

**Kent Downs Draft AONB Management Plan Consultation**

<b>Final Decision-Maker</b>	Strategic Planning & Infrastructure Committee
<b>Lead Head of Service</b>	Rob Jarman, Head of Planning & Development
<b>Lead Officer and Report Author</b>	Deanne Cunningham, Team Leader (Heritage, Landscape and Design)
<b>Classification</b>	Public
<b>Wards affected</b>	All

**Executive Summary**

There is a statutory requirement under the Countryside and Rights of Way Act 2000 (CRoW Act)) for the 12 Local Authorities responsible for parts of the Kent Downs Area of Outstanding Natural Beauty (AONB) to act jointly to prepare, review and adopt a Management Plan for the AONB.

The adopted Kent Downs AONB Management Plan (2014-2019) is currently being reviewed by the Kent Downs AONB Unit and has been subject to the appropriate statutory assessments. The revised plan responds to the findings of the Government's Review of National Parks and AONB, the input of experts, climate change impacts and natural decline, assists with meeting net zero targets and seeks to take a positive approach for the future of landscapes of the Kent Downs.

The Borough Council is a statutory consultee on the draft Kent Downs AONB Management Plan 2020-2025 and the Committee is therefore requested to consider the Council's formal response to the consultation, attached as Appendix 1, with a view to supporting the adoption of the final Plan as required by the CRoW Act 2000.

**Purpose of Report**

Decision.

**This report makes the following recommendations to this Committee:**

1. That the Kent Downs AONB Management Plan 2020-2025 is generally supported subject to resolution of the matters raised in the Council's consultation response attached at Appendix 1; and
2. The Council's consultation response on the draft Kent Downs AONB Management Plan attached at Appendix 1 be approved.

**Timetable**

<b>Meeting</b>	<b>Date</b>
Strategic Planning & Infrastructure Committee	8 September 2020

# Kent Downs Draft AONB Management Plan Consultation

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p><i>The four Strategic Plan objectives are:</i></p> <ul style="list-style-type: none"> <li>• <i>Embracing Growth and Enabling Infrastructure</i></li> <li>• <i>Safe, Clean and Green</i></li> <li>• <i>Homes and Communities</i></li> <li>• <i>A Thriving Place</i></li> </ul> <p><i>We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council's overall achievement of its aims as set out above.</i></p>	Rob Jarman Head of Planning and Development
<b>Cross Cutting Objectives</b>	<p><i>The four cross-cutting objectives are:</i></p> <ul style="list-style-type: none"> <li>• <i>Heritage is Respected</i></li> <li>• <i>Health Inequalities are Addressed and Reduced</i></li> <li>• <i>Deprivation and Social Mobility is Improved</i></li> <li>• <i>Biodiversity and Environmental Sustainability is respected</i></li> </ul> <p><i>The report recommendation supports the achievement of the above cross cutting objectives through the Kent Downs AONB Management Plan.</i></p>	Rob Jarman Head of Planning and Development
<b>Risk Management</b>	<ul style="list-style-type: none"> <li>• <i>No direct risk management implications arise from this report.</i></li> </ul>	Rob Jarman Head of Planning and Development
<b>Financial</b>	No direct financial implications arise from this report.	Section 151 Officer & Finance Team

<b>Staffing</b>	<ul style="list-style-type: none"> <li><i>No direct staffing implications arise from this report.</i></li> </ul>	Rob Jarman Head of Planning and Development
<b>Legal</b>	<ul style="list-style-type: none"> <li><i>No direct legal implications arise from this report.</i></li> </ul>	Jo Smith Senior Planning Lawyer Mid Kent Legal Services
<b>Privacy and Data Protection</b>	<ul style="list-style-type: none"> <li><i>No privacy and data protection implications have been identified.</i></li> </ul>	Anna Collier Policy and Information Manager
<b>Equalities</b>	<ul style="list-style-type: none"> <li><i>The recommendations do not propose a change in service therefore will not require an equalities impact assessment</i></li> </ul>	Anna Collier Policy & Information Manager
<b>Public Health</b>	<ul style="list-style-type: none"> <li><i>We recognise that the recommendations will not negatively impact on population health or that of individuals.</i></li> </ul>	[Public Health Officer]
<b>Crime and Disorder</b>	<ul style="list-style-type: none"> <li><i>No crime and disorder implications arise from this report.</i></li> </ul>	Rob Jarman Head of Planning and Development
<b>Procurement</b>	<ul style="list-style-type: none"> <li><i>No procurement implications arise from this report.</i></li> </ul>	Rob Jarman Head of Planning and Development & Section 151 Officer]

## 2. INTRODUCTION AND BACKGROUND

- 2.1 There is a statutory responsibility under the Countryside and Rights of Way Act (CROW Act) 2000 (sections 89 and 90) for Local Authorities to act jointly to prepare, adopt and subsequently review AONB Management Plans at intervals of not more than five years.
- 2.2 The review of the Kent Downs AONB Management Plan 2014-2019 is now outside of the statutory time frame. Initial delays occurred because during the review process questions were raised about fundamental issues relating to the context in which the plan was being written and whether the plan was in line with current guidance. The specific concern was whether the plan strayed too far into seeking to be determinative of planning and

development management issues, and whether it should contain 'policies'. Advice was therefore sought from both Natural England and Defra. Following this, the impact of Covid-19 has delayed things further.

- 2.3 In the meantime the current AONB Management Plan (2014-2019) remains in place until the new version has been reviewed, revised and adopted.
- 2.4 The AONB Management Plan belongs to the relevant Local Authorities and the AONB Unit assists in taking forward its preparation and review. The support of constituent Local Authorities is needed, particularly with regard to feedback on the consultation draft.
- 2.5 It is important that during the consultation each Local Authority is aware of its responsibilities, the plan, its statutory status and the process and timetable for the review.
- 2.6 The deadline for the consultation responses is 7 September 2020 but, because of the cycle for SPI Committee, it has been agreed that the consultation period can be extended for a short time to enable the Council to make its response.
- 2.7 The draft Plan is subject to a Strategic Environmental Assessment, Sustainability Appraisal and Habitat Regulations Assessment.
- 2.8 All Local Authorities have to adopt the same plan, so if any one of them requires a late stage amendment, the whole adoption process will need to start again.
- 2.9 Once the current consultation responses have been compiled, the Kent Downs AONB Joint Advisory Committee (JAC) will consider the consultation responses at its next meeting. The timetable is for the second draft of the Management Plan to be considered by the JAC in October. The final Plan should be available in November ready for the final adoption process, which is expected to take 3-4 months, with the anticipated adoption date being the end of March 2021. There is still some uncertainty about the publication of the Government's response to the Review of National Parks and AONBs and whether it will affect the timetable. If it is published before adoption there may be a need for minor changes to the Plan to ensure consistency but it is not anticipated that it will be a particular problem.
- 2.10 The revisions include making the Plan fit for the rapidly changing context and drawing on new evidence from the Government's Review of AONBs and National Parks. The Plan responds to:
  - The national guidance and legislation for the preparation and review of AONB Management Plans.
  - The findings of a wide ranging public and stakeholder consultation and engagement programme.
  - The Government's 25 Year Environment Plan
  - Expected EU exit and seeks to be fit for post exit Environmental Land Management Systems and the expected Agriculture and Environment Acts

- Biodiversity and environmental net gain
- The stronger emphasis in policy on the natural capital and ecosystems services approach
- Responding to the Climate and Environment declarations of many of the Local Authority partners
- Being fit to accommodate the findings of the Government's Landscape Review
- Responding to the findings of the Kent Growth and Infrastructure Framework, Environment Strategy and Draft Biodiversity Strategy.
- Being fit to accommodate the findings of the National Tree Strategy
- Aligning with the plans and policies of Local Authority and Defra family partners
- Providing relevant, up to date evidence and principles to assist Local Authorities in their functions.

2.11 The draft Management Plan is considered to be acceptable in principle subject to minor amendments and clarifications as noted in the Council's consultation response attached at Appendix 1. If the issues remain essentially unchanged from the 2016-2019 Management Plan and no further comments have been made and there is no obligation to complete all sections of the consultation questionnaire.

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### **3. AVAILABLE OPTIONS**

- 3.1 Option A: To not make representation on the Kent Downs AONB Management Plan. The consultation is being run in accordance with the requirements of national legislation, but there is no requirement for the Council to submit a response. However, to follow this option means that the Council's overall view is not asserted. This approach could compromise the Council's ability to agree to adopt the Plan within necessary timescales and cause it to frustrate the process.
- 3.2 Option B: To approve the Borough Council's representation on the Kent Downs AONB Management Plan, attached at Appendix 1.

### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Option B is recommended. This option affords an opportunity to inform the Kent Downs AONB Management Plan and will help to ensure that its adoption is timely and expedient.

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### **5. RISK**

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. That consideration is shown in this report at sections 3 and 4.

5.2 The risks associated are within the Council's risk appetite and will be managed as per the Council's policy.

## **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

6.1 The Mid Kent Downs AONB Joint Advisory Committee fed back preliminary comments on the draft Management Plan earlier this year prior to the current public consultation, which closes in September 2020. The final revised draft of the Plan is due to be considered by JAC members in October. The Council will then be asked to adopt the Plan once the final version has been agreed by the JAC.

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## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

7.1 Once the Management Plan text has been finalised, the JAC will take the Plan through a formal adoption stage. At this stage it will be published as a hard copy and in a digital version and deposited with the Secretary of State as required by the CRoW Act 2000.

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## **8. REPORT APPENDICES**

- *Appendix 1: Kent Downs AONB Management Plan consultation response*
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## **9. BACKGROUND PAPERS**

Background Paper 1: Kent Downs AONB Management Plan (<https://localplan.maidstone.gov.uk/home/planning-consultations> )