

TONBRIDGE & MALLING BOROUGH COUNCIL
PLANNING and TRANSPORTATION ADVISORY BOARD

05 March 2019

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Council Decision

1 UPDATE ON THE KENT DOWNS AREA OF OUTSTANDING NATURAL BEAUTY (AONB) MANAGEMENT PLAN AND THE ADOPTION OF THE HIGH WEALD AONB MANAGEMENT PLAN

Summary: This report briefly provides an update on the review of the Kent Downs Area of Outstanding Natural Beauty (AONB) and High Weald AONB Management Plans and recommends the adoption of the High Weald AONB Management Plan.

1.1 Introduction

1.1.1 Section 89 of the Countryside Rights of Way Act 2000 (CROW Act) places a statutory responsibility on relevant local authorities to produce and regularly review an Area of Outstanding Natural Beauty (AONB) Management Plan which 'formulates their policy for the management of the area and for the carrying out of their functions in relation to it'. They are also obliged to review this Plan every five years. Whilst the Plan is not a planning policy document as such, it will be a material consideration in relation to planning policy and the determination of planning applications.

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 2014. The preparation and review of these plans are undertaken by the Kent Downs AONB Joint Advisory Committee (JAC) and High Weald AONB JAC respectively, acting on behalf of the local authorities with land in the AONBs. The JACs comprise elected Councillors and officers representing individual districts, the AONB Unit, as well as representatives from statutory agencies, land owning, farming and community interest groups.

1.2 Kent Downs AONB Management Plan

1.2.1 At their meeting on the 18th of May 2017 the Kent Downs AONB JAC agreed to take forward a review of the Kent Downs AONB Management Plan, including a revision of the Landscape Character Assessment of the Kent Downs, public and stakeholder participation and consultation; and a series of expert opinion debates.

- 1.2.2 As part of this work one of the Local Authority partners raised concerns about how the Management Plan should properly relate to land use planning matters and the relevant Acts and guidance. This intervention raised fundamental issues on which the AONB Unit sought advice from Natural England, the Government's statutory advisor on Designated Landscapes, the National Association for Areas of Outstanding Beauty and Defra's Protected Landscapes team.
- 1.2.3 Natural England's official advice has been provided to the relevant Council and the Unit has received no formal response to this.
- 1.2.4 Given the lack of resolution of this important point, which was raised of part of the review, the JAC agreed, at their meeting on the 7th of June 2018, that it was not expedient to amend the plan until the context is clearer. At the same time all Local Authorities agreed that the existing Management Plan (the Kent Downs AONB Management Plan 2014-2019, Second Revision, April 2014) should remain in place unless and until a revised and amended one has been agreed and adopted by all Local Authorities.
- 1.2.5 At its meeting in November 2018 the JAC it was agreed that the review and amendments should ideally be completed by the end of 2019.
- 1.2.6 With this in mind a proposed timetable is set out below:
- January–April 2019 – Agree position with Local Authorities to enable review to recommence. Assuming this is achieved; refresh and review evidence gathered for the review of AONB Management Plan – confirmation of Landscape Character Assessment and prepare stage 1 of the Strategic Environmental Assessment.
 - April–May 2019 – Redraft plan and circulate plan to JAC for consideration at June JAC meeting.
 - June – Joint Advisory Committee meeting (June 13th) considers redrafted AONB Management Plan and advises whether public consultation should take place (12 weeks).
 - August/September 2019 – Consultation responses considered and reflected in second draft Plan circulated to JAC for internal comments.
 - October 2019 – final draft circulated to JAC in advance of November meeting.
 - November 2019 – JAC meeting (date tbc) to advise whether amended Management Plan should go forward for adoption.
 - December 2019 – Local Authority adoption process.

1.3 High Weald AONB Management Plan

- 1.3.1 In March 2017 the High Weald AONB JAC agreed to undertake a review of the Management Plan, in particular to take account of the potential impact of Brexit on agri-environmental policy and the significant increase in development pressure on the AONB since the last review. The new Plan retains the same basic structure, being around AONB purpose, character and key components of natural beauty, and the policy objectives remain broadly similar.
- 1.3.2 A series of technical workshops were held in summer 2017 and public consultation was carried out during June and July 2018. Officer level comments were provided to the JAC during the consultation. At their meeting on the 28 November 2018, the JAC approved the revised Plan and recommended its adoption by the constituent local authorities.

1.4 Legal Implications

- 1.4.1 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 AONBs 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.

1.5 Financial and Value for Money Considerations

- 1.5.1 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. The AONB Units ensure that 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.

1.6 Risk Assessment

- 1.6.1 Failure to adopt the High Weald AONB Management Plan by 31st March 2019 would mean that the Council will be in breach of the requirements of the CROW Act 2000 to review the Management Plan within 5 years. In addition, if this timetable is not met there could be sanctions with regard to funding for the AONB Partnership from Natural England.
- 1.6.2 The Kent Downs AONB Unit have updated Defra on the delay to the Management Plan review and have been informed that 'the prudent thing to do at this stage is to contact Natural England and notify them of the situation, i.e. that you are unable to adopt a complete a review of the existing management plan at this stage - this being the case you are working on the basis that the existing management plan remains in place, until the JAC are able to complete a review. Sending notification to Natural England would count as formal notification (under s90(1)(a) Countryside and Rights of Way Act 2000). Separate notification to the public

would not be required unless the JAC thought this wise from a strategic perspective.

1.7 Equality Impact Assessment

- 1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.8 Recommendations

- 1.8.1 That the Board RECOMMENDS to Cabinet that the Council should RESOLVE to adopt the High Weald AONB Management Plan 2019-2024 as a material planning consideration by 31st March 2019 and that the Kent Downs AONB Management Plan 2014-2019 should be retained as a material consideration in its current form unless and until a revised and amended one has been agreed and adopted by all Local Authorities.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and policy Framework.

Background papers:

High Weald AONB Management Plan 2019-2024

contact: Jenny Knowles
Senior Planning Officer
(Policy)

Eleanor Hoyle

Director of Planning, Housing and Environmental Health