

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**PLANNING and TRANSPORTATION ADVISORY BOARD**

**06 January 2009**

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

**Part 1- Public**

**Matters for Recommendation to Cabinet - Council Decision**

**1 ADOPTION OF AONB MANAGEMENT PLANS**

**Summary**

**This report briefly outlines the process through which the Kent Downs Area of Outstanding Natural Beauty (AONB) Management Plan and the High Weald AONB Management Plan have been reviewed, and recommends their adoption. A report on the Consultation Drafts of both Management Plans was considered by the Board on 20 October 2008 with a recommendation that the Kent Downs AONB Unit and the High Weald AONB Unit both be informed that the Borough Council endorsed the content of the draft Management Plans.**

**The Director of the Kent Downs AONB unit will give a brief presentation at the Board meeting about the work of the unit and the content and purpose of the Management Plan.**

**1.1 Background**

- 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 The Borough contains parts of two AONBs, the Kent Downs in the North and a small part of the High Weald in the South. Management Plans for both AONBs were adopted in 2004 and expire in 2009.
- 1.1.3 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.
- 1.1.4 The first review of the AONB Management Plans has been prepared in accordance with national guidance and in close consultation with all of the local authorities for whom it is a statutory responsibility to act jointly to prepare and

review AONB management plans. This includes Tonbridge and Malling Borough Council.

- 1.1.5 Each Management Plan review goes through a seven stage process of public participation and drafting, public consultation, amendments, agreement, adoption, publication and implementation. The plan revisions have been subject to wide public and stakeholder engagement and consultation and have also been subject to rigorous assessment through a Strategic Environmental Assessment, Sustainability Appraisal and Appropriate Assessment under the Habitat Directive.
- 1.1.6 The reviews have taken the opportunity to clarify policy wording to strengthen the policies where required, and give more precise definitions to the associated activities. The intention has been to make the layout and narrative text clear and informative, easy to use and more relevant. Copies of the two Management Plans which have now been amended in the light of the consultation response are enclosed with this agenda.

## **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 staff in the AONB Unit responsible for preparing 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 and sets out a 20 year vision to ensure that the natural beauty, special character of the landscape and the vitality of the communities within the Kent Downs AONB are recognised, maintained and strengthened into the future. The Plan sets out policies to address issues including landform and landscape character; biodiversity; farmed landscape; woodland and trees; historic and cultural heritage; geology and natural resources; vibrant communities; sustainable development and travel; and access, enjoyment and understanding.
- 1.2.3 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. One of the first stages was to consider the existing plan and to look at where the changes in priority have occurred, reconfirm the special characteristics of the Kent Downs, consider the issues and threats, the aims and the policies which should be included in the revised plan. A Landscape Character Assessment review was then carried out to help set priorities and to understand areas of opportunity and threat. Public and stakeholder engagement and a series of expert opinion events with a specialist audience were also organised.

1.2.4 A draft reviewed management plan was prepared and consulted on widely in Spring/Summer 2008 with a closing date for comments of 11<sup>th</sup> August. The Borough Council provided officer-level comments at this 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. The Borough Council provided officer-level comments at this stage.

### **1.4 Response to consultation**

1.4.1 Overall the draft Management Plans were considered to be well written and presented, and there were no significant issues raised in the consultation draft that were not contained in the adopted Management Plan, although priorities had changed in light of changes in circumstance. For example, a greater emphasis has been placed on climate change and renewable energy generation. The Borough Council's response to these consultations as reported to the meeting on 20 October 2008 recommended that the content of both draft Management Plans be endorsed.

### **1.5 Legal Implications**

1.5.1 Under the terms of the Countryside and Rights of Way (CROW) Act 2000 (part IV Section 89), the Borough Council and the other local authorities within the AONB have a statutory duty to act jointly to prepare and review the Management Plans for both the Kent Downs AONB and the High Weald AONB by the 1<sup>st</sup> April 2009.

### **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 Units ensure that all of the relevant Local Authorities work together so fulfilling their duty under the Act. This mechanism minimises the amount of officer-level involvement and cost in the process. The Borough Council's contribution towards these costs is covered by existing budgets.

## **1.7 Risk Assessment**

- 1.7.1 The plans are going forward for adoption by all Local Authorities with land in the AONBs, at a mutually agreed adoption date (27 February 2009) which is set after all Councils have considered the plan. Any changes requested at this stage in the process should therefore be minor in nature and not materially affect the plans to ensure that they can both be finalised by the deadline of 1 April 2009. Under the circumstances, it will be necessary for authority to be delegated to your officers to agree any such minor changes that might arise from the consideration of the Plans by other authorities.
- 1.7.2 If the timetable is not met there could be sanctions with regard to funding for the AONB partnerships from Natural England. Furthermore, if the statutory timetable is missed 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 Once adopted the Management Plans will form part of the Council's policy framework, will be a material consideration for Development Control and form background documents to the Local Development Framework. The Management Plans will formally be considered for adoption at the following meetings:

Policy Overview Committee: 27 January 2009  
 Cabinet: 3 February 2009  
 Council: 19 February 2009

## **1.9 Recommendation**

- 1.9.1 That Policy Overview recommends to Cabinet that the Council should resolve to adopt the first revision of the Management Plans for the Kent Downs AONB and High Weald AONB on the 27 February 2009.
- 1.9.2 Authority be delegated to the Director of Planning Transport and Leisure to agree before they are published any minor changes that result from the consideration of the Management Plans by other authorities.

Background papers:

contact: Jenny Knowles

Kent Downs Area of Outstanding Natural Beauty  
 Management Plan First Revision 2009-2014  
 High Weald Area of Outstanding Natural Beauty  
 Management Plan First Revision 2009-2014

Steve Humphrey  
Director of Planning Transport and Leisure