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Authors: Bann, Eric E., and Cooper, J. Andrew

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Areas of Outstanding Natural Beauty as a Management Tool for Coastal Management in Northern Ireland–Can they work?

Eric E. Bann and J. Andrew Cooper

Coastal Research Group
School of Biological and Environmental Sciences
University of Ulster
Coleraine
Co.Londonderry
N.Ireland

ABSTRACT

The role of statutory designations to regulate activities is an important element in coastal zone management in Europe. In this paper we assess the utility of one such designation the "Area of Outstanding Natural Beauty" as a tool for coastal management in Northern Ireland. The designation is based on landscape quality and offers the potential for an integrated approach. However a variety of weaknesses reduce their effectiveness. Several suggestions are offered to improve the utility of this designation.

ADDITIONALINDEX WORDS: *ICZM; United Kingdom; designation; Wild Birds Directive; Habitats Directive; AONB; Nature Conservation;*

INTRODUCTION

The use of land designations as a tool in coastal zone management is widespread in the European Union. Such designations usually are based on some aspect of landscape or environmental quality and restrict the types and scale of activities that may be undertaken within land so designated. In Northern Ireland a variety of designations exist that have been implemented in response to National (UK) or European initiatives(e.g. SACs, SPAs, ASSIs). (Figure 1. shows these designations and their physical relationships in Northern Ireland). The legislative framework currently governing nature conservation in Northern Ireland essentially mirrors that operating in Great Britain. However not only has this legislation been introduced into Northern Ireland very slowly, but the province, despite its small size, has also lagged many years behind the rest of the UK in the implementation of these provisions.

As in Great Britain, habitats and species are protected in Northern Ireland mainly by statute driven largely by the standards set at the European and international level. The two European Directives most influential are Directive on the Conservation of Wild Birds (Directive 79/409/EEC) and on the Conservation of Natural Habitats and of Wild Fauna and Flora (Directive 92/43/EEC). These Directives have been given full legal effect in Northern Ireland by the combined operation of three principal pieces of legislation. The Wildlife (NI) Order 1985 (SI), as amended, the Nature Conservation and Amenity Lands (NCALO) (NI) Order 1985 (SI), as amended, and the Conservation (Natural Habitats etc.) Regulations (NI) 1995 (SR). In addition these provisions give effect to the requirements of various international conventions on nature conservation to which the UK is a party, either as a member of the EU or as an individual state.

The government planning service also plays an important role in the conservation and management of the countryside and the coastal zone, as do agri-environmental policies administered by the departments of agriculture. In terms of the coast, England and Wales have Planning Policy Guideline 20 "Coastal Planning" 1992 and PPG 21 "Tourism" 1992. The equivalent to PPGs in Northern Ireland are Planning Policy Statements (PPS) of which there are currently 11 (compared to 25 in England and Wales). There are currently no PPSs which cover the coast or tourism although recreation is covered in broad terms under PPS8 which has been issued for consultation.

The principal way in which landscape management is undertaken in the UK is via a system of designation of a wide variety of areas under a variety of legislation. Designation of an area is a reflection of some intrinsic value (commonly based on environmental parameters) and the designation typically places constraints on the activities that may be undertaken without changing ownership of the land itself. The Department of the Environment (NI) is the statutory body in Northern Ireland responsible (through its Environment and Heritage Service (EHS) arm) for the formulation, administration, monitoring and enforcement of most designated areas. In this paper, the effectiveness of one such designation in coastal zone management is examined using case studies from Northern Ireland.

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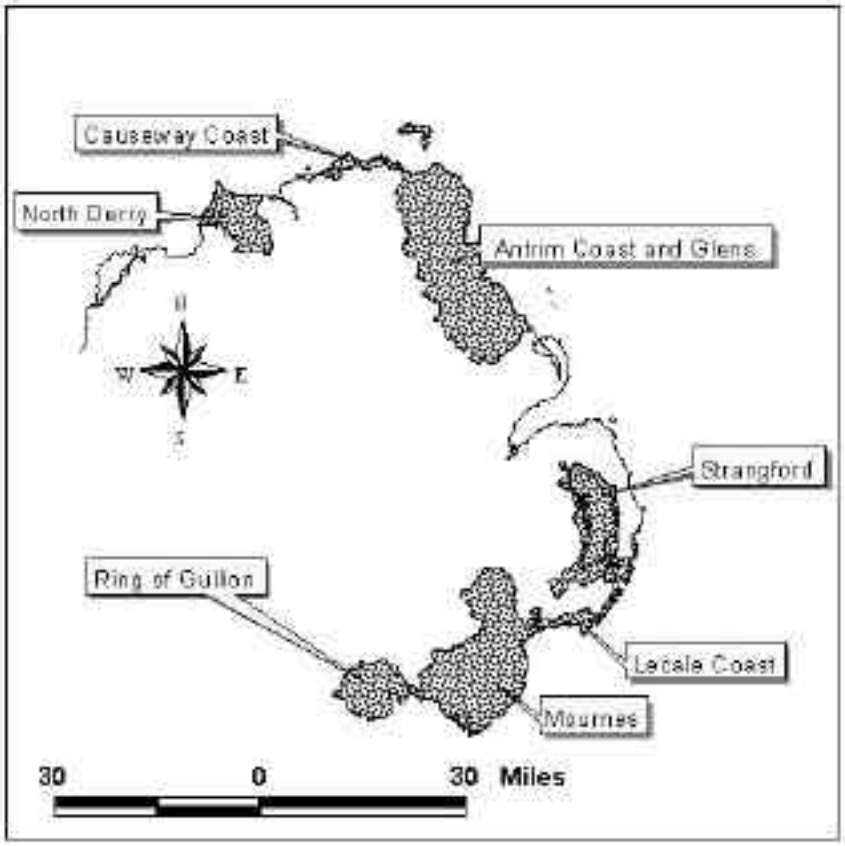


Figure 1. Coastal AONBs in Northern Ireland.

Areas of Outstanding Natural Beauty (AONBs) in Northern Ireland

This paper considers the role played by the designation of a coastal region as an Area of Outstanding Natural Beauty (AONB) and assesses the effectiveness of the designation as a management tool for coastal conservation. Article 14(1) of the NCALO empowers the DoE (NI) via the EHS under advice from a non-governmental advisory body (the Council for Nature Conservation and the Countryside or CNCC) and after consultation with the relevant local authorities, to designate an area (not being an area within a National Park) as an area of outstanding natural beauty where the area is of such 'outstanding natural beauty'that it is desirable that it be subject to the provisions of NCALO. The principal objective of such protection is the conservation of natural beauty. Full regard, however, must still be paid to the economic and social well being of the area. Nature conservation and the provision of recreation are not given explicit reference, although the definition of "natural beauty" includes reference to fauna, flora, geology, etc.

Designation is supposed to assist sound planning and development by constituting clear official recognition of the importance of preserving the attractiveness of the areas. Such areas tend to lack extensive areas of open country suitable for recreation and National Park status, but are nonetheless of such fine landscape quality that there is a national as well as a local interest in keeping them so. Government assistance is available to assist local authorities in their expenditure in these areas. Assistance leans towards preservation of the beauty of the area rather than public recreation. At present AONBs cover 20% of Northern Ireland with coastal AONBs covering 14% or 181,870 ha. Over 70% of the coastline falls within AONBs and seven of Northern Ireland's nine AONBs have significant coastal components. It is important to note that the Amenity Lands Act (NI) 1965 (ALA) which provided the original legislative basis for AONBS in Northern Ireland, operated simply as an additional form of planning control. NCALO in contrast, provided for the positive management of designated areas. (Figure 2. Shows the coastal AONBs in Northern Ireland).

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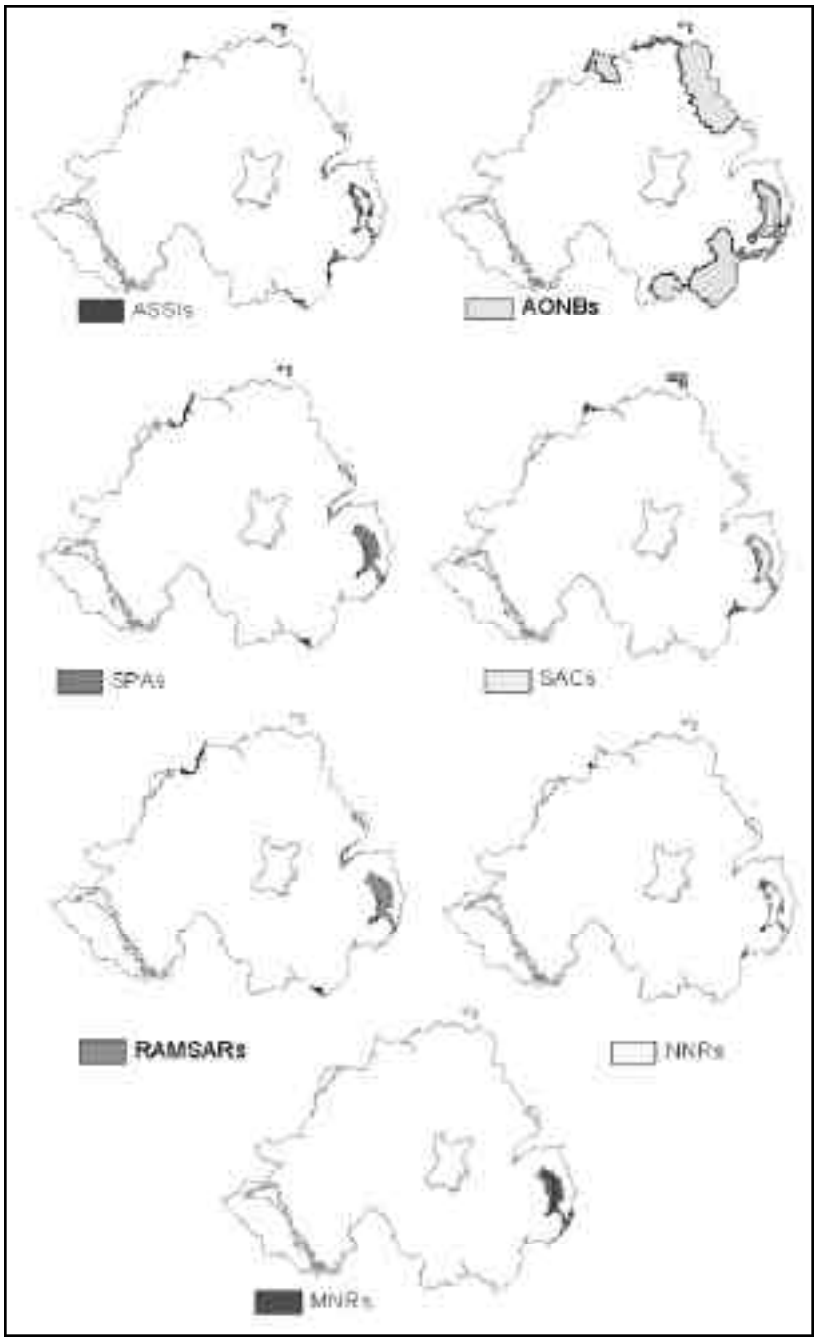


Figure 2. Nature Conservation Designations in Northern Ireland.

The role of the AONB designation was enhanced under the NCALO, in that, for the first time, provision was made for positive management of designated areas. Four of the seven coastal AONBs, however, remain under the 1965 regulations and as yet have not been redesignated. These are, Lecale coast, Lagan Valley, North Derry, and Strangford. The AONBs designated under NCALO are, Causeway Coast, Antrim Coast and Glens (including Rathlin Island), and Mourne. Technically, AONB's designated under the Amenity Lands Act (NI) 1965 continue to operate under the 1965 Act until the area is designated under the NCALO. However in practice, the Environment and Heritage Service treats an AONB designated under the 1965 Act as an AONB designated

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under the NCALO. Although these ALA designations have little practical effect, their continuation causes complications and confusion, not least in the one or two cases (for example Strangford Lough) where the AONB boundaries are used to define planning policy areas in current Area Plans.

In landscape quality terms, the highest classification currently in use is that of Area of Outstanding Natural Beauty (DoE 2001). This is an unusual designation in that it has appeared twice in legislation, (as previously noted), in the 1965 Amenity Lands Act and latterly in the 1985 Nature Conservation and Amenity Lands Order. However, within these two pieces of legislation, the designation has meant different things. Those AONBs designated under the 1965 Act were so designated as the basis for planning controls. However, the 1985 NCALO designation is much more orientated towards positive management and does not automatically carry any planning controls. Indeed the designation of an AONB is not automatically accompanied by any form of regulation (DoE 2001).

Given that the majority of AONBs are in private ownership, and given that the DoE (NI) does not have the power to force owner-occupiers to enter into management agreements, it is essential that AONB designations are supported by the local community in order to ensure that the objectives of designation are achieved in practice. It is only through the local community highlighting issues that the principle of voluntary cooperation will achieve any meaningful results.

AONBs as a potential Management Tool for the coast

The premise that AONBs have the potential to act as a significant tool for coastal management is based on the following:

- An existing framework of legislation is extant
- The AONB designation already covers substantial areas in Northern Ireland and the rest of the UK
- AONBs are a landscape designation rather than being ecologically site specific such as the SAC, SPA and ASSI designations.
- As originally envisaged AONBs are a form of planning control and could easily be integrated into any future Planning Policy Statement or Guideline.
- They are ready-made for inclusion in any strategic or development plan.

There are, however, several factors that constrain their potential effectiveness. With the exception of the Strangford Lough AONB the seaward limit of all AONBs is the Mean High Water Mark. Unusually, the Strangford AONB covers the waters and bed of the lough but because of a complex web of other regulations and designations the AONB at Strangford tends in practice to be restricted to landward issues. The seaward limit of planning authority in Northern Ireland is the mean low water mark, which does not coincide with the majority of AONB boundaries. Furthermore the foreshore in the majority of cases is vested in the Crown which is also a planning authority in its own right. In addition the Crown is outwith the normal planning system and need not adhere to any planning decisions (although in practice it normally does). This is also the case with the seabed to the twelve-mile limit.

The legal boundaries of the foreshore are linked to the mean high and low water marks, and are thus based on average tidal criteria. This may be explained as a compromise solution to property disputes, but it has the unfortunate effect of excluding areas that are regularly submerged or exposed by the tide. Not only are the average tidelines invisible, but they are altered by the physical processes of erosion and acretion. The foreshore has the exceptional legal status of a moveable freehold. It therefore makes no sense to rigidly link a nature conservation boundary to such ephemeral features. Additionally different pieces of regulation that can potentially override nature conservation designations use differing criteria as to where the low and high water marks are drawn. Scotland for example uses average spring tides. The rest of the UK uses mean tides. The RAMSAR convention defines ‘wetlands’as including areas of marine water up to six metres deep at low tide. The usual legal basis as to where the high and low water marks are drawn in the United Kingdom is the Ordnance Survey. On OS maps however there exist only the Mean High Water and Low water marks.

Enactments such as the Coast Protection Act 1949, the Town and Country Planning Act 1971, the Protection of Wrecks Act 1973, the Salmon and Freshwater Fisheries Act 1975 amongst others use the "high water mark of ordinary spring tides" for particular administrative functions which are not available from OS maps nor are they necessarily from Admiralty Charts. Yet another boundary has been superimposed by international law. The baseline from which the breadth of the British territorial sea is measured under the Geneva Convention on the Territorial Sea and Contiguous Zone 1958 is the "low water line along the coast" (Article 3). It is further stated that the baseline be "as marked on large-scale charts officially recognised by the coastal state". Accordingly, not only territorial waters, but also fishery limits depend on chart datum selected by the Admiralty selected and changed at various times to suit the needs of navigation.

DISCUSSION

Landscape in itself is difficult to value objectively. Much of what is valued in a landscape is a mélange of natural features and social and cultural history, which is highly

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evocative and thus important to people. This is outwardly reflected in art, poetry and song and inwardly in a sense of pride, belonging and comfort, all reinforcing this feeling of 'value'. Increasingly this value is also being realised in economic terms with the overt marketing of landscape for tourism and as a pleasant place to recreate or live.

The NCALO (NI) 1985 says "places a duty on any relevant authority, in exercising or performing any functions in relation to, or so as to affect, land in an AONB, to have regard to the purpose of conserving and enhancing the natural beauty of the AONB." 'Relevant authority' is defined as any Minister of the Crown, any public body, any statutory undertaker or any person holding public office. The section is modeled on provisions in section 11A of the 1949 Act, relating to the duties of similar bodies towards National Park purposes. However it also says "the requirement to have regard to conserving and enhancing natural beauty will not override particular considerations which have to be taken into account by relevant authorities in carrying out any function."

The last sentence is particularly important for it allows different bodies to view and value AONBs in different lights and overrule nature and heritage conservation criteria citing economic, social and health reasons for any negative decisions. For example, article 32 provides that the Council for Nature Conservation and the Countryside (the DoE's statutory advisory body) and any other body having functions under the NCALO have a duty to have 'due regard to the needs of agriculture, forestry or fisheries' in the exercise of these functions. The DoE(NI) itself is required to have 'due regard to any representations made to it by the Department of Agriculture and Rural Development (NI) on behalf of persons engaged in agriculture, forestry or fisheries. Much the same applies to those departments concerned in economic development and tourism. It is worth pointing out also that in Northern Ireland the DoE, which encompasses the Environment and Heritage service is both the promoter of development (the planning service) and monitor of the environment (EHS). Local Government Authorities in Northern Ireland act as statutory consultees only. The DoE therefore finds itself in the unenviable position of being both poacher and game keeper (Turner and Morrow 1997).

In Northern Ireland several instances suggest that the mere designation of an area of land to be an AONB is not sufficient enough to prevent its degradation. Parts of the Causeway AONB are currently being heavily developed. The DoE (NI) is, however, the planning service as well as the conservation body and has approved what appears to many to be inappropriate development, inasmuch as the landscape quality is being degraded. Given the subjectiveness of the designation in the first instance, and the ability to override its requirements for economic development, this is perhaps not surprising. In order to improve the usefulness of the designation for coastal management, several additional steps are required. These are discussed below.

Several measures could be implemented to improve the protection, status, funding and management of Areas of Outstanding Natural Beauty (AONBs).

1. Delineate the geographical area seaward to the 12-mile limit. This would be particularly advantageous for the protection of the maritime heritage.As long ago as 1990 this was proposed by the Marine Conservation Society (Gubbay 1990). The reasons cited were that it would enable a planning system for marine areas to overcome the current situation which relies heavily on activity-based planning, little integration, and limited public involvement. In such a situation the Crown Estate Commissioners' role would be similar to that of landlord, leasing areas of the sea bed after planning permission for such activities had been granted.
2. Higher perceived status – if the landscape of AONBs were held to be equal in status to National Parks the highest level of landscape protection would be enjoyed by both. Legally there is very little difference between the status of a National Park and an AONB under the terms of NCALO. The general public, however and thus the view of the planning authorities regards a National Park as being of higher status.It is important to note that there have been no declarations of National Parks in Northern Ireland and this probably contributes to the perception of AONBs being of lesser status..This higher status could then be translated into Planning Policy and Mineral Planning Guidance notes and other relevant policies as they come up for review. This should include tests for major development and guidance on environmental impact assessment, which should be of equal rigour in AONBs and National Parks
3. An updated status for AONBs "to conserve and enhance the natural beauty, wildlife and cultural heritage" of the area, as worded in the Environment Act 1995;
4. A statutory duty on local authorities covering AONBs to foster public enjoyment of AONBs in ways that further the AONB purpose.
5. The establishment of conservation boards for AONBs to be a statutory obligation on the relevant local authorities.
6. Guidance to establish the membership of conservation boards which should reflect both national and local community interests

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7. Substantial core funding from central government with the balance levied from constituent local authorities. Government funding is essential to back up any legislation and management measures. Local Authorities must however share some responsibility as it the local population that gains from tourism etc. In addition some Councils (letter 14th March 2001 from Moyle District Council) appear to be unaware of any responsibility for coastal management and by involving them financially as well as physically would engender some feeling of ownership of the process from their point of view.
8. A statutory duty to draw up a management plan for the AONB in consultation with others, including a state of the environment and landscape report using the framework of countryside character areas
9. The promotion of land management and land-use change which supports the conservation objective
10. The promotion of viable economic and social development which supports the conservation objective
11. Traffic management and an integrated transport strategy, and strategic environmental assessment of all policies.
12. A requirement on county and district/borough councils within or adjoining AONBs to be consulted on development plans, on all planning applications not in accordance with the development plan and on any significant supplementary planning guidance relating to AONB conservation boards which should be consulted on other land-use policy documents, such as:- Transport Policies and Programmes (Council, Transport and Highways Departments), Forest Design Plans, Felling Licence Applications etc. (Forest Service), European agri-environment, agricultural and rural development plans (DARD), the Structural Funds, and LFA funds.

There is a widespread feeling that pressures on the countryside and coast for recreational use are also not at a significant level in Northern Ireland (compared to England and Wales). This too has coloured public perception about the need for and value of AONB designation (DoE 2001). As a result, it could be argued that the value of Northern Ireland's AONBs, both as special places and as the basis for sustainable economic development, has been underplayed. Whilst individual places of note have been marketed or developed for tourism this has often been in a haphazard or ad hoc way. The wider landscape surrounding such areas is often neglected or ignored to the potential detriment of those 'jewels'themselves (DoE 2001).

The development and recreational pressures on many AONBs are in fact on the increase and certain measures are urgent and pressing. Because AONBs usually encompass other conservation designations they could be used to augment conservation measures in general. These measures would also help protect against their susceptibility to outside pressures, which are not compatible with the conservation of the sites. Finally it can be argued that more public access is needed to AONBs most of which are on private land with no access to the general public. Only by allowing the public access to conservation sites will their true status be known and the visitor load could be spread away from the current hotspots.

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