

Open Report on behalf of Richard Wills, Executive Director for Communities

Report to:	County Council
Date:	22 February 2013
Subject:	Lincolnshire Wolds Management Plan

Summary:

The report presents the revised Lincolnshire Wolds Management Plan for approval by the Council.

Recommendation(s):

To approve the Lincolnshire Wolds Management Plan 2013 – 18

1. Background

The 1949 National Parks and Access to the Countryside Act (1949) enabled designation of Areas of Outstanding Natural Beauty (AONB) in recognition of their outstanding landscape quality. There are 40 designated AONBs covering almost 14% of England and Wales, and much of the Lincolnshire Wolds were designated as an AONB in 1973.

The primary purpose of AONB designation is to conserve and enhance natural beauty while taking into account the needs of rural industries and communities and meeting the demand for recreation (consistent with the primary objective). The national importance of AONBs in protecting these landscapes was reaffirmed in the Countryside and Rights of Way Act (2000).

Review and consultation 2011-12

All local authorities with AONBs in their area are required by statute to produce and review five year Management Plans for their AONBs. In the case of the Lincolnshire Wolds this equates to an equal duty on Lincolnshire County Council, East Lindsey District Council, West Lindsey District Council and North East Lincolnshire Council. The provision of a management plan is a requirement for continued receipt of Defra grant funding for the AONB.

The consultation draft Management Plan for the Lincolnshire Wolds and its accompanying Strategic Environmental Assessment (SEA) were considered by the

Environmental Scrutiny Committee in May 2012, during the public and stakeholder consultation period. The changes proposed as a result of this consultation were further examined by the Committee in November 2012, and the Committee recommended additional amendments to an area of policy relating to renewable energy. The final version of the document incorporated these amendments, and in January the Scrutiny Committee recommended Executive approval, which took place on 5th February 2013.

Equality Act 2010

The Council's duty under the Equality Act 2010 needs to be taken into account when coming to a decision. It is important that the Council is aware of the special duties it owes to persons who have a protected characteristic as the duty cannot be delegated and must be discharged by the decision maker. The duty is for the Council, in the exercise of its functions, to have due (that is proportionate) regard to the need to:

- (1) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it: Equality Act 2010 s 149(1). The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation: s 149(7).

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- (1) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (2) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (3) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- (5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.
- (6) Compliance with the duties in this section may involve treating some persons more favourably than others.
- (7) The relevant protected characteristics are:

Age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation

In practical terms this requires the decision maker to understand whether implementation of the strategy is likely to result in adverse impacts on people with protected characteristics and if so what mitigating steps can be taken to reduce or eliminate those adverse impacts. The impact analysis form attached at Appendix C which should be taken into account when reaching a decision considers the potential for adverse impacts.

To discharge its statutory duty the Council must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified, consideration must be given to measures to avoid that impact as part of the decision making process.

The impact analysis indicates that there will be no adverse impacts compared to the current position and indicates that positive impacts are possible, in that access to certain sites within the AONB might be improved where the landscape and local topography makes it reasonably practicable to do so. The Lincolnshire Wolds Management Plan includes specific aims to improve access to high quality environments for all, and success in this regard will be measured as an integral part of monitoring delivery of the Plan overall.

2. Conclusion

The Wolds AONB Management Plan 2013-18 provides a detailed plan for protecting and enhancing the Lincolnshire Wolds for the next five years. Its aims and objectives deliver key elements of the County Council's recently completed Natural Environment Strategy, support continued development of partnership working, and secure additional external resources for the area. The Council is therefore asked to approve the Wolds AONB Management Plan.

3. Legal Comments:

The action required is lawful and within the remit of the Council.

Approval of the Management Plan will enable the Council to meet its statutory obligations under the National Parks and Access to the Countryside Act (1949), and the Countryside and Rights of Way Act (1980).

4. Resource Comments:

Provision has been made in budget plans up to 2014/15 to support the Council's on-going role in this area. Any on-going financial implications of approving this Management Plan not presently dealt with in the future budgets of the Council will be considered as a part of future budget cycles.

5. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The Council's Environmental Scrutiny Committee meeting in January 2013 strongly recommended Executive approval of the Wolds Management Plan. The Plan is now submitted to Full Council for approval following Executive approval on 5th February 2013.

d) Policy Proofing Actions Required

The attached impact assessment identifies no adverse impacts on vulnerable groups under the Equalities Act 2010. Successful implementation of the Management Plan will provide for improvements in access for all members of the community.

6. Appendices

These are listed below and attached at the back of the report	
Appendix A	Lincolnshire Wolds Management Plan 2013 – 18 <i>(Due to the size of this document only electronic copies have been circulated)</i>
Appendix B	Strategic Environmental Assessment <i>(Due to the size of this document only electronic copies have been circulated)</i>
Appendix C	Impact Analysis

7. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by David Hickman, who can be contacted on (01522) 554809 or david.hickman@lincolnshire.gov.uk.