

Quantock Hills Office, Fyne Court, Broomfield, Bridgwater, Somerset TA5 2EQ

Tel: 01823 451884 e-mail: [quantockhills@somerset.gov.uk](mailto:quantockhills@somerset.gov.uk) [www.quantockhills.com](http://www.quantockhills.com)

## **AONB Service response in relation to Somerset County Council land disposals in Quantock Hills AONB. 19 December 2011**

### National Context:

Local authorities were given power under the Local Government Act 1972 Sc123 to dispose of land in any manner they wished, the only constraint being that, except in the case of leases for less than 7 years, the sale had to be for the best consideration reasonably obtainable.

It is government policy that local authorities should dispose of surplus land wherever possible. Generally it is expected that land should be sold for the best consideration reasonably obtainable. Government recognised that there may be circumstances where a local authority may consider it appropriate to dispose of land at an undervalue.

### Local Context:

The Quantock Hills AONB Service, while not objecting to disposal of land by public bodies, is seeking assurances from Somerset County Council (SCC) that if it is minded to dispose of this land it takes the following into account:

Access: All landholdings identified by SCC are dedicated Access Land under the Countryside & Rights of Way Act 2000 (CRoW Act 2000) and include a right of access on foot. There is a good network of dedicated footpaths and bridleways on all identified landholdings which will ensure access is maintained.

AONB Response: Access provision is good on all identified landholdings and will continue under different ownership. At present there is permissive access in Great Wood, especially for cycles, which if it is withdrawn could displace this activity to other more sensitive sites locally. The AONB Service would want assurances that the recreational value of Great Wood is taken into consideration in disposal of this landholding and current permissive access is retained or enhanced.

Biodiversity: Over Stowey Custom Common and Thorncombe Hill are Sites of Special Scientific Interest (SSSI are nationally important). Sc 28G of the Wildlife & Countryside Act, as amended by the CRoW Act 2000, requires a local authority to "take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation and enhancement of the flora, fauna or geological or phisographical features by reason of which the site is of special scientific interest." also under this section "Secretary of State expects that all public bodies will take full account of their responsibilities under this duty whenever their actions may affect SSSIs". Local authorities have duty under Natural Environment and Rural Communities Act 2006 (NERC Act 2006) (Sc40) to have regard to biodiversity conservation (Biodiversity Duty) when carrying out their functions. This would

extend to disposal of land and include Great Wood though it has no national designation. The 2010 Lawton review said

*'Public bodies owning land which includes components of England's current or future ecological network should do more to realise its potential, in line with their biodiversity duty. Further, before disposal of any public land, the impact on the ecological network should be fully evaluated. Where such land is identified as having high wildlife value (existing or potential) it should not be disposed of unless its wildlife value is secured for the future.'*

Notable species / habitats associated with the identified land holdings: UK BAP priority Species – Slow worm, Adder, Common Lizard, Sky Lark, European Nightjar, Common Linnet, Common Cuckoo, Yellowhammer, UK BAP priority habitat – Lowland heathland., Quantock LBAP – Adder, Long Eared Owl, Heathland, Woodland.

AONB Response. Thorncombe Hill & Over Stowey Customs Common are SSSI and part of Quantock Common. Both land holdings are currently managed under a Countryside Stewardship Scheme which is an agreement between landowners, Natural England and Commoners. This ends in September 2012 and Natural England and the Commoners are currently developing a replacement scheme (Higher Level Stewardship). Change of land ownership at this key time could jeopardise a new scheme and the AONB Service would want mechanisms built into any disposal which will ensure these landholdings are managed for the next 10 years.

Landscape: National Parks and Access to the Countryside Act 1949 led to designation of Areas of Outstanding Natural Beauty (AONBs). The purpose of AONBs is the "Conservation and enhancement of natural beauty, which includes protecting flora, fauna, geology and landscape features." AONB standing improved with CRoW Act 2000. Specific duties under the act include: Sc84 – A local authority has power to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB. Sc85 – in exercising or performing any functions in relation to, or so as to affect, land in an AONB, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB.

AONB Response: Over Stowey Custom Common and Thorncombe Hill are on the open summit of the Quantock Hills and have strong landscape character. As such it is important that this key landscape is conserved and enhanced. The main mechanism for this will be the inclusion of these landholdings into a future HLS scheme. The AONB Service would also want mechanisms included into any disposal which will protect the landscape from incremental degradation, such as erosion caused by vehicles, cycles etc.

User Conflict: Currently nearly 80% of complaints to the Quantock Hills AONB related to issues between different users groups. The majority relate to vehicle users and other users (walkers, horse riders, cyclist). Currently there are no public legal vehicular rights on Thorncombe Hill, Over Stowey Customs Commons or Great Wood. Permissive vehicular access is allowed to a car park at Ramscombe in Great Wood but this is managed via a one-way system. While there are no public rights for vehicular access a landowner can grant permission for people to use vehicles.

AONB Response: The AONB Service would want assurances that in disposing of landholdings SCC had built in mechanisms which will limit vehicular access, especially on

Over Stowey Customs Common and Thorncombe Hill where vehicle use, other than for management operations, is inappropriate. In Great Wood due to the high usage by horse riders, walkers and cyclists it is also felt that any additional vehicle use would be inappropriate.

Iain Porter

**Acting AONB Manager, Quantock Hills AONB Service**