



Report of the Gower AONB Team Leader

Gower AONB Partnership Steering Group – 3 December 2018

Gower AONB Boundary Issues - Council Position

There has been recent debate regarding the position of the Gower AONB in the context of the Mumbles Pier development.

This report states the Council position on the matter. The report includes earlier correspondence – from both the Council and Natural Resources Wales – from 2015 regarding the same point.

This report provides the full context and explanation of why the Council considers that the ‘Order and Order Map’ is the legal boundary of Gower AONB. It is the Order that forms the statutory basis for the designation of Gower as an AONB; the Order Map is – and should be regarded as - an integral part of the Order.

‘Order and Order Map’ refers to the attached copy of the Order and Order Map - this was the map as shown to Swansea Council’s Planning Committee at its meeting on 6 November 2018.

To fully explain the position, this report refers to the statutory requirements regarding the designation of the Gower AONB – as set out under the National Parks and Access to the Countryside Act 1949 (‘the 1949 Act’).

The designation of the Gower AONB was made under Section 87 of the 1949 Act; Section 87 (1) states that:

‘The [National Parks] Commission may by order made as respects any area in England or Wales.....designate the area for the purposes of this Act as an area of outstanding natural beauty; and references in this Act to such an area shall be construed as references to an area designated under this section.’

In this context - The Order and Order Map are cited as ‘The Gower Area of Outstanding Natural Beauty (Designation) Order, 1956 and are dated 9 May 1956.

However, the Order could not come into effect on this date, because of Section 87 (3) of the 1949 Act, which states that:

‘An order.....shall not come into operation unless and until submitted to and confirmed by the Minister, and in submitting any such order to the Minister the Commission shall forward to him any observations made by a local authority consulted

That consultation was made under the requirements of Section 87 (2) of the 1949 Act.

So, Swansea Council believes that the Order - although it was made 9 May 1956 - did not come into effect at that time. From the recorded correspondence, it is clear that the Commission and relevant local authorities had discussions regarding the final boundary and that those consultations were forwarded to the Minister.

Section 87 (4) of the 1949 Act states that:

'The Minister may confirm an order submitted to him under this section either as submitted or with such modifications as he thinks expedient'

In this context – the Order and Order Map are confirmed by the signature and seal of the relevant Minister and dated 10 December 1956 – with the modifications shown in red ink on the Order and the excluded areas shown cross-hatched black on the Order Map. The Council therefore believe that the Order came into effect on this date, and that consequently the Order and Order Map show the definitive boundary of the Gower AONB.

With a final reference to the 1949 Act, Section 87 (8) states that:

'It shall be the duty of the Commission to secure that copies of any order such as is mentioned in this section shall be available , at the office of the Commission, at the offices of each local authority whose area includes any part of the area to which the order relates.....for inspection by the public at all reasonable times.'

In this context – the Commission wrote to the Gower Rural District Council on 1 February 1957 with a copy of the Order and Order Map. The Commission has stamped these copies as being 'Certified True Copy' and these copies also included the hand drawn modifications – just like the Order as it was confirmed by the Minister.

Swansea Council understands that the Commission subsequently wrote to the Ordnance survey on 4 February 1957. Their letter requests a supply of 200 copies of the map as amended. It is an assumption – although a very reasonable one - that the Commission supplied the Ordnance Survey with their own 'Certified True Copy' of the Order Map to fulfil that request. However, those copies must only be regarded as that – copies – and therefore they are not the Order and Order Map as confirmed by the Minister.

Swansea Council and Natural Resources Wales (NRW) met with an Assembly Member (AM) and her constituent on 2 October 2015 to discuss the same matter and how the boundary of the Gower AONB has been portrayed on maps and planning documents since its designation.

Letters to the AM following that meeting are included with this report and confirm the position of both organisations.

The original Order (and Order Map) is held by NRW in their Bangor office; the Council's Certified True Copy - referred to above – is now available to the public at the West Glamorgan Archives in Swansea Civic Centre.

In summary, Swansea Council consider that the Order and Order Map are the definitive AONB boundary. Any other map produced subsequently should only be regarded as interpretations of the boundary and so are not definitive; this includes the 1957 copies produced by the Ordnance Survey.

Background Papers: None.

Appendices:

Appendix 1 – Gower AONB Designation Order

Appendix 2 – Map of Gower AONB as per Order

Appendix 3 - Letters

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