

**Classification:** Private

**Key Decision:** No

## **Gravesham Borough Council**

**Report to:** Chief Executives Briefing

**Date:** 20 September 2021

**Reporting officer:** Service Manager (Planning)

**Subject:** Adoption of the Kent Downs AONB Management Plan  
2021 – 2026

### **Purpose and summary of report:**

Under the Countryside and Rights of Way (CRoW) Act 2000 there is a statutory requirement for local authorities to produce Management Plans for Areas of Outstanding Natural Beauty (AONB) within their boundaries and to review them every five years. Where the AONB covers more than one local authority area, then the CRoW Act requires them to act jointly in preparing a Management Plan. The Kent Downs AONB Management Plan is prepared by the Kent AONB Joint Advisory Committee (JAC) on behalf of the 12 constituent local authorities. The JAC has prepared a final version of the document for the respective local authorities to adopt.

### **Recommendations:**

1. The Kent Downs Area of Outstanding Natural Beauty Management Plan 2021-2026 (Appendix 2) be approved for adoption;
2. That adoption of the Kent Downs Area of Outstanding Natural Beauty Management Plan 2021-2026 take effect on a date to be confirmed by the Kent Downs AONB Unit;
3. That the Assistant Director (Planning) be given delegated powers to accept reasonable minor changes to the document prior to the Plan's formal adoption.

## **1. Introduction**

- 1.1 Part IV of the CROW Act (2000) places 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.
- 1.2 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.

## **2. Statutory Process and Consultation**

- 2.1 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.

- 2.2 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.
- 2.3 Natural England, 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.
- 2.4 The preparation of the Management Plan has involved a wide-ranging public engagement process undertaken by the AONB Unit. The AONB Unit directly informed a wide range of individuals and organisations about the consultation and details were publicised on the Kent Downs AONB website and through other means including social media. Feedback and comments were received 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
- 2.5 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 26<sup>th</sup> 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.
- 2.6 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 UKs 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*

2.7 At this stage further comments proposing substantive changes to the Plan are not being invited. However, it is recognised that there may be some minor changes, for example a change to wording to improve clarity, that would be reasonable to make. As all local authorities need to adopt the same document, and in order to ensure an effective and timely adoption process, it is recommended that delegated authority be given to the Assistant Director (Planning) to consider and agree minor changes to the Plan prior to its formal adoption date.

### **3. Alternative Options**

3.1 The Council could decide not to adopt the Plan attached at Appendix 2, however, this would place the Council in contravention of the statutory requirements of the Countryside and Rights of Way Act 2000.

### **4. BACKGROUND PAPERS**

Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS	APPENDIX 1
<b>Legal</b>	<p>There is a statutory requirement to carry out a review of the Kent Downs AONB management plan at five year intervals and to act jointly with other local authorities within the AONB in its preparation. Failure to do so will place the Council in breach of Section 89 of the CRow Act 2000.</p> <p>Local authorities are required to have regard to the Management Plan and to the purposes of AONB designation in carrying out their functions.</p>
<b>Finance and Value for Money</b>	<p>The Council is a funding partner of the Kent Downs AONB JAC and makes an annual revenue contribution. There are no additional financial implications arising from this report.</p>
<b>Risk Assessment</b>	<p>See report (alternative options)</p>
<b>Data Protection Impact Assessment</b>	<p><i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i></p> <p>a. Does the project/change being recommended through this paper involve the processing of <a href="#">personal data</a> or <a href="#">special category data</a> or <a href="#">criminal offence data</a>? A definition of each type of data can be found on the Information Commissioner's Office website via the above links.</p> <p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? N/A</p> <p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at <a href="mailto:gdpr@medway.gov.uk">gdpr@medway.gov.uk</a>. N/A</p>
<b>Equality Impact Assessment</b>	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No</p> <p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No</p> <p><i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i></p>
<b>Corporate Plan</b>	<p>Corporate Plan Objectives - People: Protected Environment (carbon neutral borough, improve the local environment) and Quality Living (deliver an ambitious and diverse programme of building, a sound car parking offer). Place: Vibrant economy (enhance the vibrancy of the Gravesham economy, improve economic conditions, positively promote sustainable development) and Connected community (improve resident well-being, enhance the borough's cultural offer, promote Gravesham's arts and heritage).</p>

<b>Climate Change</b>	The plan as well as projects pursued by the AoNB unit take into account the current climate emergency and due consideration is given to ensuring climate change impacts are addressed / mitigated.
<b>Crime and Disorder</b>	None identified at this stage.
<b>Digital and website implications</b>	The final document would be made available on GBC's website.
<b>Safeguarding children and vulnerable adults</b>	None identified at this stage.