

Title of report: Wye Valley National Landscapes - Acceptance of grant funding

Decision maker: Corporate Director – Economy & Environment

Meeting date:

Report by: AONB Officer

Classification
Open

Decision type
Non-key

Notice has been served in accordance with Part 3, Section 10 (General Exception) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) 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 National Landscape is out of county, in Gloucestershire and Monmouthshire, Wales.

Purpose

This report seeks approval to accept a three year funding allocation from Natural Resources Wales and additional two year funding from DEFRA for the Wye Valley National Landscape (previously known as the Wye Valley AONB).

Recommendation(s)

That:

- a) The council accepts the additional funding offers from DEFRA for a total of up to £767,437 as detailed below, and to deliver the projects as set out in this report across Herefordshire and the rest of the Wye Valley National Landscape;**
 - a. Wye Valley National Landscape Access for All funding allocation of £126,288 for the period 2023-2025, added to the existing core funding agreement**
 - b. Farming in Protected Landscape (FiPL) increased allocation of £501,209 for the period 2023-2025, separated from the existing core funding agreement**
 - c. Additional Capital funding of up to £140,000 (to be confirmed) for 2024/25.**

- b) **The council accepts the funding offers from Natural Resources Wales for a total of £147,000 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 Wye Valley AONB of £147,000 for the period 2024-27**
- c) **The council acknowledges the rebranding of Areas of Outstanding Natural Beauty as National Landscapes; and**
- d) **The Service Director Environment and Highways s 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 National Landscape, has statutory responsibility to seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty, and will otherwise need to allocate revenue and capital funding to meet these duties.
2. Part accept the grant funding-
 - a. Core funding - 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 to further the conservation and enhancement of the Area of Outstanding Natural Beauty.
 - b. Project funding – this is not recommended as this would result in a significant loss of investment in the National Landscape and is not in line with either the Council's strong Climate and Ecological emergency commitments or the delivery of the joint statutory AONB Management Plan.

Key considerations

Background - Wye Valley National Landscape

3. The Government's Landscape (Glover) Review 2019 stated, in Proposal 24, that "AONB's should be strengthened with new purposes, powers and resources, and renamed as National Landscapes." On Wednesday 22 November 2023 all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales were rebranded as National Landscapes, however the designation in legislation remains 'area of outstanding natural beauty'.
4. The Government's Environmental Improvement Plan 2023 announced that the Farming in Protected Landscapes (FiPL) programme would be extended by one year to March 2025, with additional budget resources. DEFRA provided the Wye Valley Area of Outstanding Natural Beauty with a revised and increased allocation for the FiPL programme of £339,063 for 2023/24 and £362,384 for 2024/25. This includes extending the FiPL Officer post to March 2025. DEFRA have determined that the FiPL allocation should be provided through a separate grant funding agreement rather than included within the core funding agreement.

5. The National Landscapes Team have requested a further £19,250 from the DEFRA FiPL National Pot in 2023/24 following the recent Wye Valley FiPL Local Assessment Panel where project applications exceeded the available allocation of funding.
6. DEFRA have made new allocations to the Protected Landscapes for Access for All: Removing Barriers programme with funding for 2023/4 and 2024/5. This will be added to the core funding through a Contract Change Notification.
7. The new Environment Secretary announced on 29 November 2023 the publication of the final response to the Glover Landscapes Review, along with a new funding package for England's most special places, with £15 million pledged to support National Parks and National Landscapes, helping to support our most iconic landscapes.
8. The new funding includes £5 million directly for National Landscapes in 2024/25. The division of these funds is being determined between DEFRA and the National Landscapes Association for the 34 National Landscapes in England. A proportionate formula based on area and other factors is proposed. The allocation for the Wye Valley National Landscape, is estimated at £140,000.
9. Natural Resources Wales (NRW) have provided a new 3 year funding offer of Strategic Allocated Funding that contributes to the National Landscape Team's budgets and delivery of the AONB Management Plan through an agreed annual Work Programme.
10. The Levelling Up and Regeneration Act 2023 strengthened powers and duties of responsible bodies, which includes the council, by amending Sections 85 and 90 of the Countryside and Rights of Way Act 2000, under LURA Part 12 s245 (5-10):

“In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority...must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”

“The Secretary of State may by regulations make provision requiring a relevant authority...to contribute to the preparation, implementation or review of [AONB Management] Plans....”
11. The current council representatives on the Joint Advisory Committee (JAC) for the Wye Valley Area of Outstanding Natural Beauty are:
 - a. Cllr Graham Biggs,
 - b. Cllr Simeon Cole,
 - c. Cllr Barry Durkin,
 - d. Cllr Ed O'Driscoll.

Funding allocations

12. On behalf of the Wye Valley National Landscape, the Council has been awarded the following multi-year funding allocations, in addition to, &/or to augment existing approved funding:

Grant scheme	Funder	Summary	Duration
Wye Valley AONB core and Access for All funding	DEFRA	Additional 'Access for All' funding to the Core funding that contributes to the National Landscape Team budgets and delivery of the AONB Management Plan through an agreed annual Work Programme.	2023-2025

Farming in Protected Landscapes (FiPL)	DEFRA	<ul style="list-style-type: none"> • FiPL has been extended to a four-year programme to support farmers and other land managers in National Landscapes and National Parks 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. 	2022-2025
National Landscapes Capital funding	DEFRA	New allocation of funding to deliver National Landscape priorities in the AONB Management Plan through an agreed annual Work Programme	2024-2025
Strategic Allocated Funding (SAF) for core Wye Valley AONB	Natural Resources Wales (NRW)	Strategic Allocated Funding contributes to the National Landscape Team budgets and delivery of the AONB Management Plan through an agreed annual Work Programme.	2024-2027

Community impact

13. 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.
14. The Wye Valley National Landscape Team Work Programme and the projects 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

15. The Wye Valley is a nationally designated and protected landscape cared for by the Wye Valley National Landscape 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 Area of Outstanding Natural Beauty.

16. The Wye Valley National Landscape Team 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 environmental effects.
 - b. The HRA screening assessment identified that the Management Plan will not have a likely significant effect on the European Sites either alone or in combination with other plans or projects.
17. The funding allocations will significantly enhance the local environment by:
 - a. Supporting farmers and land managers to deliver outcomes on nature and climate
 - b. Delivering the AONB Management Plan, which supports innovative and sustainable projects that further the enhancement and conservation of 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

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.
18. 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.
 19. The Wye Valley National Landscape is an area of outstanding natural beauty with unique and irreplaceable assets, distinctive character and special qualities. It is recognised and designated nationally and managed in the interest of everyone – local residents, businesses, visitors, and the wider public both now and for future generations. The Access for All and capital funding will contribute to investment in Equality, Diversity and Inclusion initiatives in the area.

Resource implications

20. 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 National Landscape budgets and do

not require any additional funding as match from the council. Once final capital grant awards are confirmed the S151 officer can use his delegated authority to amend the capital programme in respect to the grant notification.

Figures in italics previously approved

Figures in Bold new &/or additional to be approved via CCN &/or new Agreement

Grant scheme	Funder	2022/23	2023/24	2024/25	Total	Capital/ Revenue
Wye Valley AONB core funding	DEFRA	<i>£151,855</i>	<i>£151,855</i>	<i>£151,855</i>	<i>£455,565.00</i>	R
Wye Valley AONB Access for All:	DEFRA	<i>£60,866</i>	£53,908	£72,320	<i>£60,866</i> +£126,228	R&C
Farming in Protected Landscape (FiPL)	DEFRA	<i>£220,110</i>	<i>£219,488</i> +£119,575 +£19,250 <i>=£358,313</i>	£362,384	<i>£439,598</i> +£501,209	R
National Landscapes Capital funding	DEFRA	0	0	£101,000	c£101,000	C
	Sub-totals	<i>£432,831</i>	<i>£371,343</i> +£192,733 <i>=£564,076</i>	<i>£151,855</i> +£535,704 <i>=£687,559</i>	<i>£956,029</i> +£728,437 <i>=£1,684,466</i>	
Strategic Allocated Funding (SAF) for Wye Valley AONB	Natural Resources Wales (NRW)	<i>£49,000</i>	<i>£49,000</i>	£49,000	<i>£98,000</i> +£49,000* = £147,000	R
	TOTALS	£481,831	£613,076	£736,559	£7,203,098.00.00	
Previously approved Revenue		<i>£481,831</i>	<i>£420,343</i>	<i>£151,855</i>	<i>£1,054,029</i>	
New /Additional Revenue		-	<i>£192,733</i>	<i>£483,704</i>	<i>£676,437</i>	
New/Additional Capital		-	-	<i>£101,000</i>	<i>£101,000</i>	
		*2024/25	2025/26	2026/27	Total	
*Strategic Allocated Funding (SAF) for Wye Valley AONB	Natural Resources Wales (NRW)	*£49,000 as above	£49,000	£49,000	£98,000.00	R

21. This programme will be managed by the Wye Valley National Landscape Team with project support and oversight by the Council's Corporate Project Management Office and reporting to the Environment & Sustainability Board. Any required procurement led by the Council will be in line with the Council's procedure rules and current legislation, as appropriate.

Legal implications

22. Section 85 of the Countryside and Rights of Way (CRoW) Act 2000 (as amended through the Levelling Up and Regeneration Act 2023) require local authorities to seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.
23. 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. Under the Levelling Up and Regeneration Act 2023, The Secretary of State may by regulations make provision requiring the local authorities to contribute to the preparation, implementation or review of such plans.
24. The JAC is set up under a legal agreement between the four local authorities and oversees the National Landscape Team.

Risk management

25. The Council is required to discharge its statutory duties in relation to the conservation and enhancement of the natural beauty of the Wye Valley Area of Outstanding Natural Beauty (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 National Landscape Team. Not to accept the funding allocations would present a significant financial risk and potential failure to delivery on these statutory duties.
26. The National Landscape Team operates under a Memorandum of Understanding between the 4 local authorities (currently 2021-24) which delegates the review and delivery of the statutory AONB Management Plan to the National Landscape Team and outlines contributions and mitigates shared risks including other commitments from any external funding agreements and resolving proportionate redundancy of staff members of the Wye Valley National Landscape Team.
27. The current Memorandum of Understanding may need to be rolled forward for up to a further 12 months until the revised version is adopted and signed by the 4 constituent local authorities.

Consultees

28. The following consultation has taken place:

Consultation	Date	Feedback
Directorate Leadership Team	24 January 2024	Support for the proposal
Corporate Leadership Team	tbc	
Political Briefing with the cabinet member for Economy, Environment & Skills	tbc	

Political groups consultation on a key decision	tbc	
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Appendices

None

Background papers

None

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published

Governance	Click or tap here to enter text.	Date Click or tap to enter a date.
Finance	Click or tap here to enter text.	Date Click or tap to enter a date.
Legal	Sean O'Connor	Date 25/01/2024
Communications	Click or tap here to enter text.	Date Click or tap to enter a date.
Equality Duty	Click or tap here to enter text.	Date Click or tap to enter a date.
Procurement	Lee Robertson	Date 31/01/2024
Risk	Kevin Lloyd	Date 21/01/2024

Approved by Ross Cook Date 02/02/2024