

# **Malvern Hills AONB Partnership Terms of Reference**

## **Section A : General**

### **1. Application and Context**

- 1.1 These Terms of Reference apply to the management and governance structures of the Malvern Hills AONB including:
  - (a) the Joint Advisory Committee (Section B)
  - (b) the Steering Group (Section C)
  - (c) the Staff Unit (Section D)
- 1.2 These Terms of Reference should be read in conjunction with the Constitution for the JAC ('Agreement as to the establishment and functions of the Malvern Hills Joint Advisory Committee') dated ..... and the Agreement for the Malvern Hills Partnership (between Natural England, Worcestershire County Council, Malvern Hills District Council, Herefordshire Council, Gloucestershire County Council and Forest of Dean District Council) dated .....
- 1.3 The term the 'constituent local authorities' applies to the five local authorities whose areas are wholly or partly comprised in the AONB (i.e. Worcestershire County Council, Malvern Hills District Council, Herefordshire Council, Gloucestershire County Council and Forest of Dean District Council)

### **2. Review of Terms of Reference**

- 2.1 These Terms of Reference will operate to 31 March 2015, at which time they will be subject to review by the JAC.
- 2.2 Subject to the agreement of all funding partners and a majority of the full JAC, these Terms of Reference may be reviewed prior to 31 March 2015.

## **Section B : The AONB Joint Advisory Committee**

### **3. Introduction**

- 3.1 The Malvern Hills AONB Joint Advisory Committee (JAC) is the body responsible for coordinating, on behalf of the constituent local authorities, the management of the Malvern Hills Area of Outstanding Natural Beauty (AONB).
- 3.2 The principal purpose of the JAC is to enable the relevant local authorities, 'acting jointly', to fulfil their duties under Part IV of the Countryside and Rights of Way Act 2000 (the CRoW Act) to conserve and enhance the natural beauty of the Malvern Hills AONB. In addition, the JAC will encompass a wider membership in order to engage an appropriate range of relevant national, regional and local interests in the management of the area.
- 3.3 The JAC's principal focus will be on the Malvern Hills Area of Outstanding Beauty as designated. However, recognising that such designated landscapes cannot be managed in isolation, the JAC will also seek to ensure that management of the AONB reflects, and is reflected in, the management of the surrounding area.

### **4. Roles and Responsibilities**

- 4.1 The JAC will develop a vision and strategy for the Malvern Hills AONB and will prepare and implement policies to conserve and enhance its natural beauty.
- 4.2 The JAC will seek to champion the interests of the Malvern Hills AONB and its communities (where this relates to the purpose of AONB designation), and will promote the identity and profile of the area.
- 4.3 As required by the CRoW Act 2000, the JAC will prepare, publish and periodically review a Management Plan for the AONB, which formulates the policy of the constituent local authorities for the management of the area and for the carrying out of their functions in relation to it.
- 4.4 The JAC will facilitate and coordinate the implementation of the AONB Management Plan and will monitor progress in achieving its objectives, policies and work programmes.
- 4.5 The JAC will seek to ensure that all 'relevant authorities' fulfil their duty under the CRoW Act to have regard to the purpose of conserving and enhancing the natural beauty of the AONB in the exercise or performance of their functions.
- 4.6 The JAC, with support from a host body (currently Worcestershire County Council), will operate a JAC office and employ a core team of staff to provide administrative and professional support to its work. The key functions of the Staff Unit will be in accordance with those set out in the Countryside Agency's 2001 'Areas of Outstanding Natural Beauty Funding Policy' and subsequent advice issued by Natural England (see Appendix 1).
- 4.7 The JAC will work closely with the Malvern Hills Conservators to ensure that their respective management policies and activities are, so far as possible, complimentary and mutually supportive.
- 4.8 The JAC will establish and maintain effective working relationships with relevant bodies at national, regional and local levels where these can contribute to the achievement of the objectives of the Malvern Hills AONB, to a wider understanding of the purposes of AONBs, and to best practice in the management of protected landscapes.

- 4.9 The JAC will seek to ensure that the Malvern Hills AONB is managed in accordance with national policy and guidelines.
- 4.10 The JAC will seek to ensure that the policy and practice of authorities and organisations with management responsibilities in the Malvern Hills are consistent with and compliment AONB objectives.
- 4.11 The JAC will seek to influence and support the activities of communities and agencies beyond the borders of the AONB so that these contribute to the achievement of AONB objectives.
- 4.12 The JAC will keep under review and make comments, recommendations or representations, as appropriate, with regard to the boundaries of the Malvern Hills AONB.
- 4.13 In accordance with the agreed 'Protocol'<sup>1</sup> (see Appendix 2), the JAC will respond, as appropriate, to consultations on planning policy documents affecting all or part of the designated AONB, together with planning applications that have strategic, significant or AONB wide implications.
- 4.14 The JAC will advise local authorities and other relevant agencies on the financial and staffing resources required for effective AONB management and will seek additional funds, including external finance, to assist in delivering projects and initiatives identified within the AONB Management Plan.
- 4.15 The JAC will agree an annual work programme for the AONB Partnership Manager and other members of the Staff Unit.
- 4.16 The JAC will establish (and agree Terms of Reference for) other management and governance structures that it considers are necessary for the effective performance of its functions.
- 4.17 The JAC will ensure that an annual report of the AONB Partnership's activities is produced and distributed to all interested parties.
- 4.18 The JAC may organise an AONB Forum (on an annual basis or on some other frequency agreed by the JAC) to provide an opportunity both for AONB residents and other interested parties to input to the management of the AONB and for the JAC to provide feedback on its progress and achievements in managing the AONB.

## **5. Membership and Meetings**

- 5.1 There will be up to 20 voting members of the JAC comprising:
  - (a) seven elected members appointed by the constituent local authorities;
  - (b) two elected members appointed by the constituent Parish Councils;
  - (c) one elected member appointed by Malvern Hills Conservators
  - (d) five representatives of statutory agencies;

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<sup>1</sup> The full title of this 'Protocol' is 'Proposed Scheme for Consultation between the Malvern Hills AONB Joint Advisory Committee and the Local Authorities of Worcestershire County Council, Malvern Hills District Council, Herefordshire Council, Gloucestershire County Council and the Forest of Dean District Council.'

- (e) five representatives of other organisations or interests groups

In addition, co-opted members may be invited on to the JAC as and when the JAC deem this to be appropriate.

- 5.2 The JAC will, at all times, operate in accordance with the 'Agreement as to the establishment and functions of the Malvern Hills AONB Joint Advisory Committee.
- 5.3 The JAC should normally meet three times per year in or close to the months of February, June and October. Dates for these meetings should be identified several months ahead and be fixed with reference to the diaries of the local authorities in order to avoid clashes with other meetings. Additional JAC meetings may be held, at the discretion of the Chair, as and when required.
- 5.4 Local authority membership of the JAC is subject to the following conditions:
  - (a) All local authorities represented on the JAC should have regard to the desirability of appointing one member of the authority who represents a ward or electoral division situated wholly or partly within the Malvern Hills AONB.
  - (b) Each local authority elected member attending a JAC meeting may be accompanied by no more than one officer. The officer of the authority may still attend if the member is absent.
  - (c) If a local authority elected member wishes to be accompanied to a JAC meeting by more than one officer, or if more than one officer wishes to attend such a meeting when the elected member is absent, this should, on each occasion, be with the prior agreement of the Chair.
  - (d) Local authority officers do not have the right to vote at JAC meetings.
- 5.5 The elected member of the Malvern Hills Conservators on the JAC may be accompanied to JAC meetings by one officer of the Conservators. This officer does not have the right to vote at such meetings.
- 5.6 All members of the JAC should be asked to sign a 'Membership Accord' which sets out the role of individual members and the way in which they will be expected to contribute to the work of the JAC. A copy of the 'Membership Accord' is attached at Appendix 3.
- 5.7 All new JAC members should be offered, and would be expected to attend, an induction course covering the management and governance of the AONB. All JAC members should be offered the opportunity to attend training events (held at least annually) on issues that are relevant to the future management of the AONB.
- 5.8 JAC members representing an organisation or interest group(s) will be required to ensure that their organisation or interest group provides a short annual report. This report will document the activities previously undertaken to implement the AONB management plan and the activities planned to conserve and enhance the AONB in the near future.
- 5.9 JAC members should be required to attend a minimum number of meetings within a set period. If they fail to attend for three consecutive meetings, the organisation that they represent should be asked to nominate an alternative person to sit on the JAC.
- 5.10 Any JAC member can submit items to the AONB Partnership Manager or JAC Chair for consideration by the JAC. The Chairman, in consultation with the AONB Partnership

Manager, will decide whether such items are appropriate for inclusion on the agendas for a JAC meeting or may be considered in other ways.

- 5.11 Where possible, JAC papers (preferably including a summary) should be circulated electronically to enable members to forward/circulate the full papers or the summary to those organisations/ interests whom they are meant to be representing. This should all take place at least 10 days prior to the JAC meeting to give these organisations/ interests an opportunity to feedback to their representative.

## 6. Financial Procedures

### 'Core' Costs

- 6.1 The local authority funding partners' contribution will equal at least 25% of eligible costs for core functions listed in sub clause 8.1 of the Agreement between Natural England and its local authority partners. Core costs that are eligible for Natural England support include:
- employment costs of core staff (including salaries, NI and superannuation, training, travel and subsistence expenses etc.);
  - office accommodation and administrative running costs;
  - costs associated with publicising and promoting the work of the JAC;
  - costs of reviewing the management and governance structure of the AONB;
  - costs of preparing, publishing, monitoring and reviewing the AONB Management Plan.
- 6.2 The annual contributions to AONB core costs by the five local authorities and Natural England will be as set out in Table 1, although this may be varied by agreement between these funding partners.

Natural England	75.00%
Worcestershire County Council	7.76%
Herefordshire Council	9.89%
Malvern Hills District Council	6.21%
Gloucestershire County Council	0.63%
Forest of Dean District Council	0.51%

- 6.3 A bid for grant aid towards core costs shall be submitted to the constituent local authorities and Natural England on behalf of the JAC by 31 December in respect of the following financial year.
- 6.4 Responsibility for the proper and effective management and administration of the 'core budget' will lie with the Steering Group and the host body acting on behalf of the JAC.
- 6.5 Any balances in the core budget at the end of the financial year shall be carried forward into the next financial year.

### 'Project' Costs

- 6.6 The Management Plan will include an Action Plan detailing the work to be taken forward by different partners to help deliver the Plan. The five local authority funding partners will make available, as resources and budgets permit, funding that will facilitate the implementation of these projects. The relative size of the funding contributions sought from the individual local authorities will broadly reflect:
- the size of their contribution to AONB core funding;
  - the benefits that will accrue to the different local authority sections of the AONB
- 6.7 Where appropriate, support will also be sought from other partner organisations and other sources.
- 6.8 Any balances in the project funding budget at the end of the financial year shall be carried forward into the next financial year.

## **Section C : Steering Group**

### **7. Roles and Responsibilities**

- 7.1 The Steering Group (SG) will provide guidance, advice and support to the JAC and the Staff Unit on matters relating to the management and administration of the AONB and the production, implementation, monitoring and periodic review of the AONB Management Plan.
- 7.2 The Steering Group will have responsibility for administrative and budgetary matters relating to the management of the AONB and the Staff Unit (including the core budget and project budget), in accordance with a scheme of delegated authority from the JAC.
- 7.3 The Steering Group will act as the linking structure between the JAC and the Staff Unit, particularly in providing the key mechanism for the Working Groups to input specialist advice and expertise to the management of the AONB.
- 7.4 The Steering Group will coordinate the annual budget round.
- 7.5 The Steering Group will coordinate the preparation of the papers for JAC meetings.
- 7.6 The Steering Group will provide support to the Staff Unit in carrying out its key functions (as set out in Appendix 1) and in implementing the decisions of the JAC.
- 7.7 The Steering Group will advise the JAC and Staff Unit on matters concerned with:
- (a) personnel management;
  - (b) finance and funding issues;
  - (c) administrative procedures;
  - (d) management and governance issues and organisational development;

### **8. Membership and Meetings**

- 8.1 The Steering Group will have a membership of six comprising:
- (a) one officer representative of each of the following local authorities;
    - Worcestershire County Council
    - Herefordshire Council
    - Malvern Hills District Council
    - Forest of Dean District Council or Gloucestershire County Council (with the one individual representing both Authorities)
  - (b) one representative of Natural England;
  - (c) one officer representative of the Malvern Hills Conservators;
- 8.2 The Malvern Hills AONB Partnership Manager shall be invited by the Steering Group to attend meetings as and when required in order to provide specialist advice or knowledge on specific issues.

8.3 The Steering Group will elect a Chair from amongst its members as and when a majority of the group deem it appropriate to do so. In the event of the chair not being present at a meeting, a Chair for the meeting shall be elected by the members present.

## **Section D : Staff Unit**

### **9. Roles and Responsibilities**

- 9.1 The JAC, with support from a host body, will operate an AONB office and employ a core team of staff to provide administrative and professional support to its work.
- 9.2 The key function of the AONB Staff unit will be to assist the Malvern Hills JAC in fulfilling its responsibilities, as set out in its Constitution. In this context, the principal task of the Staff Unit will be to assist the JAC in developing, implementing, monitoring and reviewing the AONB Management Plan.
- 9.3 Other functions of the Malvern Hills AONB Staff Unit will be in accordance with those set out in Annex 1 of the Countryside Agency's paper 'Area of Outstanding Natural Beauty Funding Policy' (2001) and subsequent advice issued by Natural England (see Appendix 1).

### **10. Operation and Membership**

- 10.1 The core staff team currently comprises the following posts:
  - Malvern Hills AONB Partnership Manager (f/t)
  - Malvern Hills AONB Partnership Assistant Manager (f/t)
  - Malvern Hills AONB Partnership Support Officer (p/t)
- 10.2 In addition, the Staff Unit is supported by:
  - various staff of Worcestershire County Council (acting as the host body and banker for the AONB) with key areas of support being in administration, finance and IT.
- 10.3 The Staff Unit will be strengthened, as necessary and appropriate, through the appointment of additional staff members, subject to additional funding being made available by partners/other sources. The need for such additional staff will be determined by the Steering Group with reference to the JAC and the five constituent local authorities.

## Appendix 1

### STAFF UNIT CORE FUNCTIONS

#### 1. MANAGEMENT PLAN

- 1.1 Developing reviewing, preparing and publishing the AONB vision and the CRoW Act AONB Management Plan
- 1.2 Promoting the AONB vision and management plan to help distinguish the AONB from adjacent countryside
- 1.3 Advising upon, facilitating and co-ordinating implementation by others of the Management Plan
- 1.4 Accessing resources for management activities
- 1.5 Developing an involvement by the community in the management of the AONB
- 1.6 Providing a management role to co-ordinate AONB protection through the actions of the AONB unit, the AONB Partnership and other partners at a local and strategic level
- 1.7 problem solving with the unit acting as co-ordinator and facilitators

#### 2. ADVISORY / ADVOCACY

- 2.1 Advising Local Authorities and other partners on their activities within AONBs, to encourage them to attain the highest possible standards in AONBs
- 2.2 Working with and contributing to the NAAONB activities, sharing advice and best practice nationally and regionally.
- 2.3 Providing landscape related planning advice (to local planning authorities and in conjunction with Natural England as appropriate in line with, and underpinned by protocols)
- 2.4 Financial support for NAAONB
- 2.5 Contribution and support to regional activity between AONBs and protected landscapes to strengthen status of the AONBs individually and collectively.

#### 3. MONITORING

- 3.1 To monitor and report on progress against AONB Management Plans and annual business plans to the Partnership.
- 3.2 To provide monitoring and reporting information to Natural England in accordance with issued guidance.

## **Appendix 2**

### **Proposed Scheme for Consultation between the Malvern Hills AONB Partnership and the Local Authorities of Worcestershire County Council, Malvern Hills District Council, Herefordshire Council, Gloucestershire County Council and the Forest of Dean District Council.**

#### **General**

1. This scheme is intended to define, in agreement with the local planning authorities, the scope of the involvement of the Malvern Hills AONB Joint Advisory Committee (JAC) in planning matters.
2. It sets out arrangements whereby the JAC will be consulted upon planning policy documents affecting all or part of the designated AONB, together with planning applications that have strategic, significant or AONB wide implications.

#### **Planning Policy Documents**

3. The relevant local planning authority will consult the JAC on all planning policy documents, or proposed amendments/modifications to them, affecting all or part of the Malvern Hills AONB.
4. Consultations on planning policy documents will be dealt with by the AONB Partnership Manager in consultation with the Chair of the Steering Group and one member of the JAC, who will agree a response. The response will be sent on behalf of the AONB Unit.
5. Alternatively, and at the discretion of the Chair of the JAC, the document may be considered, and a response agreed by a full meeting of the JAC. In such cases, the relevant local authority will be notified accordingly.

#### **Planning Applications**

6. The relevant authority will consult the AONB Unit on applications under the Town and Country Planning Acts that lie within, or are likely to affect the landscape character or setting of the Malvern Hills AONB in accordance with the following scheme:-
  - (a) Residential development: applications within settlements involving 5 or more dwellings (or where the number of dwellings is not indicated, the site area is 0.2 hectares/0.5 acres, or greater), except where the site is specifically allocated for residential use in an approved plan. Outside settlements, applications involving a smaller number of dwellings (or smaller site area) at the discretion of the relevant planning authority.
  - (b) Other major development: all applications for non-residential development involving 1000 square metres/10,760 square feet of floor space or where the site area is 1.0 hectare/2.47 acres or more, except where the site is allocated for the proposed use in an approved plan.
  - (c) Minerals and waste disposal: all applications involving new or extended operational areas.
  - (d) Major road proposals: all applications and consultations by the relevant highway authorities.

- (e) Utilities and other infrastructure: applications for the following forms of development:
  - (i) overhead electricity lines and facilities for transmission over 33KV;
  - (ii) cross country pipelines or similar installations;
  - (iii) construction of significant water resource or sewage treatment facilities;
  - (iv) renewable energy developments;
  - (v) telecommunications towers.
- (f) Development proposals: which by virtue of their particular characteristics are likely to have an effect on the landscape character of the AONB and/or set a precedent.

### **Consultation Procedure for Planning Applications**

7. Local planning authorities will notify the AONB Unit of all planning applications in the AONB. Full details of planning applications meeting the criteria specified in (6) above will be sent to the AONB Partnership Manager by the local planning authorities. Such applications will normally be considered by the AONB Partnership Manager and two JAC members appointed by the JAC, who will agree recommendations to the relevant local planning authority.
8. Alternatively, and at the discretion of the Chair, the application may be considered, and a response agreed by a full meeting of the JAC. In such cases, the relevant local authority will be notified accordingly. Only applications with major implications for the AONB should normally be referred to the full Committee.
9. The formal response will be submitted to the local planning authority on behalf of either the AONB Unit (para 7. above) or the JAC (para 8. above).
10. The relevant local planning authority will subsequently inform the AONB Partnership Manager of the decision of the authority.
11. Local planning authorities will also notify the AONB of all decisions of the authority in respect of planning applications within the AONB meeting the criteria specified in (6) above.

### **Monitoring**

12. An annual monitoring report will be prepared by the AONB Partnership Manager for the JAC on development in the AONB, relating to all the planning applications received and decided upon by the constituent authorities under paragraphs (7) to (11) above.

### Appendix 3

#### Malvern Hills AONB JAC Membership Accord

As a member of the Malvern Hills AONB JAC, I undertake:

- to promote the conservation and enhancement of the natural beauty of the Malvern Hills AONB;
- to champion the JAC's vision for the Malvern Hills AONB and its communities, as set out in the AONB Management Plan;
- to contribute knowledge, expertise and experience to the work of the JAC;
- to promote, support and play a full and active part in the work of the JAC in fulfilling its 'Roles and Responsibilities' as set out in the JAC's 'Terms of Reference';
- to assist the JAC in achieving an independent and apolitical profile in the performance of its functions;
- to attend JAC meetings whenever possible and, if I am no longer able to attend meetings on a regular basis, to step down from the JAC or, with the agreement of the JAC chair, to seek another representative from within my organisation to take my seat on the JAC.

Signed.....

Date.....