

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**PLANNING and TRANSPORTATION ADVISORY BOARD**

**20 October 2008**

**Report of the Director of Planning Transport and Leisure**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)**

**1 AONB MANAGEMENT PLAN REVIEWS**

**Summary**

**This report outlines the review process of the Kent Downs AONB Management Plan and the High Weald AONB Management Plan and details the Council's response to the consultation drafts.**

- 1.1.1 The Countryside and Rights of Way (CRoW) Act 2000 requires Local Authorities to prepare and implement a Management Plan for any AONB that lies wholly or in part within their area and makes it clear that these Plans need to be reviewed every five years.
- 1.1.2 Management Plans must set out the policies of Local Authorities for conserving, managing and enhancing the AONB and for carrying out for their functions in relation to it. The aim of the Plan is to ensure that the natural beauty and special character of the landscape and vitality of the communities are recognised, maintained and strengthened.

**1.2 Kent Downs AONB Management Plan**

- 1.2.1 The Kent Downs AONB stretches from Bromley in the west to Dover in the east and falls in part within Tonbridge and Malling Borough. The approach that has been adopted is for all the affected local authorities to work together to prepare and implement a Management Plan. This is achieved by the staff in an AONB Unit who prepare the plan under the supervision of a Joint Advisory Committee (JAC) that comprises elected Councillors representing the individual districts, and representatives of statutory agencies, landowning, farming and community interest groups. In total, 18 organisations are represented.
- 1.2.2 The existing Kent Downs AONB Management Plan was adopted in 2004. In order to ensure that a new Management Plan is in place when the current plan expires in 2009, a review began in October 2007 with consultation on a draft Management Plan being undertaken in Spring/Summer 2008 with a closing date of 11<sup>th</sup> August. As part of this consultation, the AONB Unit contacted all Parish Councils who

have land within the AONB boundary, as well as Councillor Matthew Balfour as Tonbridge and Malling Borough Council's representative on the JAC. Detailed comments were made at officer-level at that stage.

### **1.3 High Weald AONB Management Plan**

- 1.3.1 The High Weald AONB is the area between the North and South Downs and stretches from Horsham in the west to Hastings in the east. Tonbridge and Malling Borough contains only a small area of this AONB, to the south of Tonbridge which accounts for less than 1% of the total High Weald AONB area.
- 1.3.2 The preparation of the High Weald AONB Management Plan follows the same approach as the Kent Downs with the plan being prepared on behalf of the relevant Local Authorities by the High Weald AONB Unit under the supervision of a Joint Advisory Committee (JAC). This JAC comprises elected Councillors representing the individual districts, and representatives of statutory agencies, landowning, farming and community interest groups. In total, 22 organisations are represented.
- 1.3.3 The existing High Weald AONB Management Plan was adopted in 2004. In order to ensure that a new Management Plan is in place when the current plan expires in 2009, a review began in October 2007 with consultation on a draft Management Plan being undertaken in Spring/Summer 2008 with a closing date of 1<sup>st</sup> August. Tonbridge and Malling Borough Council were asked to provide comments at this stage.

### **1.4 Response to consultation**

- 1.4.1 Overall the draft Management Plans are considered to be well written and presented, and there are no significant issues raised in the consultation draft that were not contained in the adopted Management Plan, although priorities have changed in light of changes in circumstance. For example, a greater emphasis has been placed on climate change and renewable energy generation.

### **1.5 Legal Implications**

- 1.5.1 At this stage in the process there are no legal implications because these documents are currently consultation versions only. However it is important to comment where necessary as once adopted the Management Plans will become statutory documents.

### **1.6 Financial and Value for Money Considerations**

- 1.6.1 Each of the Local Authorities who have land within the AONB make a financial contribution towards the core costs of running the AONB Units, this includes the joint preparation and review of the Management Plans as required by the CRoW Act. Under the Act, Local Authorities are not permitted to act alone in this matter. Therefore the AONB Unit ensure that all of the relevant Local Authorities work

together so fulfilling their duty under the Act. This mechanism minimises the amount of necessary officer level involvement and cost in the process.

## **1.7 Risk Assessment**

- 1.7.1 The risks attached to not achieving the timetable of adoption by April 1<sup>st</sup> 2009 are that the council will have failed to meet a statutory timetable and by doing so will have also prevented the other relevant local authorities from also meeting the statutory timetable.
- 1.7.2 If the timetable is not met there could be sanctions with regard to funding to the AONB partnership from Natural England. If the statutory timetable is missed and the Council will have failed to fulfil its basic requirement under the duty of regard towards the purpose of an AONB under Section 85 of the CRoW Act.

## **1.8 Policy Considerations**

- 1.8.1 There are no policy considerations at this stage. Once adopted the Management Plans will form part of the Council's policy framework and form a background document to the Local Development Framework. The Management Plans will formally be considered for adoption at the following meetings:

Planning and Transportation Advisory Board: 6<sup>th</sup> January 2009

Policy Overview: 27<sup>th</sup> January 2009

Cabinet: 3<sup>rd</sup> February 2009

Council: 19<sup>th</sup> February 2009

## **1.9 Recommendation**

- 1.9.1 The Kent Downs AONB Unit and the High Weald AONB Unit be informed that the Borough Council endorses the content of the draft Management Plans for the Kent Downs AONB and the High Weald AONB.

The Director of Planning Transport and Leisure confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

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Nil

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Director of Planning Transport and Leisure