

## Informal Briefing Note – Gower AONB Boundary

### Background

Natural Resources Wales (NRW) is Welsh Governments' statutory adviser on landscape in Wales.

NRW has a range of powers and duties in relation to National Parks and Areas of Outstanding Natural Beauty (AONBs). S82(2) of the Countryside and Rights of Way Act (2000) gives NRW the power to designate new AONBs and s83(8) gives NRW the power to vary the boundaries of existing AONBs by legal order.

### **The original Designation Map part of the legal Designation Order.**

The original Designation Order Map, provided as part of the legal Designation Order, is the legally confirmed boundary for that designation. Any other maps, including those at different scales or any transpositions onto GIS **are only an interpretation** of the original boundary. NRW is the legal repository for the Designation Order Map.

A Designation Order can only be amended by a boundary Variation Order. Both boundary variations and new designations follow the same legal process and are subject to public and statutory consultation and political scrutiny. When a Designation Order is made by NRW this will then be considered by the relevant Welsh Minister, who will then either:

- confirm the Order (give effect to the Order) or;
- vary the Order before it comes into effect (making lawful adjustments to the boundary to reflect objections or representations) or;
- refuse the Order

It is only when a Designation Order has been confirmed by Welsh Minister's that it legally comes into effect for that area. Like NRW, Welsh Government also have the power to vary boundaries, but no other organisation has the legal powers to do so. Annex 1 provides a summary of the legal process.

### Current position in relation to boundary changes

From time to time NRW receives requests to consider boundary changes to existing National Parks or AONBs. As previously stated the legal process for a boundary variation is the same as for a new designation. This is a lengthy, resource intensive, legal process with significant implications for the governance, resourcing and management of an area. Therefore, the decision to consider a boundary review would need to be taken by NRW's Board.



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The only designation undertaken in the last twenty-five years was the extension to the Clwydian Range to include the Dee Valley are part of the AONB. The Designation Order was made by the Countryside Council for Wales following the due legal process and was confirmed by John Griffiths, AM in 2011.

**No other boundary changes have been made either in Gower AONB or elsewhere.** The map published with the Designation Order is the formal legal boundary. Updating our mapping media from paper to digital or updating of digital boundaries to new base-maps does not represent a legal change as no boundary variations have been made, it is the transfer of data from paper to digital media (See Annex 2 Interpreting the Original Designation map to GIS).

#### Conclusion

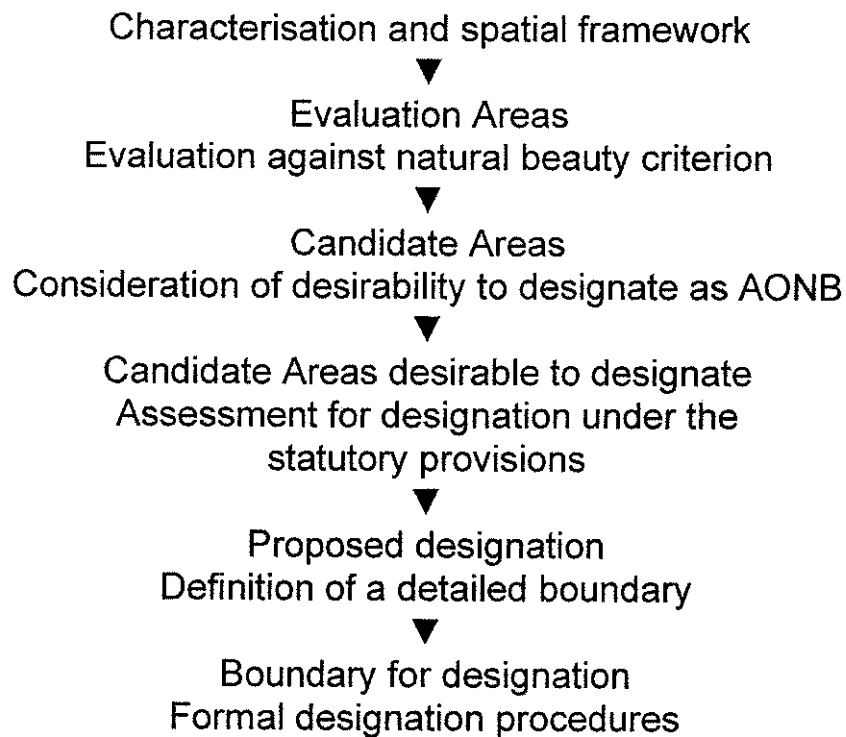
As a result of the queries that NRW has received from Mr Cooper in relation to the Gower boundary in 2015 and 2018, we have examined all the information available to us.

NRW can categorically confirm that there have been no variations to the boundary and therefore the original Designation Map which accompanies the Designation Order remains the legal boundary for the Gower AONB.

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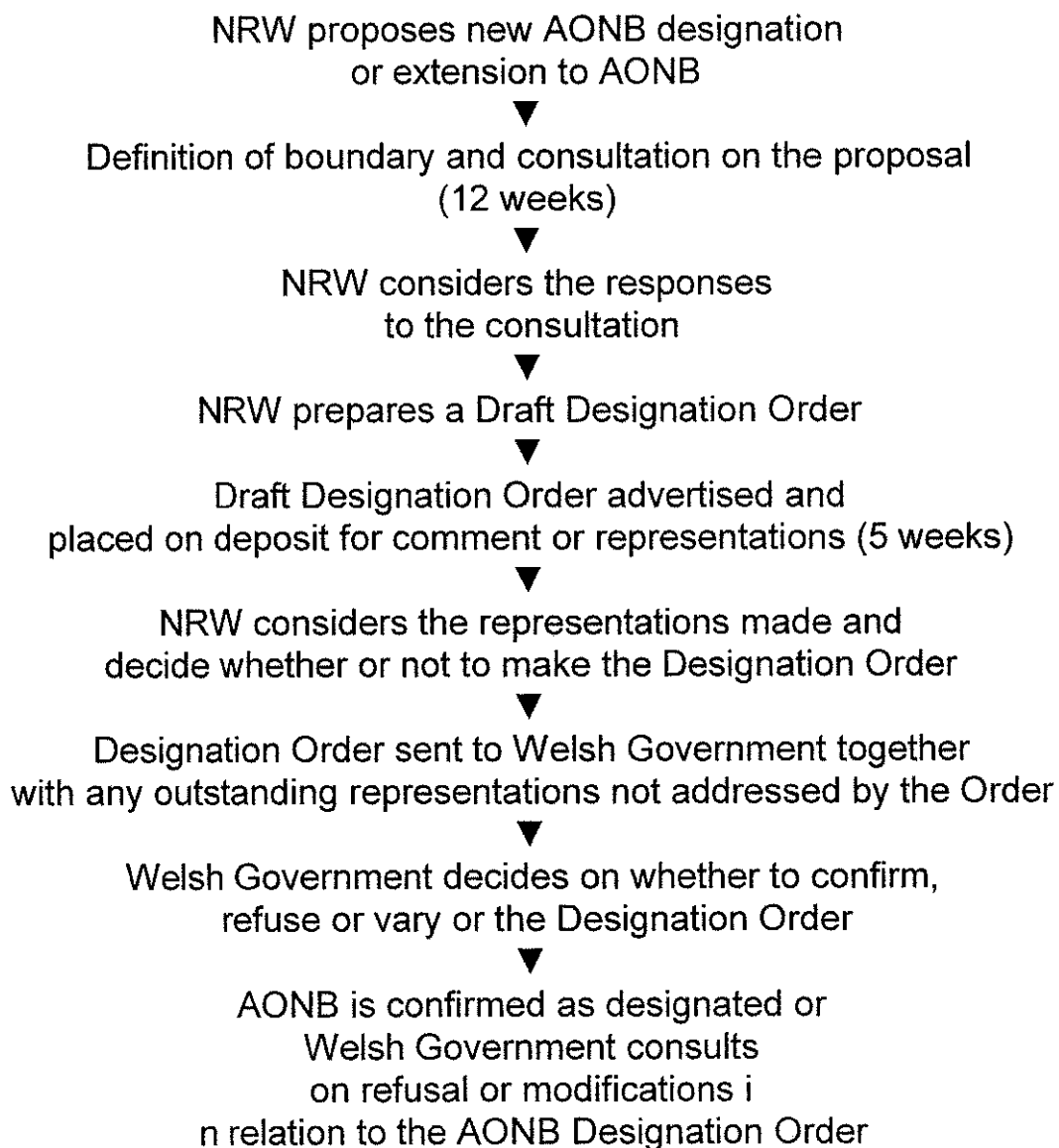
## Annex 1 Designation or boundary variation process

### Initial screening and evaluation stage





## The Legal Process of designating and AONB or extension to an AONB



## Annex 2: Interpreting the Original Designation Map for GIS

During the early 2000s our predecessor organisation, the Countryside Council for Wales (CCW) embarked on a programme of transferring all Protected Areas boundaries onto Geographical Information Systems (GIS) digital media. Initially this was to OS Landline and then to the more accurate OS MasterMap. This programme of work included all the Protected Areas such as SSSI's, NNR's, National Parks and AONBs. Given the size of the task this programme of work was undertaken over a number of years. In 2004 CCW's GIS Cartographic Team in discussion with the Protected Landscapes and relevant Regional staff, began a programme of updating the GIS interpreted boundaries to OS MasterMap for the Designated Landscapes in Wales.

There are inherent limitations of transposing a map drawn at 1:63 360 (1" to 1 mile) to the sophisticated level detail of OS MasterMap. Features and symbols are necessarily exaggerated at the small-scale mapping used for the original Designation Order Map and the level of accuracy is far less than modern mapping techniques. It should be noted that the move from paper to digital media is not a legal change and therefore does not require a Boundary Variation Order.

A number of other factors have made interpreting the Gower boundary particularly difficult, these include the:

- lack of precedence for boundary setting conventions for AONBs, with Gower beginning the first AONB to be designated in England and Wales;
- lack of accompanying Boundary Description Statement which supports National Park designations;
- proximity of certain sections of the boundary to urban development. This urban development has undergone significant change since the original map was drawn sixty-two years ago making it in some instances difficult to relate the boundary to current features on the ground.

The starting point for this process was to examine all relevant maps relating to the Gower AONB from the National Parks Commission and Countryside Commission eras in our possession, historic mapping from 1918 and 1951 editions were also considered, along with information the 'Designation History Series Gower AONB', Ray Woolmore, 2005 (see **Annex 3**). A number of informal discussions between GIS Cartographic, Protected Landscapes and Regional CCW staff and officers from the Planning Department at Swansea City and County Council also took place over the period 2004-2010. A draft final GIS interpreted boundary was agreed by CCW & Swansea City and County Council in 2004.

As part of this programme of transposing the AONB boundaries onto GIS, a number of issues subsequently emerged. These included whether the designation boundary follows the outside or middle of a road, whether the verges are included, whether the boundary remains static if LMW/MHW or watercourses change over time. Therefore, the Gower AONB GIS interpreted

boundary was revisited between 2006 and 2010 as part of this wider programme of checking. This piece of work resulted in the agreed interpretation that is now available via the Lle GIS-portal.

### Annex 3 - Brief timeline from Designation History Series Gower AONB 2005

The Designation History Series is part of sequence of reports, commissioned by the Countryside Agency, which document the designation history of most of the National Parks and AONBs in England and Wales. The author Ray Woolmore was a Senior Planner at the Countryside Commission and Countryside Agency, advising on the National Park and AONB designations that took place during his career from 1968 up to his retirement in 1999.

- 1940s      Gower was identified as an area suitable to be considered for designation due to its classic coastline in both the Dower Report 1945 and Hobhouse Report 1947 [2 & 3]
  
- 1950s      Gower AONB was amongst a list of the first twelve areas put forward for consideration by the National Parks Commission for AONB designation [6].
  
- Mid 1950s   Detailed boundary setting work was undertaken by the National Parks Commission (NPC). This included informal consultations particularly with the three local authorities of Glamorgan County Council, Swansea County Borough Council and Gower Rural District Council [10-14]. The three Councils appear to be generally supportive of the designation, suggesting additional areas for inclusion, some of which coincided with the existing 'Area of Great Landscape Value' identified in the Development Plan, as well as small areas that should be excluded [17].
  
- 1955        NPC issued a formal consultation which adheres to the same legal procedure that we follow today [14]. Glamorgan and Swansea Councils raised no objections but Swansea CBC suggested including an area around Mumbles [20] to reflect the AGLV boundary. Gower RDC sought amendments to the boundary in the parishes of Llanrhidian Lower and Bishopston [18]. Other bodies were also consulted [19].
  
- Jan 1956    Following further discussion and final refinement of the proposed boundary, the Board of the NPC agreed to the public announcement of the proposed Gower AONB Designation Order [23]. Four objections were received [25-27]. The Welsh Office at the Ministry for Housing and Local Government gave no formal objection but raised a number of queries including in relation to an area west of Mumbles Head [28-29].

- May 1956 Despite these outstanding objections and queries the NPC Committee decided to submit the Designation Order with the proposed boundary and leave it to the Minister to make any exclusions he might see fit [30].
- July 1956 The Minister further consulted within the Welsh Office and proposed to confirm the Designation Order with modifications, all in the Newton and Mumbles areas (see Map 3 in the Designation History Series) [32].
- Sept 1956 The NPC, Glamorgan and Gower Councils did not object but the Swansea CBC asked for two small areas in Mumbles to be retained within the boundary. The Minister agreed to this proposal and therefore no statutory objections were raised so formal designation was able to proceed [33].
- 10 Dec 1956 Rt.Hon. Duncan Sandys, Minister for Housing and Local Government (MHLG) confirmed the Order and gave effect to the proposal by Swansea CBC [34]
- 11 Jan 1957 The Minister's Office wrote to the NPC confirming the designation on 9<sup>th</sup> January 1957 and therefore the announcement was made public by MHLG on 11<sup>th</sup> January 1957 [34].
- 1 Feb 1957 NPC provided copies of the confirmed Designation Order and Maps to the three local authorities [37].

No work was undertaken on any Welsh AONB in relation to the Countryside Commissions Boundary Review in the mid-1980s. Therefore 'since the Gower AONB Order was confirmed on 10<sup>th</sup> December 1956, the boundaries have remained without change...' [45 & 46]

