

## EXPLANATORY MEMORANDUM

### **Title:**

1. The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004

### **Laying Authority and Purpose:**

2. This explanatory memorandum is laid before Parliament by Command of Her Majesty.

### **Department responsible:**

3. The Department for Environment, Food and Rural Affairs.

### **Description:**

4. This Order establishes the Conservation Board for the Cotswolds Area of Outstanding Natural Beauty and provides for the constitution and administration of the Board. The Order also provides for various functions of local authorities within the Cotswolds Area of Outstanding Natural Beauty to be exercisable concurrently by those authorities and the Board.

### **Legislative Background:**

5. Section 87 of the National Parks and Access to the Countryside Act 1949 provided for the designation of areas of outstanding natural beauty ("AONBs"). 41 of these areas have now been designated in England and Wales. Many AONBs will encompass, in whole or in part, several local authority areas. However the 1949 Act made no provision for the creation of any new statutory body to exercise local authority functions relating to AONBs. Consequently local authorities have continued to exercise their countryside functions in respect of AONBs although in many cases, including the Cotswolds Area of Outstanding Natural Beauty, this has led the local authorities concerned to establish joint committees under section 101(5) of the Local Government Act 1972 for the joint discharge of their functions in relation to the AONB.
6. Following several reports, the last of which was a report in 1998 by the Countryside Commission (now the Countryside Agency), the Government decided that provision should be made, in what is now Part IV of the Countryside and Rights of Way Act 2000, to enable the Secretary of State-
  - (a) to establish by order a statutory board for any designated area of outstanding natural beauty, and
  - (b) to transfer any local authority functions relating to that area to that board or, to provide that those functions should be exercisable concurrently by the board and the local authorities concerned (section 86 of the 2000 Act).
7. This Order and the Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004, which are being laid

before Parliament at the same time, are the first two orders to be made to establish conservation boards under Part IV of the 2000 Act.

8. The Countryside Agency and all the local authorities whose areas are wholly or partly within the Cotswolds Area of Outstanding Natural Beauty have been consulted as required by section 86(6) of the 2000 Act. Of the 17 local authorities involved, 13 have given their consent (as required by section 86(6) of the 2000 Act). The remaining 4 authorities have also given consent but with qualifications.

**Extent:**

9. This Order relates to the Cotswolds Area of Outstanding Natural Beauty in England.

**European Convention on Human Rights:**

10. The Secretary of State is of the view that the provisions of this Order are compatible with the Convention rights, as defined in section 1 of the Human Rights Act 1989.

**Policy background:**

11. The overall aim and purpose of conservation boards (as established under Part IV of the 2000 Act) is to allow for a holistic view to be taken of measures for the conservation and enhancement of AONBs by means of a single body that can operate across existing local authority boundaries.
12. The Conservation Board for the Cotswolds Area of Outstanding Natural Beauty will have 40 members. 17 of these members will be appointed by the local authorities for the AONB (one member for each authority), 8 will be appointed by the parishes within the AONB and 15 will be appointed by the Secretary of State.
13. There has been a good level of support for the establishment of this Board. The existing joint committee for this AONB (established under the Local Government Act 1972) has asked the Secretary of State to establish the Board. During consultations on this Order, other groups and bodies including the National Farmers Union, the Council for the Protection of Rural England and the Countryside Agency have expressed their support for this Order.

**Impact:**

14. A regulatory impact assessment has not been prepared as no significant impact on the private or voluntary sector is foreseen. The establishment of a Cotswolds Conservation Board would not create any significant additional ongoing costs for the public or the Exchequer. There will be set-up costs of approximately £100,000, funded by the Countryside Agency as one-off costs. Subsequent funding of the ongoing core costs of the Board will be by grant from the Countryside Agency and constituent local authorities, as happens now in relation to the Joint Advisory Committee.

**Contact:** Steve Hawes, Deputy Head, Countryside (Recreation and Landscape) Division, Department for Environment, Food and Rural Affairs,

Temple Quay House, Bristol BS1 6EB. Tel: 0117 372 8928. E-mail:  
[steve.hawes@dfera.gov.uk](mailto:steve.hawes@dfera.gov.uk)