fall away. Planning authorities should start planning now for that eventuality. His suggestion would be that as a group of local authorities they jointly commission landscape consultants to look at local landscape designations, which would be in addition to any greenbelt policy protection, which may not be sufficient in some cases. Officers in some authorities were concerned about the finance available for this; if local authorities did this jointly there would be economies of scale and a consistent approach. Any local designations could then be included in the next round of local plans and until that happened, they could have these as supplementary planning documents. This would have to be ready by the time the boundary review was submitted to the Secretary of State and could be co-ordinated by the Surrey Planning Officers Association.

After a brief discussion, the Chair requested Clive Smith to write to all the relevant planning departments at the constituent local authorities setting out the issue and AONB Board proposals around the future of AGLVs.

In response to Clare Malcolmson on the proposals by Mole Valley DC, Rob Fairbanks confirmed that he had already liaised with the relevant officers.

## **8. SURREY HILLS NATIONAL LANDSCAPE DRAFT POSITION STATEMENTS**

The Chair commented that whilst the Board had a Management Plan, topics and issues arose that had not been addressed in the plan. These were often difficult and controversial, and it was felt necessary to clarify the Board's position on certain current issues under discussion. These could be used in discussions with stakeholders and communications with visitors and residents; it could also help in having a consistent message.

The issues in this report were probably the most pressing at the moment: solar energy, ash dieback and mountain biking. More policy statements would be developed over the coming months which could assist when the Management Plan was reviewed.

### Solar Panels

The Chair noted that some Board members would be aware that there was an application sitting with Guildford Borough Council (GBC) from Surrey University for the installation of a large solar installation across three fields adjacent to the current AONB, but within an area which is being proposed for inclusion in the AONB.

She had discussed this with Clive Smith, GBC and local residents who were concerned about this. It was felt that the AONB Board's position on solar energy should be made very clear; CPRE and the National Association of AONBs had done useful work on this and the position statements of other AONBs had also been used to form a draft position statement.

Clive Smith provided a brief overview of the application at Surrey University. The two planning issues here were whether a solar farm would spoil the setting of the AONB and the second that the land in question was being proposed as a candidate area for inclusion in the new AONB area. His advice to GBC had been that at least one of the new proposed areas (near Hogs Back) could be regarded as spoiling the AONB if the application were approved. Whilst there was in principle support for renewable energy, GBC could be placing great weight on that; if they refused permission, they would need sound grounds to do so. The application covered about 25 hectares; the three proposed sites were therefore quite substantial. It was possible that Natural England would not support the inclusion of these sites within the new AONB boundary if planning permission had been granted for a solar farm. The university had ambitions in the past to develop this area and they already had a development allocation in the local plan for land adjacent to these sites. GBC had been advised not to look at this application in isolation, but the impact it would have on the wider area. This was an illustration of one of the predicaments arising from solar farms.

The Chair noted that where solar panels were being considered, the built environment, such as rooftops and car parks, should be considered in the first instance, depending on visual and other impacts.

Claire Malcolmson commented that the university did not have many solar panels on the roofs of their buildings or over their car parks, which they should consider in the first place. A counter-argument would be that solar panels were not permanent and could be removed. Clive Smith noted that the university application was for 35 years and they could then apply for an extension. The university had been advised to use their car parks for solar panels; it also provided shade for vehicles and was being

done at other universities and big businesses. It would also be an illustration to others that they were serious about sustainability.

Catherine Sayer noted that she would support the position statement, although application decisions depended on individual circumstances.

Romy Gue noted that the position statement did not reflect the different technologies available for solar energy, which were not necessarily interchangeable. Rooftop panels were for individual consumption whereas solar panels on fields were often for export to the national grid. The university application was for individual consumption.

Ramsey Nagaty commented that part of the land to be used for the application (the proposed access road) was within the existing AONB and AGLV. He highlighted various issues relating to the application such as the presence of birds and wildlife; the panels being used; cabling; access roads and the 'blocking' of the AONB extension.

The Chair noted that it was not expected that there would be large-scale applications for solar farms in the Surrey Hills AONB; most applications would be for small-scale individual consumption. Clive Smith confirmed that he had advised on several small-scale applications within the AONB.

Claire Malcolmson noted that she was concerned about possible large-scale applications not being adequately addressed; the word 'avoided' could possibly be strengthened.

Susan Parker noted that at present permitted development rights included solar panels on buildings, even in AONBs.

The Chair put it to the Board that minor amendments could be made to the position statement, but that there was agreement in principle on the Solar Panels Draft Position Statement, which was agreed.

#### Ash Dieback

The Chair noted that large areas of Surrey were affected by Ash Die Back (ADB) and unfortunately it was not possible to prevent this as it was endemic. There were a number of factors at play such as risk management, access and the felling of other trees and this was being actively addressed in certain areas of Surrey.

Marisa Heath commented that Surrey County Council (SCC) currently had two task groups to address this as a priority issue. Some of the current policies do not take into account nature recovery and the rewilding of current biodiversity. The policy had been safety first with very little risk tolerance, but after consultation with various stakeholders it was decided to review this holistically. Legal advice was being obtained on certain issues, such as leaving trees, access and liability. With better management and signage a better approach could be followed. However, SCC could not do this alone, the help of all partners was needed to find



the right communication and strategy; the AONB Board played an important role in this.

Simon Whalley noted that an annual survey was done of at-risk trees at Birtley and any landowner who regularly used woodland had to look at this, otherwise they could be liable in case of any claims.

Steph Fudge noted that she supported the position statement; it was important that the Board had a statement on Ash dieback. The following could be added to the statement: that there was a clear methodology of risk assessment; that biodiversity should be maximised and that ecological assessments were supported.

Kristina Kenworthy commented that lawyers wanted to eliminate all risks, this issue was much more complex than that and should be managed proportionally.

The Chair put it to the Board that the proposed amendments could be made to the position statement, but that there was agreement in principle on the Ash Die Back Draft Position Statement, which was agreed.

#### Mountain Biking

The Chair noted that it was surprising that there were no authorised mountain biking trails in the Surrey Hills. The draft position statement probably looked more like a code of conduct for mountain bikers rather than a policy position on how mountain biking should be managed. This management, as well as landowner and land manager engagement, still had to be done.

Steph Fudge commented that mountain biking had hugely increased post-Covid and it was very difficult to manage. Many mountain bikers were very young and did not know what kind of land they were accessing. What could be added was detail on the different kinds of land people were accessing and that they could be fined if they illegally damaged SSSI land, which could be up to £25 000. The statement had to be hard-hitting and very clear, especially on the consequences.

Stuart McLachlan noted that whilst he supported the previous comments, mountain biking would not be stopped and the positive aspects should also be considered, such as the income benefits to rural communities. If trails were built which mountain bikers want to use, it would cut down on the proliferation of illegal trails. This issue was managed successfully in other parts of the country and the Surrey Hills could learn from that.

The Chair commented that one of the challenges was the communication with users on what kind of land they were accessing. She put it to the Board that although this was in effect an early code of conduct, the proposed amendments by Steph Fudge and management issues could be added to the position statement, but that there was agreement in

principle on the Mountain Biking Draft Position Statement, which was agreed.

#### **9. SURREY HILLS NATIONAL LANDSCAPE FORWARD PLAN 2023 – 2024**

The Chair noted that at the Board meeting in March members made some useful suggestions, such as the inclusion of partner organisations, and these had been included in the plan.

The AONB Management Plan would also have to be reviewed and finalised by the end of 2024, to be ready from 2025 onwards. This would be done in collaboration with all partners and stakeholders.

The Board approved the workplan for 2023 – 2024.

#### **10. SURREY HILLS NATIONAL LANDSCAPE PARTNERSHIP ANNUAL TOUR**

Rob Fairbanks provided an overview of the annual partnership tour, which would take place on 27 July 2023 at Manor Farm, Wotton.

#### **11. ANY OTHER BUSINESS**

In response to Catherine Sayer on what the role of the Partnership Board was, the Chair noted that it had originally been established as a scrutiny body of the AONB Board, but in effect did not fulfil that function. The role of the Partnership Board (if any) would be reviewed as part of a wider revision of governance structures and the AONB Board constitution.

The Chair noted that Andre Ferreira was retiring and that this was the last meeting he would attend. She thanked him on behalf of the Board for the support and guidance he provided over the last few years and wished him well in his retirement.

#### **12. 2023 MEETING DATES**

The Board confirmed the meeting dates for the rest of 2023:  
13 September  
6 December

The meeting closed at 15:57.

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**Kathy Atkinson**  
**Independent Chair**