

This Report will be made public on 6 April 2021



Report Number **C/20/90**

To: Cabinet
Date: 14 April 2021
Status: Key Decision
Responsible Officer: Charlotte Spendley, Director of Corporate Services
Cabinet Member: Councillor Wimble – Cabinet Member for the District Economy
Councillor Mrs Hollingsbee – Member of the Kent Downs AONB Joint Advisory Committee

SUBJECT: **ADOPTION OF THE THIRD REVISION OF THE KENT DOWNS AREA OF OUTSTANDING NATURAL BEAUTY MANAGEMENT PLAN**

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 24% of the district, predominantly in the northern half, but also running east-west through Saltwood and Lympne and, working 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.

REASONS FOR RECOMMENDATIONS:

Cabinet is asked to agree the recommendations set out below because:

- a) Adoption will fulfil the Council's statutory duty to work with the 11 other Local Authorities to prepare, review and adopt a management plan for the Kent Downs Area of Outstanding Natural Beauty.
- b) The plan offers considerable benefit to the District and will help meet the Council's strategic objectives, our response to the climate and biodiversity emergencies and the health and wellbeing of our communities.

RECOMMENDATIONS:

- 1. To receive and note report C/20/90.
- 2. That the Kent Downs AONB Management Plan Review 2021-26 provided in Appendix 1 be adopted.

- 3. That the formal date for adoption be shortly after the last of the 12 local authorities resolves to adopt the plan – this will be confirmed to the council by the Kent Downs AONB Unit.**
- 4. That Cabinet delegates authority to the Director of Corporate Services in consultation with the Cabinet Member for the District Economy and the Member of the Kent Downs AONB Joint Advisory Committee to make any minor amendments resulting from:**
 - a) The recommendations of Cabinet; and**
 - b) Modifications proposed by the other AONB partner local authorities taking the Management Plan to adoption.**

1. **BACKGROUND**

- 1.1 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).
- 1.2 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.
- 1.3 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.
- 1.4 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.
- 1.5 The AONB Management Plan has the potential to improve the quality of life for residents of Folkestone and Hythe District 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.
- 1.6 The plan presented for adoption is provided in Appendix 1. This is the result of extensive participation and consultation, including with this Council. An internal consultation has been held with the review proposals being considered by Council officers and highlighted to Members. All Folkestone & Hythe District Council Members were informed of the consultation through a Briefing Note which summarised the proposals and gave a link to the consultation pages of the AONB Unit's website. Members were also encouraged to raise any questions with the Planning Policy Specialist and provide comments.
- 1.7 Given that this is a review of an existing plan, there were only a few points raised by this council. These are summarised in Appendix 2, along with the AONB Unit's response. These comments led to a number of amendments to the draft plan.
- 1.8 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.

- 1.9 In its formal observations, discharged under Section 90 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.

2. AONB Management Plans

- 2.1 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.
- 2.2 The first AONB Management Plan was adopted by this council in 2004. The current version of the Management Plan, the second review, was published in April 2014 and is available to view on the Kent Downs AONB Unit's website.¹ This plan was adopted by the council on 16 April 2014.²
- 2.3 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 the Department for Environment, Food & Rural Affairs (Defra).
- 2.4 The Management Plan does not and cannot formulate land use planning policies but provides evidence to assist in the policy and decision-making process in planning. The status of the Management Plan combined with the thorough process of Management Plan making and review means that the AONB Management Plan is a material consideration in planning matters and should be afforded weight in decisions.

3. Consultation and Statutory Process

Summary

- 3.1 Following early drafting and discussions with Natural England, the Kent Downs AONB Unit prepared a consultation version of the revised Management Plan. Although the Covid-19 lockdown caused some delay, the AONB Unit undertook formal public consultation in the summer and early autumn of 2020.
- 3.2 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.
- 3.3 Natural England, Government's advisors on Protected Landscapes, has been closely involved in the review process to ensure that the statutory

¹ See: <https://www.kentdowns.org.uk/landscape-management/management-plan/>

² See: report number C/13/100; decision number 13/105.

process has been properly followed, and that the third revision of the Kent Downs AONB Management Plan represents good practice.

Consultation Process

- 3.4 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 and farmers, to examine what is important and what are key issues to them, and solutions that the Management Plan can take forward.

Public Consultation

- 3.5 A formal consultation process was supported by Kent County Council's (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.
- 3.6 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
- 3.7 Following the consultation a final draft plan was circulated to the Joint Advisory Committee 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.

3.8 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 National Planning Policy Framework 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 areas where the AONB landscape and partnership can take an active part in the recovery from the impact of Covid-19

4. Conclusion

4.1 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 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 review has been carried out within the relevant guidance and statutory requirements and reflects the Council's aims and objectives, for example, in relation to climate change adaption, low carbon land management, carbon capture through woodland planting, biodiversity enhancement and other issues.

4.3 Recommendation 2 of this report is therefore that Cabinet adopts the AONB Management Plan (third review) which on adoption would replace the current

2014 plan. Given that all authorities with land within the AONB are required to adopt the same Management Plan, Recommendation 4 is that delegated authority be given to the Director of Corporate Services in consultation with the Cabinet Member for the District Economy and the Member of the Kent Downs AONB Joint Advisory Committee to make any minor amendments to the plan that may be recommended by this Cabinet or the partner AONB local authorities also adopting the plan.

5. RISK MANAGEMENT ISSUES

5.1 The perceived risks are as set out below.

Perceived risk	Seriousness	Likelihood	Preventative action
That the AONB Management Plan is challenged on adoption.	High	Low	The AONB Unit has worked closely with Natural England throughout the process of preparing the plan, to ensure that it meets statutory requirements. The Unit has also undertaken Strategic Environmental Assessment and Environment Report, a Sustainability Appraisal, an Equalities Impact Assessment and Habitat Regulations Assessment to ensure it meets statutory requirements.
That the AONB Management Plan is overtaken by other changes and becomes out of date.	Medium	Low	While the legislative background is constantly changing, for example with the Environment Bill currently before parliament, and new requirements may be introduced, the Management Plan will be kept under review and will be updated as necessary. The draft proposed for adoption is itself a review of the existing plan which was adopted in 2014.
That the AONB Management	High	Low	When the revised Management Plan is

Plan is not implemented adequately and key objectives are not met.			adopted the AONB Unit will prepare an Action Plan setting out how it will be implemented. The draft plan has involved wide consultation with interested parties, including farmers and landowners, to ensure that the plan is practical.
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6. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

6.1 Legal Officer's Comments (NM)

Under section 89 of the Countryside Rights of Way Act 2000 the Council is required by law to formally adopt a Management Plan for the area designated as Area of Outstanding Natural Beauty that falls within the District. The preparation and adoption of the updated Management Plan will ensure that the Council meets its legal obligations in this respect.

6.2 Finance Officer's Comments (DH)

There are no financial implications arising directly with this report.

6.3 Diversities and Equalities Implications (GE)

There are no equality and diversity implications directly arising from this report. It is noted that an equality impact assessment has been undertaken on the management plan as well as formal consultation with a variety of stakeholders, including contact with hard to reach groups. The feedback from this consultation has helped identify amendments to the plan that will positively contribute to addressing diversity and inclusion issues.

7. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

Rebecca Chittock, Planning Policy Specialist
 Telephone: 01303 853337
 Email: Rebecca.chittock@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

(Note: only documents that have not been published are to be listed here)

Appendices:

Appendix 1: Draft Kent Downs AONB Management Plan
Appendix 2: Councils response to consultation