

## **CABINET**

**30 MARCH 2021**

### **KENT DOWNS AREA OF OUTSTANDING NATURAL BEAUTY MANAGEMENT PLAN ADOPTION**

Portfolio Holder: Councillor Jane Chitty, Portfolio Holder for Planning, Economic Growth and Regulation  
Report from: Richard Hicks, Director of Place and Deputy Chief Executive  
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#### **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 part of the western and southern areas of Medway. 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.

All 12 local authorities with land area within the Kent Downs AONB are legally required to adopt the same AONB Management Plan.

This report proposes adoption of the reviewed document, which strongly reflects the existing, already adopted plan.

#### **1. Budget and policy framework**

- 1.1. The decision to adopt the AONB management plan is within the Council's policy and budget framework. The Kent Downs Area of Outstanding Natural Beauty is recognised as a statutory designation as a protected landscape in the Medway Local Plan 2003. The National Planning Policy Framework (NPPF) 2019 gives AONBs the highest status of protection in relation to landscape and scenic beauty.
- 1.2. The preparation and review of the AONB Management Plan is a statutory duty on the Council under the Countryside and Rights of Way Act (2000), as the authority area includes land designated as an AONB. The Kent Downs AONB Management Plan Review (2021-2026) is consistent with the aims of the Council's corporate strategies. It supports the aims of the Medway Sustainable Community Strategy 2010, particularly in promoting a high quality environment and achieving recognition as a destination for heritage and

tourism. Its promotion of countryside access and non-car based travel has indirect links to health and transport policies.

- 1.3. Medway Council makes an annual contribution from the Planning Service budget to the Kent Downs AONB Unit, which helps to support the costs of its work, including the preparation of the AONB Management Plan. The AONB management plan does not place any additional financial obligations on the Council.

## 2. Background

- 2.1. 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 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 Kent Downs AONB Unit is a dedicated body that works in partnership with local authorities, voluntary and statutory organisations, businesses and communities to promote the interests of the designated landscape. A Joint Advisory Committee (JAC) forms a key part of its governance structure, and Medway Council has a member representative with officer support on the Committee. One of the functions delivered by the AONB Unit is the preparation and review of the Management Plan.
- 2.4. The production, subsequent review and adoption of the Management Plan is a statutory duty placed on the local authorities by the Countryside and Rights of Way Act 2000 (CROW Act). The plan was first adopted by this Council in 2004. This is the third review of the Kent Downs AONB Management Plan which has already been adopted by this and all other relevant Councils; it is not a new plan.
- 2.5. All 12 local authorities with land area in the Kent Downs AONB are legally required to adopt the same AONB Management Plan. The document as set out at Appendix 1 is the final version of the AONB management plan which has been subject to extensive opportunities for comment; this is the adoption stage for the plan.
- 2.6. The AONB Management Plan has the potential to improve the quality of life for residents of Medway living and working in and around the Area of Outstanding Natural Beauty through the conservation and enhancement of its landscape and supporting the social and economic wellbeing of communities. This Management Plan Review has reflected concerns about Climate Change, that

have led this Council and others to declare a Climate Emergency. The guiding principles in the plan seek to address the impacts of climate change, such as the promotion of nature based solutions to increase resilience and reduce carbon emissions.

- 2.7. The current Management Plan was adopted by the Council in 2014 and covered the period 2014-19. The review process for the Kent Downs AONB Management Plan was delayed for a number of reasons; 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 Natural England and the Kent Downs AONB Joint Advisory Committee. 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.
- 2.8. The plan largely follows the format of the existing management plan, covering a broad range of considerations in relation to the conservation and enhancement of the special characteristics of the designated landscape. These include: sustainable development, landform and landscape character, biodiversity, farmed landscape, woodland and trees, historic, cultural and scientific heritage, natural resources, quality of life and access.
- 2.9. The information and comments gathered through the preparation of the plan review and the formal consultation process 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 more clearly positive on issues of diversity and inclusion.
  - The plan identifies how the AONB landscape and partnership can take an active part in the recovery from the impact of Covid-19.
- 2.10. The plan presented for adoption at Appendix 1 is the result of extensive participation and consultation including this Council. It has been redrafted and reflects the comments made by this Council. The plan has also been amended following comments made by the Kent Downs AONB Joint Advisory Committee (JAC) at its meeting on 26 January 2021 and by local authorities after this meeting.
- 2.11. In its formal observations, discharged under S90 of the Countryside and Rights of Way Act (2000), Natural England confirmed that the revised plan conforms with relevant guidance, the statutory requirements and represents good practice.

### 3. Options

- 3.1. The Kent Downs AONB Management Plan Review (2020-2025) is presented to members for approval to adopt. The Council has a statutory duty to produce and review a management plan for the AONB. Therefore, it is appropriate to progress the adoption of the Management Plan Review.
- 3.2. There are no feasible or acceptable alternatives to the proposed approach. All partner local authorities are required to adopt the same AONB Management Plan, to ensure the and consistency of a coordinated policy approach across the designated area. Therefore, it is not an option for the Council to consider producing a management plan independently of the Kent Downs AONB unit.

### 4. Advice and analysis

- 4.1. The Council is legally required to have a common 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 plan. All 12 local authorities with land area in the Kent Downs AONB are legally required to adopt the same AONB Management Plan.
- 4.2. The Management Plan Review has been carried out within the relevant guidance and statutory requirements. 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.
- 4.3. The review of the Management Plan has included the production of a Strategic Environmental Assessment and Environment Report, a Sustainability Appraisal, An Equalities Impact Assessment and Habitat Regulations Assessment.

- 4.4. The Kent Downs AONB Unit carried out an Equality Analysis/Impact Assessment for the Management Plan Review. This concluded that no adverse impacts were found. It was published with the consultation document at: [https://kccconsultations.inconsult.uk/gf2.ti/-/1092162/76255941.1/PDF/-/KD\\_AONB\\_Management\\_Plan\\_EqIA\\_V5\\_27Feb2020\\_Signed\\_SHC.pdf](https://kccconsultations.inconsult.uk/gf2.ti/-/1092162/76255941.1/PDF/-/KD_AONB_Management_Plan_EqIA_V5_27Feb2020_Signed_SHC.pdf)
- 4.5. A Diversity Impact Assessment screening is provided at Appendix 2.
- 4.6. The Management Plan review has been carried out effectively and reflects the Council's aims and objectives and it is considered appropriate for the Council to adopt it.

## 5. Risk management

- 5.1. There is limited risk arising from the consideration of the adoption of the Management Plan Review.

Risk	Description	Action to avoid or mitigate risk	Risk rating
AONB Management Plan Review is not adopted	Medway Council would not meet the legal duties placed on it by the CROW Act, 2000.	Work with Kent Downs AONB Unit and JAC to ensure that the plan is acceptable to the Council.	E3

## 6. Consultation

- 6.1. The Kent Downs AONB Unit has led on the consultation and engagement work informing the preparation of the update to the Management Plan. It has made use of Kent County Council (KCC) online resources, as the Unit sits under KCC for administrative and financial purposes. There has been careful and thorough engagement and consultation leading to the revised plan that is recommended for adoption. Medway Council has been involved throughout the consultation process and submitted comments to the formal consultation in 2020.
- 6.2. Natural England, 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.
- 6.3. A participation and engagement process has been carried out by the Kent Downs AONB Unit 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 Joint Advisory Committee) with discussion and debate about the

key issues and opportunities they wish to see addressed in the 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 and what are key issues to them, and solutions that the Management Plan can take forward.

6.4. A formal consultation process was supported by Kent County Council's consultation team on behalf of the Joint Advisory Committee. Copies of the draft third revision of the Management Plan were distributed to the Joint Advisory Committee 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 'hard to reach' groups.

6.5. 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.

6.6. Following the consultation, a final draft plan was circulated for comment to the Joint Advisory Committee (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. 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.

## 7. Climate change implications

7.1. One of the changes incorporated into this Management Plan Review has been the higher recognition of climate change. The plan in section 3 notes how climate change is projected to impact on the Kent Downs, particularly with drier summers and wetter winters. Using tools in the UK Climate Impact Programme, the Kent Climate Change Risk and Impact Assessment was carried out in 2020. Several key characteristics and qualities of the Kent Downs are predicted to change as a result of climate change. These include

the introduction of new pests and diseases, sea level rise and coastal erosion, air quality issues, changes in species distribution and abundance and changes in land management practice.

- 7.2. The AONB Management Plan recognises that there are a number of nature-based responses to climate change, such as tree and hedgerow establishment and permanent grassland creation. These are promoted in the plan as being coherent with the landscape character and qualities of the Kent Downs and would increase resilience and reduce the impact of climate change. The plan recognises that there is an important role for both the AONB landscape and partnership in helping to achieve carbon sequestration and cutting greenhouse gas emissions.
- 7.3. Climate Change, natural capital resources and a landscape led approach are key guiding themes in the Management Plan Review. The principles promote sustainable development and transport, strengthening biodiversity and greenspaces.
- 7.4. The Management Plan Review therefore makes a positive contribution to addressing the impacts of climate change.

## 8. Financial implications

- 8.1. The plan does not place any additional financial requirements upon the Council. It is noted that there may be opportunities to attract additional investment to the area, based on the AONB designation. The Council makes a small annual contribution to the Kent Downs AONB Unit to support its operations. The Unit has been successful over a number of years in securing external funding for projects to promote the interests of the AONB.

## 9. Legal implications

- 9.1. The Kent Downs AONB Management Plan Review, 2021-26) has been produced to meet the Council's statutory duties under the Countryside and Rights of Way Act (2000) to prepare and revise a management plan for Areas of Outstanding Natural Beauty. The plan does not contain land use planning policies but is a material consideration in plan making and decision taking on the determination of planning applications.

## 10. Recommendations

- 10.1. The Cabinet is asked to agree to adopt the Kent Downs AONB Management Plan Review 2021-26 as set out at Appendix 1 to the report, subject to the agreement of the other eleven local authorities party to the Plan.
- 10.2. The Cabinet is asked to agree to delegate authority to the Director of Place and Deputy Chief Executive, in consultation with the Portfolio Holder for Planning, Economic Growth and Regulation, to:

- a) Address the minor amendments to the Kent Downs AONB Management Plan Review, 2021-2026 as highlighted in yellow in Appendix 1 to the report.
- b) Consider and approve reasonable minor changes made by the other eleven local authorities to the Plan during the adoption process.
- c) Consider and approve minor changes to the Plan for the purpose of presentation or improving clarity.

## 11. Suggested reasons for decisions

- 11.1. To meet the statutory requirements on the Council to prepare and revise an AONB Management Plan.

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### Appendices

Appendix 1 – Kent Downs AONB Management Plan Review, 2021-2026  
Appendix 2 – Diversity Impact Assessment screening