
Subject:	ADOPTION OF THIRD REVISION OF THE KENT DOWNS AREA OF OUTSTANDING NATURAL BEAUTY MANAGEMENT PLAN
Meeting and Date:	Cabinet – 17 May 2021
Report of:	Ashley Taylor, Planning Policy and Projects Manager
Portfolio Holder:	Councillor Nicholas Kenton, Portfolio Holder for Planning and Regulatory Services
Decision Type:	Key
Classification:	Unrestricted

Purpose of the report: To agree the adoption of the Kent Downs AONB Management Plan Third Revision 2021-2026 in accordance with the requirements of the Countryside and Rights (CROW) Act 2000.

Recommendation: Agree to the adoption of the Kent Downs AONB Management Plan Review 2021-2026, set out in Appendix 1, subject to the following:

- i) The formal date for adoption be shortly after the last of the 12 local authorities resolves to adopt the plan.
- ii) Authority is delegated to the Head of Planning, Regeneration and Development, in consultation with the Portfolio Holder for Planning and Regulatory Services, to make reasonable changes made by other local authorities during the adoption process and to determine the date of formal adoption.

1. Summary

- 1.1 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 22% of Dover District 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.
- 1.2 All 12 local authorities with land area within the Kent Downs AONB are legally required to adopt the same AONB Management Plan.
- 1.3 This report proposes adoption of the reviewed document, which strongly reflects the existing, already adopted plan.

2. Introduction and 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 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). 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.
- 2.4 All 12 local authorities with land area in the Kent Downs AONB are legally required to adopt the same AONB Management Plan. This 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.
- 2.5 The AONB Management Plan has the potential to improve the quality of life for residents of Dover District Council area 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. The plan presented for adoption 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 the 26th January 2021 and by local authorities after this meeting. This includes amendments requested by this Council regarding the provisions of biodiversity net gain, to ensure the plan does not fetter any future decision on whether a 10 or 20% requirement should be implemented through the new Local Plan.
- 2.6 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. AONB Management Plans

- 3.1 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.
- 3.2 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. Consultation and Statutory Process

Summary

- 4.1 The review process for the Kent Downs AONB Management Plan has been 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.

- 4.2 There has been careful and thorough engagement and consultation leading to the revised 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.
- 4.3 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.

Consultation Process

- 4.4 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 Joint Advisory Committee) 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 50th 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.
- 4.5 A formal consultation process was supported by KCC'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.
- 4.6 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
- 4.7 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 the 26th 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.

4.8 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 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*

5. **Identification of Options**

5.1 To adopt the Kent Downs AONB Management Plan Third Review 2021-2026 as set out in Appendix 1.

5.2 To suggest revisions to the Kent Downs AONB Management Plan Third Review 2021-2026

5.3 To not adopt the Kent Downs AONB Management Plan Third Review 2021-2026.

6. **Evaluation of Options**

6.1 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. 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.

6.2 The plan offers benefit to the District and will help meet the Council's response to the climate emergency and the health and wellbeing of our communities.

6.3 If the Council did not adopt the Management Plan it would not be meeting the requirements of the CROW Act.

7. **Resource Implications**

7.1 There are no additional resource implications from the adoption of the management plan.

8. **Climate Change and Environmental Implications**

8.1 The adoption of the management plan will have a positive impact in terms of the conservation and enhancement of the environment. It will also contribute to the Council's response to the climate change emergency, which along with the impacts of a decline in biodiversity, has been taken into account in a re-focus of the aims and principles of the Plan.

9. **Corporate Implications**

9.1 Comment from the Director of Finance (linked to the MTFP): Accountancy have been consulted in the writing of this report and have no further comments to add.

9.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.

9.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

9.4 Comment from Climate Change and Energy Conservation Officer: No further comments.

10. **Appendices**

Appendix 1 – Kent Downs AONB Management Plan Third Revision 2021-2026

Appendix 2 – NE Formal Observations

Contact Officer: Ashley Taylor, Planning Policy and Projects Manager