

Title of report: Wye Valley AONB - Acceptance of grant funding

Decision maker: Cabinet member environment and economy

Decision date: 24 October 2022

Report by: Head of environment, climate emergency and waste services

Classification

Open

Decision type

Key

This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

Dinedor Hill; Backbury; Old Gore; Birch; Llangarron; Ross North; Ross East; Ross West; Kerne Bridge. The rest of the Wye Valley AONB is out of county, in Gloucestershire and Monmouthshire, Wales.

Purpose

This report seeks approval to accept three year funding allocations from DEFRA, Natural Resource Wales and the Welsh Government for the Wye Valley AONB.

Recommendation(s)

That:

- a) The council accepts the funding offers from DEFRA for a total of £895,163 as detailed below, and to deliver the projects as set out in this report across Herefordshire and the rest of the AONB;**
 - a. Wye Valley AONB core funding allocation of £455,565 for the period 2022-2025**
 - b. Farming in Protected Landscape (FiPL) allocation of £439,598 for the period 2022-2024**

- b) **The council accepts the funding offers from Welsh Government for a total of £1.025m as detailed below, and to deliver the projects as set out in this report across Herefordshire and the rest of the AONB;**
 - a. **Wye Valley AONB Revenue funding allocation of £210,000 for the period 2022-2025**
 - b. **Sustainable Development Fund (SDF) allocation of £240,000 for the period 2022-2025 and this amount is added to the capital programme**
 - c. **Wye Valley AONB Sustainable Landscapes Sustainable Places (SLSP) for £575,000 for the period 2022-2025 and that this amount is added to the capital programme**
- c) **The council accepts the funding offers from Natural Resources Wales for a total of £114,106 as detailed below, and to deliver the projects as set out in this report across Herefordshire and the rest of the AONB;**
 - a. **Strategic Allocated Funding (SAF) for core Wye Valley AONB of £98,000 for the period 2022-24**
 - b. **National Peatland Action Programme Grant – Wye Valley AONB of £16,106 for the period 2022/23 and this amount is added to the capital programme**
- d) **The council creates and appoints a fixed term AONB Planning Officer jointly funded by the Wye Valley AONB and Malvern Hills AONB Partnerships to match the three year funding period fully funded through the core grant provisions and matched funded by Malvern Hills AONB, and;**
- e) **The Service Director Highways, Environment and Waste is authorised to take all operational decisions necessary to implement the schemes.**

Alternative options

1. Not to accept the grant funding- this is not recommended as the council is the accountable body for the Wye Valley AONB, has statutory responsibility to conserve and enhance the AONB and will otherwise need to allocate revenue funding to meet these duties.
2. Part accept the grant funding-
 - a. Accept the project funding only - This is not recommended at this time as the core funding allocations are required to maintain the existing services and contribute to deliver the council's duties for the AONB.
 - b. Accept the core funding only – this is not recommended as this would result in a significant loss of investment in the AONB in line with the Council's strong Climate and Ecological emergency commitments and the delivery of the statutory AONB Management Plan.

Key considerations

Background - Wye Valley Area of Outstanding Natural Beauty (AONB)

3. The lower Wye Valley is renowned as one of the most attractive lowland landscapes in Britain. In 1971 the area was designated an Area of Outstanding Natural Beauty (AONB) covering 328 km² (128 sq miles) from Checkley to Chepstow and from Llanishen to Lydbrook.

4. The Wye Valley AONB (illustrated below) is unique among the 46 AONBs and 14 National Parks in England, Wales, Northern Ireland and Scotland in being the only protected landscape to straddle a national boundary. The AONB is 64% in England & 36% in Wales, being partly in the counties of Herefordshire (46% of the AONB), Monmouthshire (36%) and Gloucestershire in the Forest of Dean district (18%). This provides a number of challenges and opportunities for the management of the Wye Valley AONB .
5. The Wye Valley AONB Joint Advisory Committee (JAC) is the body formed by the four local authorities to fulfil the AONB duties. The JAC consists of up to 26 members with officers in support and meets three times a year. The JAC is a strong partnership of local authorities, government agencies and co-opted members consisting of interested local public, private and voluntary sector organisations. It oversees the implementation of the AONB Management Plan by the AONB Unit and other partners, and advises on issues, policies and strategies.
6. The current council representatives on the JAC are:
 - a. Cllr Barry Durkin,
 - b. Cllr Paul Symonds,
 - c. Cllr Yolande Watson
 - d. Cllr John Hardwick
7. The Wye Valley AONB Unit is the lead delivery agent for the Wye Valley Area of Outstanding Natural Beauty (AONB) Partnership dedicated to conserving & enhancing the nationally designated Wye Valley AONB, guided by the statutory Wye Valley AONB Management Plan and staffed by employees of the representative local authorities: the council; Forest of Dean District Council and Monmouthshire County Council.
8. The AONB key funding partners are DEFRA, Welsh Government, Natural Resources Wales, Forest of Dean District Council, Gloucestershire County Council, the council and Monmouthshire County Council, making up the AONB Steering Group. The Steering Group annually review and agree the budgets for the AONB Unit.
9. The Host Authority responsible for the AONB Unit's finances is the council. Monmouthshire County Council are the Clerk to the JAC and provide the AONB Office, in Monmouth. Forest of Dean District Council host the JAC meetings at the Council Chamber in Coleford.
10. The Wye Valley AONB Management Plan 2021-2026 was drafted in partnership by officers from the AONB, the partner local authorities, the government agencies, the AONB Joint Advisory Committee (JAC), and a public consultation. The has been adopted by the constituent local authorities of Forest of Dean District Council, Gloucestershire County Council, the council and Monmouthshire County Council
11. The following assessments were also undertaken to ensure the robustness of the Management Plan:



- a. Strategic Environmental Assessment (SEA)
 - b. Habitats Regulation Assessment (SEA)
 - c. Future Generations Evaluation, which included Equalities and Sustainability Impact Assessments.
12. The Wye Valley AONB Unit Work Programme is developed to deliver the AONB Management Plan and is agreed through the AONB Technical Officers' Working Party (TOWP) which comprised officers from the AONB, local authorities & government agencies. This is endorsed and adopted annually by the Wye Valley AONB JAC in March.

Core Funding allocations

13. On behalf of the Wye Valley AONB, the council has been awarded the following multi-year funding allocations:

Grant scheme	Funder	Summary	Duration
Wye Valley AONB core funding	DEFRA	Core funding contributes to the AONB Unit budgets and delivery of the AONB Management Plan through an agreed annual Work Programme.	2022-2025
Resilient AONB Programme for the Wye Valley AONB (Revenue + SDF)	Welsh Government	Resilient AONB funding contributes to the AONB Unit budgets and delivery of the AONB Management Plan through an agreed annual Work Programme.	2022-2025
Strategic Allocated Funding (SAF) for core Wye Valley AONB	Natural Resources Wales (NRW)	Strategic Allocated Funding contributes to the AONB Unit budgets and delivery of the AONB Management Plan through an agreed annual Work Programme.	2022-2024

Project Funding allocations

14. In addition to the core funding allocations the council, on behalf of the Wye Valley AONB, has been awarded the following funding allocations for the continuation of existing and implementation of new projects.

Grant scheme	Funder	Summary	Duration
Farming in Protected Landscapes (FiPL)	DEFRA	<ul style="list-style-type: none"> • FiPL is a three-year programme to support farmers and other land managers in National Parks and AONBs in England to deliver outcomes on nature, climate, people and place. • A delegated grant programme administered through a Local Assessment Panel as a sub-group of the JAC. 	2022-2024
Sustainable Development Fund (SDF)	Welsh Government	<ul style="list-style-type: none"> • SDF supports innovative, sustainable projects in Wales's five AONBs. 	2022-2025

		<ul style="list-style-type: none"> • It is a delegated grant programme administered through an Assessment Panel as a sub-group of the JAC. • Grants are awarded to projects that work to enhance and conserve natural beauty, wildlife, culture, landscape, land use and community. 	
Wye Valley AONB Sustainable Landscapes Sustainable Places (SLSP)	Welsh Government	<ul style="list-style-type: none"> • SLSP is a three-year programme to support National Parks and AONBs in Wales to deliver longer term strategic projects focusing on; <ul style="list-style-type: none"> ○ Promoting Biodiversity and nature recovery; ○ Accelerating Decarbonisation; ○ Supporting Resilient and Green communities; ○ Delivering Sustainable tourism 	2022-2025
National Peatland Action Programme Grant - Wye Valley AONB	Natural Resources Wales (NRW)	<p>The grant is to deliver peat restoration projects that;</p> <ul style="list-style-type: none"> • Restore eroded peatlands; • Address peatland drainage; • Deliver sustainable management of blanket peatlands; • Restore sustainable management of priority lowland peatlands; • Restore afforested peatlands. <p>The main site in the Wye Valley AONB is Cleddon Bog SSSI.</p>	2022/23

Community impact

15. In accordance with the adopted code of corporate governance, the council is committed to promoting a positive working culture that accepts and encourages constructive challenge and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development and review.
16. The Wye Valley AONB Unit Work Programme and the project to be delivered through the acceptance of this grant funding will contribute towards the delivery of the following key commitments within the County Plan:
 - a. Seek strong stewardship of the county's natural resources
 - b. Protect and enhance the county's biodiversity, value nature and uphold environmental standards
 - c. Build understanding and support for sustainable living
 - d. Invest in low carbon projects
 - e. Identify climate change action in all aspects of council operation

Environmental Impact

17. The Wye Valley is a nationally designated and protected landscape cared for by the Wye Valley AONB Partnership which promotes and supports effective long term management to keep the area special. The core funding allocations will enable the continued delivery of the management plan and the ongoing, statutory management of the AONB.
18. The Wye Valley AONB Unit Work Programme has been developed to deliver the AONB Management Plan and has undergone both a Strategic Environmental Assessment (SEA) and a Habitats Regulation Assessment (HRA).
 - a. The SEA screening concluded that the Wye Valley AONB Management Plan is unlikely to display significant negative environmental effects.
 - b. The HRA screening assessment identified that the Management Plan will not have a likely significant negative effect on the European Sites either alone or in combination with other plans or projects.
19. The project specific funding allocations will significantly enhance the local environment by:
 - a. Supporting farmers and land managers to deliver outcomes on nature and climate
 - b. A delegated grant scheme to support innovative and sustainable projects that enhance and conserve natural beauty, wildlife, culture, landscape, land use and community
 - c. Promoting biodiversity and nature recovery, supporting resilient and green communities, accelerating decarbonisation and delivering sustainable tourism
 - d. Restoring the peatland at Cleddon Bog SSSI

Equality duty

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
20. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.
 21. The Wye Valley AONB is an outstanding national landscape with unique and irreplaceable assets, distinctive character and natural beauty that is recognised and designated nationally and is managed in the interest of everyone – local residents, businesses, visitors, and the wider public both now and protected for future generations.

Resource implications

22. The below table sets out the annual funding profile for each of the funding allocations. These will continue to be managed through the existing Wye Valley AONB budgets and do not require any additional funding as match from the council.

Grant scheme	Funder	22/23	23/24	24/25	Total	Capital/Revenue
Wye Valley AONB core funding	DEFRA	£151,855	£151,855	£151,855	£455,565.00	R
Farming in Protected Landscape (FiPL)	DEFRA	£220,110	£219,488	0	£439,598.00	R
Resilient AONB Programme for the Wye Valley AONB (Revenue + SDF)	Welsh Government	£70,000	£70,000	£70,000	£210,000.00	R
Sustainable Development Fund (SDF)	Welsh Government	£80,000	£80,000	£80,000	£240,000.00	C
Wye Valley AONB Sustainable Landscapes Sustainable Places (SLSP)	Welsh Government	£175,000	£200,000	£200,000	£575,000.00	C&R
Strategic Allocated Funding (SAF) for core Wye Valley AONB	Natural Resources Wales (NRW)	£49,000	£49,000	0	£98,000.00	R
National Peatland Action Programme Grant - Wye Valley AONB	Natural Resources Wales (NRW)	£16,106	0	0	£16,106	C
TOTALS		£762,071.00	£770,343.00	£501,855.00	£2,034,269.00	

23. The delegated grant programmes for both the Farming and Protected Landscapes and Sustainable Development Fund will be support by the Council's Delegated Grants team.
24. All commissioning will be undertaken in conjunction with Commercial Services and in line with the council's contract procedure rules.
25. This programme will be managed by the AONB Unit with project support and oversights by the Council's Corporate Project Management Office and reporting to the Environment & Sustainability Board.

Legal implications

26. Sections 89-90 of the Countryside and Rights of Way (CRoW) Act 2000 require local authorities to review adopted and published AONB Management Plans at intervals of not more than five years. The CRoW Act also requires local authorities to 'act jointly' in the preparation and review of AONB Management Plans.
27. The JAC is set up under a legal agreement between the four local authorities. The current MoU under which the JAC is operating was signed in March 2021.

28. Legal Services have reviewed funding award letters dated 21 April 2022, 12 May 2022 and 11 July 2022 and these are considered to be acceptable the council and do not contain any unusual or onerous terms or conditions.

Risk management

29. The council is required to discharge its statutory duty in relation to the conservation and enhancement of the natural beauty of the Wye Valley AONB is (under the National Parks and Access to the Countryside Act 1949 & CRoW Act 2000). This is currently fulfilled through collaborating in the established partnership of the Joint Advisory Committee (JAC) and the AONB Unit. Not to accept the funding allocations would present a significant financial risk and potential failure to delivery on these statutory duties.
30. The AONB Unit operates under a Memorandum of Understanding between the 4 local authorities (currently 2021-24) which delegates the review and delivery the statutory AONB Management Plan to the AONB Unit and outlines commitments and mitigates shared risks including other commitments from any external funding agreements and resolving proportionate redundancy of members of the Wye Valley AONB staff unit.
31. The proposed joint AONB Planning Officer post will be subject to a MoU between both AONBs and the Council in order that the AONBs fully underwrite any potential redundancy costs at the end of the fixed term position.

Consultees

32. The following consultation has taken place:

Consultation	Date	Feedback
Directorate Leadership Team	24 August 2022	Support for the proposal
Corporate Leadership Team	27 September 2022	Support for the proposal
Political Briefing with the cabinet member for Economy, Environment & Skills	4 October 2022	Support for the proposal
Political groups consultation on a key decision	12 October	Support for the proposal

Appendices

- None

Background papers

- None

Report Reviewers Used for appraising this report:

Governance	Sarah Buffrey	Date 05/09/2022
Finance	Louise Devlin Rachael Hart Karen Morris	Date 07/09/2022 Date 26/09/2022 Date 21/09/2022
Legal	Alice McAlpine	Date 14/09/2022
Communications	Luenne Featherstone	Date 05/09/2022
Equality Duty	Carol Trachonitis	Date 05/09/2022
Procurement	Mark Cage	Date 02/09/2022
Risk	Kevin Lloyd	Date 07/09/2022
Approved by	Ross Cook	Date 21/09/2022

Please include a glossary of terms, abbreviations and acronyms used in this report.