

Dated

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

- and -

THE WORCESTERSHIRE COUNTY COUNCIL

- and -

THE MALVERN HILLS DISTRICT COUNCIL

- and -

THE GLOUCESTERSHIRE COUNTY COUNCIL

- and -

THE FOREST OF DEAN DISTRICT COUNCIL

AGREEMENT

as to the establishment and functions of the
Malvern Hills Joint Advisory Committee

- (i) Matters in respect of which Byelaws should be made (Section 41 of the Countryside Act 1968 and also Section 90 of the National Parks and Access to the Countryside Act 1949) (hereinafter referred to as “the 1949 Act”);
 - (ii) Subject to paragraph 2(d) below, the preparation or amendment of a development plan or planning policy document affecting all or part of, or likely to affect the setting of, the Malvern Hills AONB (Town and Country Planning Act 1990);
 - (ii) Subject to paragraph 2(d) below, applications under the Town and Country Planning Acts, and consultations by statutory authorities, within, or likely to affect the landscape character or setting of, the Malvern Hills AONB.
 - (iv) Any general survey of access requirements within the Malvern Hills AONB, whether by making of access agreements or orders or by the acquisition of land for securing access by the public for open air recreation (Section 62(1) of the 1949 Act); and
 - (v) The making of access agreements in the Malvern Hills and the making of access orders in the Malvern Hills (Section 64(5) and (6) of the 1949 Act and the Malvern Hills Act 1884);
- (c) Consultations under paragraphs 2(b)(ii) and 2(b)(iii) above shall be in accordance with the provisions of the ‘Proposed Scheme for Consultation on Planning and Development Issues 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.’ as set out in Appendix 2 to this Agreement

- (d) The Authorities shall make available such funds as are deemed by the Authorities to be necessary for the Committee to fulfil its functions [as defined above in paragraphs 2(a) and 2(b) above] in accordance with the Agreement (dated) between the Authorities and Natural England
 - (e) Provided that this shall not invalidate any action already taken by any Authority.
3. The Committee shall consist of up to twenty members, ten members of which (hereinafter referred to as “the elected members”) shall be appointed as specified in Clause 5 hereof, and ten members of which (hereinafter referred to as “the non-elected members”) shall be persons nominated in the manner specified in Clause 6 hereof.
4. The Authorities may also co-opt further representatives of other relevant bodies to attend meetings in a non-voting capacity for such period or periods as the Committee may from time to time determine.
5. The elected members shall consist of:
- (a) two elected members appointed by Herefordshire Council;
 - (b) two elected members appointed by Worcestershire County Council;
 - (c) two elected members appointed by Malvern Hills District Council,;
 - (d) one elected member appointed by the Forest of Dean District Council (also representing Gloucestershire County Council);
 - (e) one elected member appointed by the Malvern Hills Conservators;
 - (f) two elected members, one appointed by the Herefordshire Parish Councils and one appointed by the Worcestershire Parish Councils,

from parishes the whole or any part of which is comprised within the Malvern Hills AONB. The member representing the Herefordshire Parishes shall also represent the Gloucestershire Parishes.

6. The non-elected members shall consist of one representative each from/of:
 - (a) Natural England;
 - (b) the Forestry Commission;
 - (c) English Heritage;
 - (d) the Herefordshire and Worcestershire Earth Heritage Trust
 - (e) the Country Landowners and Business Association (with interests within the Malvern Hills AONB);
 - (f) the Campaign for the Protection of Rural England;
 - (g) local tourism interests;
 - (h) local business interests;
 - (i) National Farmers Union (with interests within the Malvern Hills AONB);
7. Each elected member shall serve on the Committee for a term of two years but such member shall be eligible for re-appointment to the Committee for a further term or further terms of two years should the appointing organisation(s) so resolve;
8. Each non-elected member shall appoint a representative to serve on the Committee for a term of two years and such member may be re-appointed to the Committee for such further term or terms of two years as the Committee may deem expedient.
9. The Secretary (or some other appropriate administrative officer hereinafter referred to as "The Secretary") of each organisation represented on the Committee shall forthwith, after the appointment of any member of the

Committee by that organisation, notify the name and address of the member appointed to the Secretary of the Committee:

- (a) An elected member who ceases to be a member of the organisation by which he/she was appointed shall upon such cessation also cease to be a member of the Committee;
- (b) An elected member of the Committee may resign his/her membership by giving notice in writing thereof to the Secretary of the Committee and to the Secretary of the organisation by whom he/she was appointed;
- (c) A non-elected member who ceases to be a member of the organisation by which he/she was appointed shall upon cessation also cease to be a member of the Committee;
- (d) A non-elected member may resign his/her membership by giving notice in writing thereof to the Secretary to the Committee and to the appropriate officer of the body or organisation by whom he/she was nominated; and
- (e) Upon a casual vacancy arising, the Secretary of the Committee shall forthwith notify, in the case of an elected member, the Secretary of the organisation by whom the member was appointed of the vacancy. Any such vacancy shall be filled as soon as practicable, in the case of an elected member, by the appointment of a new member of the organisation in whose representation the vacancy arises. In the case of the non-elected member, by the appointment by the, organisation of a new member. In each case, the person so appointed shall hold office during the remainder of the term of office of the person in whose place he/she is appointed.

ceases to be a member of the Committee, continue in office until his/her successor becomes entitled to act as Chairman; and

- (b) The Committee may, at its annual meeting, appoint one of its number to be Vice-Chairman, who shall, unless he/she resigns or ceases to be a member of the Committee, continue in office until immediately after the election of the Chairman at the next annual meeting.
- 4. On a casual vacancy occurring in the office of Chairman or Vice-Chairman (if appropriate) of the Committee, the vacancy shall be filled by the election or appointment by the Committee, of one of their number at its next meeting. The person so appointed shall hold office until the date upon which the person in whose place he/she is appointed would normally have retired.
 - 5. A substitute may be nominated to represent a member of the Committee in his/her absence provided that any substitute for an elected member shall also be a member of the organisation which that member represents.

CONDUCT OF MEETINGS

- 6. (a) At a meeting of the Committee, the Chairman, if present, shall preside;
 - (b) If the Chairman is absent from a meeting of the Committee the Vice-Chairman, if present, shall preside; and
 - (c) If both the Chairman and the Vice-Chairman of the Committee are absent from the meeting of the Committee, such member of the Committee as the members present shall elect shall preside.
- 7. (a) Subject to the provisions of paragraphs 7(b) and 8 below the Chairman of the Committee, or if the office of Chairman is vacant

the Vice-Chairman of the Committee, may call a meeting of the Committee at any time;

- (b) No less than ten working days at least before a meeting of the Committee a notice to attend the meeting specifying the business proposed to be transacted thereat and signed by the Secretary of the Committee shall be served upon each member of the Committee, and the Secretary shall also send a copy thereof to the Secretaries of the Authorities respectively, provided that:
 - (i) want of service of the notice on any member of the Committee shall not affect the validity of the meeting;
 - (ii) excepting paragraphs (iii) and (iv) below, no business shall be transacted at any meeting called by either the Secretary or the Chairman of the Committee other than that specified in the notice of the meeting;
 - (iii) the Chairman, or in his absence, the Vice-Chairman, may, in consultation with the Secretary and with the agreement of the Committee, submit items requiring urgent consideration by the Committee; and
 - (iv) notwithstanding paragraph (iii) above, it shall be at the Chairman's discretion to present the opportunity to members of the Committee to submit, in writing or orally, items of information, provided that these shall not be the subject of any debate.
 - (v) notwithstanding paragraph (iii) above, it shall be at the Chairman's discretion to present the opportunity to members of the Committee to submit, in writing or orally, items for discussion and decision, provided that details shall

have been notified to the Secretary at least one week prior to the date of the meeting.

8. No business shall be transacted at a meeting of the Committee unless at least three elected members are present thereat.
9. Copies of the minutes of the proceedings at each meeting of the Committee shall be sent to the Secretaries of the Authorities, as soon as practicable, after the date of the meeting.
10.
 - (a) The mode of voting at meetings of the Committee shall be by show of hands, but on the requisition of any member of the Committee, supported by two other members who signify their support by rising in their places, the voting shall be recorded so as to show whether each member present and voting gave his/her vote for or against that question; and
 - (b) the person presiding at a meeting of the Committee shall have a second or casting vote.
11. All meetings of the Committee shall be open to the press and public and copies of agendas and background papers shall be made available for inspection unless:
 - (a) the Committee decides otherwise in respect of a particular item;
 - (b) the Authority to which the item relates has requested that it be treated as confidential.

IN WITNESS whereof the parties hereto have caused their Common Seals to be
hereunto affixed the day and year first above written

THE COMMON SEAL of the
COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL)
is hereto affixed in the presence of:-)
)

THE COMMON SEAL of the WORCESTERSHIRE)
COUNTY COUNCIL is hereto affixed in the)
presence of:-)

THE COMMON SEAL of the GLOUCESTERSHIRE)
COUNTY COUNCIL is hereto affixed in the)
presence of:-)

THE COMMON SEAL of the MALVERN HILLS)
DISTRICT COUNCIL is hereto affixed in the)
presence of:-)

THE COMMON SEAL of the FOREST OF DEAN)
DISTRICT COUNCIL is hereto affixed in the)
presence of:-)

Appendix 1 - Map showing location and extent of the Malvern Hills AONB

Appendix 2

Proposed Scheme for Consultation on Planning and Development Issues 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.

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.