

**Kent Downs AONB Management Plan Adoption**

<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 & Design)
<b>Classification</b>	Public
<b>Wards affected</b>	All

**Executive Summary**

*The Countryside and Rights of Way 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 large proportion of Maidstone and, working through the Kent Downs AONB Unit and 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 proposes adoption of the reviewed Management Plan, which strongly reflects the existing, already adopted plan.*

**Purpose of Report**

*Decision.*

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

1. That the report be noted;
2. That the Kent Downs AONB Management Plan Review 2021-26 (attached at Appendices 1- 15) be approved for adoption;
3. That the Head of Planning and Development be given delegated powers to accept reasonable minor changes made by other local authorities prior to formal adoption;
4. That a date to be confirmed by the Kent Downs AONB Unit once the last of the 12 local authorities resolves to adopt the plan be approved as the formal date for adoption.

<b>Timetable</b>	
<b><i>Meeting</i></b>	<b><i>Date</i></b>
Strategic Planning & Infrastructure Committee	13 April 2021

# Kent Downs AONB Management Plan Adoption

## 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>	<ul style="list-style-type: none"> <li>• <i>No direct financial implications arise from this report.</i></li> </ul>	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>Pursuant to s.89 of the Countryside &amp; Rights of Way Act 2000 (as amended) an AONB management plan must be reviewed at least every 5 years. To approve the recommendation would be in compliance with the legislation and regularise the Council's present breach.</i></li> </ul>	Russell Fitzpatrick (MKLS (Planning) Team Leader
<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>	Policy and Information Team
<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>	Senior Policy and Equalities Officer
<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 Areas of Outstanding Natural Beauty (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 and international importance (International Union for Conservation of Nature (IUCN) Category V, Protected Landscape).
- 2.2 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. Particular regard should be paid to promoting sustainable forms of economic development that in themselves conserve and enhance the environment. 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.

- 2.3 The preparation and publication of an AONB management plan is a statutory duty placed on local authorities by the Countryside and Rights of Way Act 2000 (CROW Act). The "Kent Downs Area of Outstanding Natural Beauty Management Plan" (AONB Management Plan) was first published in 2004 and has been adopted by this and other Kent Councils. It is required to be reviewed at least every 5 years. This is the third review of that Management Plan. It is not a new plan.
- 2.4 For purposes of consistency in decision making, all 12 local authorities with land area in the Kent Downs AONB have adopted the same AONB Management Plan. This is the final version of the review of the AONB Management Plan which has been extensively consulted on and is now presented to this Committee for adoption.
- 2.5 The AONB Management Plan has the potential to improve the quality of life for residents of Maidstone living and working in and around the AONB through the conservation and enhancement of its landscape and supporting the social and economic wellbeing of communities. The management plan presented for adoption is the result of extensive participation and consultation. It has been redrafted and reflects the comments made by this Council, either in the form of strengthened wording, clarification, or through inclusion of terms in a new glossary. Additionally, it has been confirmed that the funding commitment by the Council would not be more onerous. The plan has also been amended following comments made by the Kent Downs AONB Joint Advisory Committee (JAC) at its meeting on the 26<sup>th</sup> January 2021 and by local authorities after this meeting.
- 2.6 In its formal observations, Natural England (NE) confirmed that the revised plan conforms with relevant guidance and the statutory requirements and represents good practice. The formal observation letter is attached at Appendix 16 for information.

## **AONB MANAGEMENT PLANS**

- 2.7 Part IV of the CROW Act (2000) placed a statutory duty on constituent local authorities of AONBs to prepare and publish management plans for AONBs by 1 April 2004 and to review them at regular intervals. This report refers to the third review of the Management Plan, first adopted by this council in 2004.
- 2.8 Guidance for the production and review of management plans for AONBs has been provided by the Countryside Agency in its publication 'AONB Management Plans: A Guide' and subsequent management plan review guidance published by Natural England, the National Association for AONBs and Defra.

## **Review**

- 2.9 The review process for the Kent Downs AONB Management Plan has been delayed for several reasons. Initially there was a question about the role of policies within the plan and consequently its consistency with the CROW Act

and subsequent guidance. This was resolved to the satisfaction of NE and the JAC. Once a draft plan was agreed for consultation this was delayed by purdah for the 2019 General Election and subsequently the impact of the first Covid-19 lock down. The formal public consultation took place in the summer and early autumn of 2020.

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.

2.10 There has been careful and thorough engagement and consultation leading to the revised management plan that is recommended for adoption. There has also been a statutory process which has included the production of a Strategic Environmental Assessment and Environment Report, a Sustainability Appraisal, an Equalities Impact Assessment and Habitat Regulations Assessment.

2.11 NE, the Government's advisors on Protected Landscapes, has been closely involved in the review process to ensure that the statutory process has been properly followed, and that the third revision of the Kent Downs AONB Management Plan represents good practice.

2.12 A participation and engagement process has been carried out involving over 1000 individuals and organisations who have an interest and role to take in the Kent Downs AONB. The process has included:

- Meetings with officers and elected members from the AONB Local Authorities (through the JAC) with discussion and debate about the key

issues and opportunities they wish to see addressed in this Plan, and the way that policies need to be presented.

- An extensive engagement process linked to the celebration of the Kent Downs AONB 50<sup>th</sup> Anniversary.
- A series of 'expert opinion debate' meetings, presentations and discussion with a wide range of other key stakeholders including public bodies and voluntary organisations, parish councils, farmers and land managers to examine what is important, what are the key issues to them and solutions that the Management Plan can take forward.

2.13 A formal consultation process was supported by KCC's consultation team on behalf of the JAC. Copies of the draft third revision of the AONB Management Plan were distributed to the JAC and widely through the KCC consultation portal and contact lists which included relevant officers, parish councils, appropriate government agencies, public bodies, businesses, interest and amenity groups relevant to the Kent Downs as well as interested members of the public. Special efforts were made to contact and engage with 'hard to reach' groups. At its meeting on 8 September 2020 this Committee agreed the Council's consultation response to the draft AONB Management Plan which was passed on to the Kent Downs AONB Unit for consideration.

2.14 A good response was received with feedback and comments from over 140 individual respondents from the main groups of organisations and many members of the public. Summary findings included:

- 92% of respondents strongly agree or tend to agree with the overarching vision for the Kent Downs AONB in 2030
- 96% of respondents strongly agree or tend to agree that the Management Plan identifies what makes the area distinctive and special
- 85% of respondents strongly agree or tend to agree that the key social and economic components have been identified

2.15 Following the consultation a final draft plan was circulated for comment to the JAC in December 2020 and reviewed by the JAC on 26 January 2021. Following the JAC meeting in January 2021 all local authorities were afforded a final opportunity to comment on the plan and this final adoption version of the plan reflects these comments.

2.16 Overall there has been strong and positive support for the AONB Management Plan revision. The various input and comments received formed the basis for amendments to the AONB Management Plan. In particular, the following amendments have been made:

- The previous policies of the AONB Management Plan have been re-defined as principles to be more consistent with the NPPF and Government guidance
- The AONB Management 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 AONB Management Plan has been updated to reflect changes in guidance and new legislation such as the Agriculture Act
- The AONB Management Plan has been updated to reflect the findings of the Government's independent protected "Landscape Review" to consider the next steps for National Parks and AONBs in England (also known as the Glover Review)
- The AONB Management 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 AONB Management Plan is more clearly positive on issues of diversity and inclusion
- The AONB Management Plan identifies how the AONB landscape and partnership can take an active part in the recovery from the impact of Covid-19

## **Conclusion**

2.17 The Council is legally required to have an AONB management plan in place and to keep this under review. Together with the 11 other Kent Downs AONB authorities, the Council has worked with the Kent Downs AONB Unit to review the AONB Management Plan. All 12 local authorities with land area in the Kent Downs AONB are legally required to adopt an AONB Management Plan. The review has been carried out within the relevant guidance and statutory requirements and reflects the Council's aims and objectives and it is considered appropriate for the Council to adopt it.

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## **3. AVAILABLE OPTIONS**

- 3.1 Option A: Not to adopt the report's Recommendations. There is a statutory duty on constituent local authorities of AONBs to prepare and publish management plans for AONBs and to review them at least every 5 years. The current (second) revision of the AONB Management Plan ended in April 2019. Notwithstanding the various reasons for the delay to the current revision (see paragraph 2.9 above), the Council is presently in breach of its statutory duty.
- 3.2 Option B: To agree the adoption of the plan without approving delegated authority to make minor amendments could compromise the plan and frustrate the process as delays would be caused by the need for a further report to SPI to re-consider the plan again once the other 11 local authorities have agreed adoption.
- 3.3 Option C: To approve the adoption of the Kent Downs AONB Management Plan, attached at Appendices 1-15. Approving the recommendation will

ensure the Council complies with its statutory obligations. It will also aid the development planning decision making process.

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

- 4.1 Option C is recommended. This option will help to ensure that the adoption of the Plan is timely and expedient.

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

- 6.1 The consultation process was carried out by the Kent Downs AONB Unit and is outlined in paragraphs 2.12 to 2.16 above.
- 6.2 At its meeting on 8 September 2020 Strategic Planning and Infrastructure Committee agreed the Council's consultation response to the draft Kent Downs AONB Management Plan which was passed on to the Kent Downs AONB for its consideration.
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#### **6 NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.2 Once the Management Plan text has been adopted by all 12 local authorities 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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#### **7 REPORT APPENDICES**

- *Appendix 1: Kent Downs AONB Management Plan- Introduction*
- *Appendix 2: Kent Downs AONB Management Plan- Foreword*
- *Appendix 3: Kent Downs AONB Management Plan- 1. Kent Downs AONB*

- *Appendix 4: Kent Downs AONB Management Plan- 2. Management*
  - *Appendix 5: Kent Downs AONB Management Plan- 3. Sustainable development*
  - *Appendix 6: Kent Downs AONB Management Plan- 4. Landform and landscape character*
  - *Appendix 7: Kent Downs AONB Management Plan- 5. Biodiversity Appendix 8: Kent Downs AONB Management Plan- 6. Farmed landscape*
  - *Appendix 9: Kent Downs AONB Management Plan- 7. Woodland and trees*
  - *Appendix 10: Kent Downs AONB Management Plan- 8. Historic, cultural and scientific heritage*
  - *Appendix 11: Kent Downs AONB Management Plan- 9. The heritage coasts*
  - *Appendix 12: Kent Downs AONB Management Plan- 10. Geology and natural resources*
  - *Appendix 13: Kent Downs AONB Management Plan- 11. Quality of life and vibrant communities*
  - *Appendix 14: Kent Downs AONB Management Plan- 12. Access, enjoyment and understanding*
  - *Appendix 15: Kent Downs AONB Management Plan- Glossary*
  - *Appendix 16: NE formal observation letter*
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## **8 BACKGROUND PAPERS**

**None**