

TONBRIDGE & MALLING BOROUGH COUNCIL
PLANNING and TRANSPORTATION ADVISORY BOARD

29 June 2021

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 THE ADOPTION OF THE KENT DOWNS AREA OF OUTSTANDING NATURAL BEAUTY (AONB) MANAGEMENT PLAN

Summary: The Countryside and Rights of Way (CROW) Act 2000 requires local authorities to produce, adopt and keep under review Management Plans for Areas of Outstanding Natural Beauty (AONB). The Kent Downs AONB covers a significant portion of Tonbridge and Malling, and working with other authorities in the Kent Downs AONB, a review has been undertaken to update the current plan for the period 2021 – 2026. This report briefly provides an update on the Management Plan and recommends its adoption.

1.1 Introduction

- 1.1.1 AONBs are designated under the 1949 National Parks and Access to the Countryside Act, for the primary purpose of conserving and enhancing the natural beauty of the landscape. The Kent Downs AONB was designated in 1968 and is a landscape of national importance.
- 1.1.2 A secondary purpose of designation is to take account of the needs of agriculture, forestry and other rural industries and of the economic and social needs of local communities. Whilst recreation is not an objective of designation, the demand for recreation should be met so far as this is consistent with the conservation of natural beauty.
- 1.1.3 Part IV of the Countryside Rights of Way Act 2000 (CROW Act) places a statutory responsibility on relevant local authorities to produce and regularly review AONB Management Plans which 'formulates their policy for the management of the area and for the carrying out of their functions in relation to it'. This is the third review of the Kent Downs AONB Management Plan. Once adopted, the Plan will be a material consideration in relation to planning policy and the determination of planning applications.
- 1.1.4 The preparation and review of the Management Plan has been undertaken by the Kent Downs AONB Joint Advisory Committee (JAC), acting on behalf of the local

authorities with land in the AONBs. The JAC comprises 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 its meeting in November 2018, the JAC it was agreed that the review of the Management Plan should be completed by the end of 2019. However, the process was delayed due to purdah for the 2019 General Election and subsequently the impact of the first Covid-19 lock down.
- 1.2.2 Together with the 11 other Kent Downs AONB authorities, the Council has worked with the Kent Downs AONB Unit to review the plan. The review has been carried out within the relevant guidance and statutory requirements.
- 1.2.3 There has been thorough engagement and consultation throughout the review involving over 1000 individuals and organisations who have an interest in the Kent Downs AONB. The statutory requirements for a Strategic Environmental Assessment and Environment Report, a Sustainability Appraisal, an Equalities Impact Assessment and Habitat Regulations Assessment have also been undertaken.
- 1.2.4 A formal public consultation process was undertaken between 14th July – 7th September 2020 through the KCC consultation portal. A good response was received with feedback and comments from over 140 individual respondents including both organisations and member of the public. TMBC provided officer level comments during this consultation period.
- 1.2.5 Natural England, Government’s advisors on Protected Landscapes, has also provided feedback on this revision; confirming that the statutory process has been followed, and that the third revision of the Kent Downs AONB Management Plan represents good practice.
- 1.2.6 Overall, there has been strong and positive support for the Management Plan revision. The various input and comments received formed the basis for amendments to the Management Plan. In particular, the following amendments have been made:
- The previous policies of the plan have been re-defined as principles to be more consistent with the NPPF and Government guidance
 - The plan has been reframed to respond positively to the rapid growth trajectory identified for Kent in the Kent Growth and Infrastructure Framework
 - There is greater focus on biodiversity recovery, wilding and nature-based solutions to climate change impacts

- A revised Landscape Character Assessment has been produced to support the development of the AONB Management Plan
- The plan has been updated to reflect changes in guidance and new legislation such as the Agriculture Act
- The Plan has been updated to reflect the findings of the Government's Independent [Protected] Landscape Review (the Glover Review)
- The plan has been updated to reflect changes resulting from the UK's exit from the EU and the potential substantial changes and opportunities this might bring, for instance in the renewed approach to farm and land management public payments
- The plan is stronger on diversity and inclusion
- The plan identifies areas where the AONB landscape and partnership can take an active part in the recovery from the impact of Covid-19.

1.3 Legal Implications

- 1.3.1 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 AONBs, and to keep this under review.

1.4 Financial and Value for Money Considerations

- 1.4.1 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.

1.5 Risk Assessment

- 1.5.1 Failure to adopt the Kent Downs AONB Management Plan would mean that the Council will be in breach of the requirements of the CROW Act 2000 to review the Management Plan. In addition, there could be sanctions with regard to funding for the AONB Partnership from Natural England.

1.6 Equality Impact Assessment

- 1.6.1 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.

1.7 Recommendations

- 1.7.1 That the Board **RECOMMENDS** to Cabinet that the Council should **RESOLVE** to adopt the Kent Downs AONB Management Plan 2021-2026 as a material planning consideration.
- 1.7.2 It be **AGREED** that production of the Kent Downs AONB Management Plan be delegated to the Director of Planning, Housing and Environmental Health in consultation with the Cabinet Member to make further minor changes during the adoption process subsequent to this Council's decision being made.

Background papers:

Kent Downs AONB Management Plan 2021-2026
[Annex 1]

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