

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 April 2017 and the Malvern Hills AONB Partnership Memorandum of Understanding dated January 2021 (and as updated and amended).
- 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 2028, 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 2028.

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 Natural Beauty as designated. However, recognising that such designated landscapes cannot thrive in isolation, the JAC will also seek to ensure that management of the surrounding area is carefully considered. This is especially important with regards to the setting of the AONB where negative impacts may affect the integrity of the designation and peoples' enjoyment of it and where appropriate management could help support the recovery of nature in the AONB.

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 Partnership 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 and/or Defra (see Appendix 1).
- 4.7 The JAC will work closely with the Malvern Hills Trust 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'¹ (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.

¹ 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.

- 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 review 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 Trust
 - (d) ten representatives drawn from a combination of statutory agencies and 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 twice per year in or close to the months of April and November. 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. It is also expected that the JAC will gather annually or biennially to visit the AONB and to consider projects and initiatives germane to its work.
- 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 Trust on the JAC may be accompanied to JAC meetings by one officer of the Trust. This officer does not have the right to vote at such meetings.
- 5.6 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 on issues that are relevant to the future management of the AONB.
- 5.7 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.
- 5.8 JAC members are expected to attend meetings on a regular basis. Where this does not happen the AONB Partnership Manager or JAC Chair may raise this with the organisation he/she represents on the committee.
- 5.9 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.
- 5.10 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. Core costs that are eligible for 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;
 - costs of work to deliver projects and activities that help to deliver the AONB Management Plan.

- 6.2 The annual contributions to AONB core costs by the five local authorities and Defra will be as set out in Table 1, although this may be varied by agreement between these funding partners.

Defra	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 agreed by the Steering Group and submitted to Defra on behalf of the JAC by 31 January 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 AONB reserves.

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 overseeing administrative and budgetary matters relating to the management of the AONB and the Staff Unit, 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, for example, in providing a mechanism for any Working or Technical 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 five 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 officer representative of the Malvern Hills Trust;
- 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/or subsequent advice issued by Natural England and Defra (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 (job share)
 - Malvern Hills AONB Partnership Planning 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

November 2023

determined by the Steering Group with reference to the JAC and the five constituent local authorities.

Appendix 1

STAFF UNIT CORE FUNCTIONS

- 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 Advising Local Authorities on their activities within AONBs, to encourage them to go beyond normal levels of service (attain the highest possible standards) in countryside management
- 1.5 Monitoring and reporting on progress against AONB Business Plan targets
- 1.6 Monitoring AONB landscape condition
- 1.7 Accessing resources for management activities
- 1.8 Working with and contributing to the NAAONB activities, sharing advice and best practice nationally and regionally.
- 1.9 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.
- 1.10 Developing an involvement by the community in the management of the AONB
- 1.11 Providing landscape related planning advice.

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 effective involvement of the Malvern Hills AONB Partnership in planning matters affecting the AONB.
2. The Protocol aims to:
 - Clarify roles and responsibilities in relation to statutory spatial planning;
 - Clarify the mechanisms for consultation and communication between the AONB Team and local planning authorities;
 - Promote a consistent approach to the application of policies for the Malvern Hills AONB among the different authorities;
 - Identify areas where the AONB Team can provide additional support and guidance to assist planners in carrying out their functions in relation to the AONB; and
 - Identify the roles of the AONB Team and JAC in relation to the protocol.
3. It sets out arrangements whereby the Partnership 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. The Partnership will seek to add value to the role of local authorities as planning authorities for the AONB. As the team is advising its constituent Local Planning Authority members, this advice is considered the expert opinion of the Partnership's dedicated AONB Unit, not that of the Partnership itself. The AONB Unit will make regular updates to the Partnership outlining advice given in accordance with this protocol.

Planning Policy Documents

4. The relevant local planning authority will consult the Partnership on all planning policy documents, or proposed amendments/modifications to them, affecting all or part of the Malvern Hills AONB and its setting.
5. Consultations on planning policy documents will be dealt with by the AONB Planning Officer or other member of staff, who will provide a response. The response will be sent on behalf of the AONB Unit.
6. 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 with the response defined that it is sent on behalf of the JAC.

Planning Applications

7. The relevant local planning 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, including under 'prior approval':
 - overhead electricity lines and facilities for transmission over 33KV;
 - cross country pipelines or similar installations;
 - construction of significant water resource or sewage treatment facilities;
 - renewable energy developments; and
 - telecommunications towers.
- (f) All development proposals, which following a review of the application by the AONB Planning Officer, is considered that by virtue of their particular characteristics will likely have an effect on the special qualities of the AONB and/or fail to accord with relevant guidance produced by the AONB Partnership, which would subsequently conflict with policies within the Malvern Hills AONB Management Plan-

Consultation Procedure for Planning Applications

8. Local planning authorities will notify the AONB Unit of all planning applications which are in or overlap the AONB boundary except all householder applications.
9. The AONB Unit and its Planning Officer will still review all local planning authority weekly lists and in all circumstances consider planning applications meeting the criteria specified in (6) above.
10. 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 for consideration.
11. The formal response will be submitted to the local planning authority on behalf of either the AONB Unit or the JAC. Responses will clearly set out the nature of the impacts on the character and special qualities of the AONB and whether / how they could be mitigated. From this, the AONB Team will provide clear technical advice for consideration by the local planning authority.
12. The AONB Team will submit all input on planning applications directly to the local planning authority and will endeavour to facilitate e-consultation.

13. The relevant local planning authority will make known the decision of the authority.
14. Local planning authorities will also make known the decision of the authority in respect of planning applications within the AONB meeting the criteria specified in Paragraph 7(f) above.
15. Where relevant, Local Planning Authorities will refer applicants to AONB Partnership guidance and to the policies contained within the AONB Management Plan. LPAs will also make use of this information in determining planning applications, even in the absence of comments made by the AONB Partnership, as the statutorily adopted AONB Management Plan is a material planning consideration in decision-making.

Monitoring

16. An annual monitoring report will be prepared by the AONB Planning Officer 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 (15) above.

The Planning Authority's Role

17. The Planning Authority will:
 - Take account of AONB management plan policies and guidance and liaise with the AONB Team on major planning matters regarding the AONB;
 - Encourage ongoing dialogue between relevant officers (landscape, policy, development management etc) and the AONB Team;
 - Ensure all relevant existing and new staff are aware of the protocol;
 - Invite comments and contributions from the AONB Team in respect of all consultations on planning policy documents which may affect the natural beauty of the Malvern Hills AONB;
 - Publish its weekly list of planning applications online so that it is easily accessible to the AONB Unit/Partnership;
 - Consult the AONB team for advice on (pre-) planning applications where in the opinion of the local planning authority, they may have a significant impact on the AONB and/or where the provision of advice would assist the decision-making process;
 - Consult the AONB Team for advice on planning applications when requested to do so by any statutory agencies e.g. Natural England; and
 - Publish or make available the AONB Team's comments on planning applications online through the relevant planning portal / public register. In instances where these are not published, the Local Planning Authority will contact the AONB Unit clearly stating the reasons why.
18. In cases where the AONB Unit, Statutory Agencies or Local Authority Officers have suggested alternative ways of achieving the ends of the proposed development with lesser impact to the AONB, or additional mitigation measures, these will be explored with the applicant prior to determination of a planning application. If considered not appropriate, the reasons for not adopting the suggested measures should be clearly assessed and set out in the planning report, whether this be a delegated or committee report.

The AONB Unit's Role

19. The AONB Unit will:

- Encourage ongoing dialogue between the AONB Team and relevant local authority officers (landscape, policy, development management, etc);
- Ensure all relevant and new AONB staff are aware of the protocol;
- Review and consider consultation documents prepared as part of Local Development Plan preparation and other relevant documents. Where appropriate the AONB Team will undertake further discussion with relevant local authority officers and prepare and submit clear technical advice to the Local Planning Authority within the required time scales;
- The AONB Team will endeavour to identify and provide advice on alternatives, mitigation and/or compensation opportunities;
- Encourage pre-application discussions with the relevant planning authority;
- In consultation with appropriate local planning authority case officers, landscape architects and urban designers, arrange site visits and submit technical advice on planning applications received within the required time scale. Comments will normally be submitted electronically and made available online;
- Where appropriate provide support towards planning appeals and Local Plan examinations, where there are significant planning issues for the AONB. Where a local planning authority has not consulted the AONB Unit on an application or consultation draft, the Team may decline to support appeals and examinations on these cases;
- Work with local planning authorities to raise the profile of the AONB designation and statutory Management Plan, for example by assisting with training and through attendance of liaison meetings at the request of the planning authority;
- Work with local authorities to provide tools to aid policy formation and decision making, such as landscape character assessment and management guidelines, capacity / sensitivity studies and guidance on topics such as agricultural diversification, rural-urban fringe issues and renewable energy development; and
- Make known all public enquiries regarding planning issues to the relevant authority officer/s.

20. The AONB Team will not:

- Provide opinion or comment, formally or informally, directly to applicants or their agents without first consulting the relevant planning authority; or
- Represent the views of third parties in responding to consultations.