

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

16 May 2012

Report of the Director of Planning, Transport and Leisure

Part 1- Public

Matters for Information

1 AREA OF OUTSTANDING NATURAL BEAUTY PARTNERSHIP AGREEMENT AND PROJECT UPDATE

This report briefly outlines the background to the changes to the Partnership Agreement between the Kent Downs and High Weald Areas of Outstanding Natural Beauty (AONB) Units and Defra and provides an update on major projects within the AONBs. It also seeks to raise the AONB Units concerns over the emerging policy vacuum in relation to protecting the 'setting' of an AONB.

1.1 Background

1.1.1 The Borough contains parts of two AONBs, the Kent Downs in the North and a small part of the High Weald in the South. 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. The Kent Downs and High Weald AONB Units carry out the statutory preparation and review of these Plans and are active in securing the resources to ensure that the visions, aims and policies are delivered through action plans. The current Management Plans were adopted by Council on 19 February 2009, and run until 2014. Work on a review of the two Management Plans is due to begin this year with the aim of completion and adoption by the relevant Local Authorities in March 2014.

1.2 Partnership Arrangements

1.2.1 In recognition of the importance of this work, the Units have received financial support from central government. Previously this support has come from Natural England, and The Countryside Agency before them. However, in April 2011 the central government sponsorship arrangements transferred from Natural England to Department for the Environment, Food and Rural Affairs (Defra). Defra are seeking to formalise the relationship between all parties with a new Partnership Agreement.

- 1.2.2 The objective of this Partnership Agreement is to set out the relationship and funding arrangements of the AONB Units for the four year Comprehensive Spending Review (CSR) period, properly manage financial and other risks, provide proper audit, monitoring and management arrangements and place the Joint Advisory Committee (JAC) and Executive, the host authority (Kent County Council and East Sussex County Council) and Defra in a balanced and practical relationship. The Borough Council currently contributes £4138/annum to the Kent Downs and £600/annum to the High Weald.
- 1.2.3 Previously the partnership agreement was set out in a Memorandum of Agreement signed by all parties (one for each AONB). However, throughout discussions with the AONB Units, Defra have been very supportive of the need to have an agreement which enables maximum flexibility to allow the AONB Units to secure external funding wherever possible given the current economic climate. It has been agreed to propose an offer letter in place of a Memorandum of Agreement or Partnership Agreement in order to help achieve this.
- 1.2.4 Kent County Council (KCC) and East Sussex County Council as the employing authorities for the Kent Downs AONB Unit and High Weald AONB Unit respectively, as well as members of the two Joint Advisory Committees (on which TMBC representatives sit) have been consulted on the draft wording. The agreement would be for a three year period with stand still contributions from each Local Authority. The proposed funding and partnership approach have been supported by all of the Local Authority partners.
- 1.2.5 The AONB Units have fed this support back and we now await a formal offer letter from Defra which will need to be signed and returned prior to the Defra funding for the AONB units being released.

1.3 Project Update

- 1.3.1 **Annex 1** contains project updates provided by the Kent Downs and High Weald AONB Units.

1.4 'Setting' of the AONB

- 1.4.1 Policy C3 of the South East Plan states that in relation to AONBs "planning decisions should have regard to their setting". As part of the consultation of the draft NPPF the National Association of AONBs identified their desire to see reference to the 'setting' included in the final NPPF to provide continued support once the RSS policy disappears. The potential negative impact on the AONB and its 'setting' was one of the cases against the Kent International Gateway (KIG) proposals in August 2010. However the final NPPF does not include reference to the protection of the 'setting'.
- 1.4.2 The Kent Downs AONB is concerned that with the imminent loss of Policy C3 in the RSS, and no reference to the 'setting' contained in our adopted LDF documents, that there will be a policy vacuum. They are hoping to begin to

remedy this issue with other Local Authorities who are currently consulting on draft Core Strategies with the aim of getting a reference included in their emerging policies. For Tonbridge and Malling this will be a matter for the new Local Plan as reported elsewhere on this agenda. In the meantime, the South East Plan remains extant until such time as the Secretary of State revokes the Regional Spatial Strategies, expected to be later this year.

1.5 Legal Implications

- 1.5.1 Not signing the offer letter or withdrawing from the AONB partnerships would mean that the Borough Council is not fulfilling its statutory duties as set out in the Countryside and Rights of Way Act 2000.

1.6 Financial and Value for Money Considerations

- 1.6.1 Each of the Local Authorities who have land within the AONB makes a financial contribution towards the core costs of running the AONB Units. The Borough Council's contribution towards these costs is covered by the existing budgets and the offer letter sets out this contribution and states that it will not increase for the period of the CSR.

1.7 Risk Assessment

- 1.7.1 If the offer letter is not signed then the sponsorship monies for each of the AONBs from Defra will not be released.

1.8 Equality Impact Assessment

- 1.8.1 See 'Screening for equality impacts' table at end of report.

Background papers:

contact: Jenny Knowles

Nil

Lindsay Pearson
Chief Planning Officer

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	

Screening for equality impacts:		
Question	Answer	Explanation of impacts
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.