

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

Tel: 01823 451884 e-mail: quantockhills@somerset.gov.uk www.quantockhills.com

Honor Clark
Deputy County Solicitor
Somerset County Council
County Hall
Somerset TA1 4DY

21 December 2011

Dear Ms Clark

Ref CNV0038/1/JAH – Quantock Hills AONB Service response in relation to Somerset County Council land disposals in Quantock Hills AONB.

Due to the short timescale imposed by the public notice full consultation with the Quantock Hills JAC has not been possible. Therefore these comments are submitted by the Quantock Hills AONB Service, which request that leave be given to submit further comments by the Quantock Hills JAC if required.

The Quantock Hills AONB Service, while not specifically 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: Access provision is good on all identified landholdings either through CRoW Act 2000 (Countryside & Rights of Way Act 2000) access land or Public rights of way 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 At present there is permissive access in Great Wood, especially for cycles, which if it is withdrawn could displace this activity to other more sensitive sites locally.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 seeks 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 a duty under Sc40 of the Natural Environment and Rural Communities Act 2006 (NERC Act 2006) 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.

Both Thorncombe Hill and Over Stowey Custom Common 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 Commoner Association are currently developing a replacement scheme (Higher Level Stewardship). Change of land ownership at this key time could jeopardise a new scheme, thereby harming the biodiversity value of these land holding. This is a specific concern for the AONB as these landholdings together account for nearly 10% of this contiguous lowland heath and upland oak woodland area and the AONB Service suggests mechanisms are built into any disposal which will ensure these landholdings are managed through any new schemes, such as Higher Level Stewardship, into the future.

User Conflict: Currently nearly 80% of complaint / comments to the Quantock Hills AONB related to issues between different users groups. The majority relate to vehicle users and other users (walkers, horse riders, cyclists). 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. On all 3 land holdings vehicle use, other than for management operations, is inappropriate and contrary to policy A2 from the Statutory Quantock Hills AONB Management Plan 2009 – 14, adopted by Somerset County Council in 2009. The AONB Service seeks assurances that in disposing of landholdings SCC had built in mechanisms which will not allow for increase in any vehicular access.

Landscape: Over Stowey Custom Common and Thorncombe Hill are on the open summit of the Quantock Hills and have strong landscape value. As such it is important that this key landscape is conserved and enhanced. National Parks and Access to the Countryside Act 1949 led to designation of Areas of Outstanding Natural Beauty (AONBs) – The Quantock Hills was England's first AONB designated in 1956. The purpose of AONBs is the "Conservation and enhancement of natural beauty, which includes protecting flora, fauna, geology and landscape features."

Local authorities, under the Countryside & Rights of Way Act 2000, must have regard to AONB purposes. 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'. More information on local authorities' duties can be found at 'England's statutory landscape designations a practical guide to your duty of regard, *Natural England 2010*'. <http://naturalengland.etraderstores.com/NaturalEnglandShop/NE243>


The AONB Service requests that Somerset County Council considers Community Asset Transfer (CAT) for these landholdings. As you will be aware central government has made a commitment to empower citizens by transferring the ownership and management of public sector land and assets to community organisations. In light of Somerset County Council's Cabinet decision, 14th December 2011, to approve the final draft of the Policy for Community Asset Transfer I feel that these land holdings should be assessed to ascertain if a CAT is appropriate and meaningful.


Further to these requests for consideration to be taking into account for the above points I request that Somerset County Council fully considers its duty under Sc85 of the CRoW Act 2000 to have due regard to the purpose of the AONB designation, including during initial thinking, at more detailed planning stages and during implementation of any land disposals within or affecting the Quantock Hills AONB.

I look forward to receiving your response in the near future.

Yours sincerely

Iain Porter
Acting AONB Manager

 01823 451884

 07771 678641

 iporter@somerset.gov.uk