

TONBRIDGE & MALLING BOROUGH COUNCIL
PLANNING and TRANSPORTATION ADVISORY BOARD

19 November 2013

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Council Decision

**1 RESPONSE TO DRAFT HIGH WEALD AND KENT DOWNS AONB DRAFT
MANAGEMENT PLANS AND ADOPTION OF FINAL 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. It recommends the adoption of the High Weald AONB Management Plan and that further time be given for the consideration of the Kent Downs AONB Management Plan whilst clarification of potential policy conflicts are sought and resolved.

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, reviewed in 2009, and expire in 2014.
- 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 reviews of the AONB Management Plans have been prepared by the Joint Advisory Committees 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.

- 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. The latest iterations of the two Management Plans are enclosed with this agenda, the Kent Downs AONB Plan labelled as a “Second Revision”, and the High Weald AONB Plan labelled as a “Third Edition”.

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.
- 1.2.2 The existing Kent Downs AONB Management Plan was adopted in 2004 and was reviewed in 2009, 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 2014, a review began in early 2013. 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.
- 1.2.4 A draft second revision Management Plan was prepared and consulted on widely in September 2013. The Borough Council provided officer-level comments at this stage. Following the first round of consultation and receipt of consultee comments, a further draft of the Management Plan was circulated on 18 October.

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 JAC. This JAC comprises elected Councillors representing the individual districts, and representatives of statutory agencies, landowning, farming and community interest groups.
- 1.3.3 The first statutory Management Plan, published in 2004, was a 20-year strategy and set long-term objectives for the conservation of the High Weald's natural beauty. The Plan was designed as a concise document, supported by background information held and regularly updated on the AONB website, with a view to minimising the task of updating the main document. In November 2011, the JAC agreed the scope of the 2014 review. The objective-led approach, philosophy, natural beauty components and overall structure of the Management Plan remain unchanged.
- 1.3.4 Officer-level comments were provided to the JAC during the consultation phase in July.

1.4 Response to consultation – High Weald AONB Management Plan

- 1.4.1 Overall the draft Management Plan was 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, sustainable development and renewable energy generation.

1.5 Response to consultation – Kent Downs AONB Management Plan

- 1.5.1 Overall the draft Management Plan was considered to be well written and presented, and it was noted that the policy sections had been made more concise and clear. The detailed officer-level comments presented to the AONB unit during the consultation period focussed on draft policies LLC9 (now SD11) and GNR3. These policies were considered to represent potential conflicts in relation to minerals sites and landscape detractors.
- 1.5.2 Following the first round of consultation and receipt of officer comments and those from other consultees, a further draft of the Management Plan was circulated on the 18th of October.
- 1.5.3 The most substantive change was the revision of the Sustainable Development section of the Plan, which had been made more overarching and also brought to the front of the document. Other changes included the further emphasis on the policies contained within the National Planning Policy Framework (NPPF), and the

consolidation of policies with an increased explanation of issues including setting, design and tranquillity.

- 1.5.4 However, officers felt that the policy conflicts had not been successfully clarified, expanded upon or resolved, and again provided comments in this respect to the JAC on 4 November. It is anticipated that the latest iteration of the Management Plan will be finalised at a meeting of the JAC to be held on 21 November.

1.6 Legal Implications

- 1.6.1 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 1 April 2014.

1.7 Financial and Value for Money Considerations

- 1.7.1 Each of the Local Authorities covered by 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 cost of the process. The Borough Council's contribution towards these costs is covered by existing budgets.

1.8 Risk Assessment

- 1.8.1 The plans are going forward for adoption by all Local Authorities covered by the AONBs, at a mutually agreed adoption date (1 April 2014) which is set after all Councils have considered the plan. Any changes requested at later stages 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.
- 1.8.2 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.

1.9 Equality Impact Assessment

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

1.10 Policy Considerations

- 1.10.1 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 new Local Plan.

1.11 Recommendations

- 1.11.1 That the Board recommends to Cabinet that the Council should resolve to adopt the third edition of the Management Plan for the High Weald AONB by 1 April 2014.
- 1.11.2 In respect of the Kent Downs AONB Management Plan, that authority be delegated to the Director of Planning, Housing and Environmental Services to ensure that the Plan does not conflict with, or appear to conflict with, the NPPF/Draft NPPG/Local Plan and agree any further amendments before recommending to Cabinet that the Council resolve to adopt the Management Plan for the Kent Downs AONB by 1 April 2014.

Background papers:

Kent Downs Area of Outstanding Natural Beauty
Management Plan Second Revision 2014-2019
High Weald Area of Outstanding Natural Beauty
Management Plan Third Edition 2014-2019

contact: Ian Bailey
Planning Policy Manager

Steve Humphrey

Director of Planning, Housing and Environmental Health Services

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	This report provides an update on 2no. AONB Management Plans. Both Plans have been subject to rigorous consultation and review.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	See above.
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.