

Decision Maker: EXECUTIVE

**FOR PRE-DECISION SCRUTINY BY THE RENEWAL,
RECREATION AND HOUSING POLICY DEVELOPMENT AND
SCRUTINY COMMITTEE AND DEVELOPMENT CONTROL
COMMITTEE**

Date: DCC: 25 March 2021
RRH: 30 March 2021
Executive: 31 March 2021

Decision Type: Non-Urgent Executive Key

Title: ADOPTION OF THE KENT DOWNS AREA OF OUTSTANDING
NATURAL BEAUTY MANAGEMENT PLAN

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Chief Officer: Tim Horsman, Assistant Director (Planning)

Ward: Chelsfield and Pratts Bottom, Darwin

1. Reason for report

- 1.1. The Kent Downs Area of Outstanding Natural Beauty (AONB) is a landscape of national and international importance; a small portion of the 878 sq. km of the AONB is within the Borough, in Darwin and Chelsfield & Pratts Bottom Wards. It is the only AONB area within Greater London.
 - 1.2. The Countryside and Rights of Way (CROW) Act 2000 requires local authorities to produce, adopt and keep under review Management Plans for AONBs. The current Management Plan was adopted in 2014. The Kent Downs AONB Unit, working with other authorities in the Kent Downs AONB, have prepared updated Management Plan, which strongly reflects the existing adopted plan. The updated plan will be the third revision of the Management Plan.
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2. RECOMMENDATION(S)

- 2.1. That the Development Control Committee endorse the adoption of the updated version of the Kent Downs AONB Management Plan at Appendix 1 (noting that there may be minor amendments such as design and formatting changes prior to publication).**
- 2.2. That the Executive adopt the updated version of the Kent Downs AONB Management Plan at Appendix 1 (noting that there may be minor amendments such as design and formatting changes prior to publication).**
- 2.3. That reasonable changes made by other local authorities during the adoption process, subsequent to any decision to adopt the updated management plan by Bromley being made, can be accepted by the Director of Housing, Planning and Regeneration in consultation with the Portfolio Holder for Renewal, Recreation and Housing.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: No impact
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Corporate Policy

1. Policy Status: Not applicable
 2. BBB Priority: Quality Environment
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Financial

1. Cost of proposal: The AONB Management Plan is prepared by the Kent Downs AONB unit. All Council's within the AONB area pay an annual fee to fund the AONB unit. Bromley's current contributions is £1,146.00, which is a reduced amount to reflect the small percentage of the total AONB located in the Borough.
 2. Ongoing costs: Further annual contribution to AONB unit.
 3. Budget head/performance centre: Planning Policy and Strategy
 4. Total current budget for this head: £0.568m
 5. Source of funding: Revenue Budget for 2020/21
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Personnel

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Under the terms of the Countryside and Rights of Way (CROW) Act 2000 (part IV Section 89), Bromley Council and its Local Authority partners have a statutory duty to act jointly to prepare, publish and subsequently review a Management Plan for the Kent Downs Area of Outstanding Natural Beauty (AONB).
 2. Call-in: Applicable
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Procurement

1. Summary of Procurement Implications: N/A
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

Background

- 3.1. 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).
- 3.2. 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.
- 3.3. 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. Earlier versions of the plan have previously been adopted by Bromley and all other relevant Councils; it is not a new plan.
- 3.4. The AONB Management Plan has the potential to improve the quality of life for residents of Bromley 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 Council's Local Plan Policy 76 seeks to protect this area from detrimental development.

AONB management plans

- 3.5. 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.
- 3.6. 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.

Consultation and Statutory Process

- 3.7. 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 (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.
- 3.8. There has been careful and thorough consultation leading to the plan that is recommended for adoption. There has also been a detailed statutory process which has included the production of a Strategic Environmental Assessment and Environment Report and Sustainability Appraisal, an Equality Impact Assessment and Habitat Regulations Assessment.

- 3.9. Natural England, the Government's advisors on Protected Landscapes, in its formal observations, discharged under S90 of the Countryside and Rights of Way Act (2000), have confirmed that the revised plan conforms with relevant guidance, the statutory requirements and represents good practice.
- 3.10. A participation process has been carried out from 2018 to September 2020, involving nearly 1,000 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 50th Anniversary.
 - A series of 'expert opinion debates' meetings, presentations and working groups throughout the AONB 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.
- 3.11. Bromley provided written consultation feedback that was broadly supportive of the Management Plan and its objectives. The specific feedback has been considered and included in the final version of the Management Plan. This includes reference to the specific London Plan policy relating to Urban Greening Factor, along with further references to biodiversity net gain, carbon capture and nature recovery. Feedback was also provided regarding Bromley's AONB Landscape Character, and this clarification has been provided within the Landform and Landscape Character section of the Management Plan.

Public consultation

- 3.12. A formal consultation process was supported by Kent County Council's consultation team on behalf of the JAC. Copies of the draft third revision of the 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 'hard to reach' groups.
- 3.13. 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
- 3.14. Following the consultation, a final draft plan was circulated for comment to the JAC in December 2020 and reviewed by the JAC at their 26 January 2021 meeting. 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.
- 3.15. 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.

4. POLICY IMPLICATIONS

- 4.1 The Bromley Local Plan Policy 76 seeks to protect this area from detrimental development. Whilst the AONB Management Plan does not constitute planning policy, it is a material planning consideration which should be used to supplement planning policy and assist in the delivery of the objectives of the Local Plan.

5. FINANCIAL IMPLICATIONS

- 5.1 An annual contribution is made towards the running cost of the Kent Downs AONB unit for the preparation and implementation of the Management Plan. This cost will be met from the Planning Policy and Strategy budget.

6. LEGAL IMPLICATIONS

- 6.1 Under the terms of the Countryside and Rights of Way (CROW) Act 2000 (part IV Section 89), Bromley Council and its Local Authority partners have a statutory duty to act jointly to prepare, publish and subsequently review a Management Plan for the Kent Downs AONB.
- 6.2 All 12 local authorities with land area within the Kent Downs AONB are legally required to adopt the same AONB Management Plan. The same plan is going forward for adoption to the 11 other Local Authorities; the date of adoption will be shortly after the last of the 12 local authorities resolves to adopt the plan.

Non-Applicable Sections:	IMPACT ON VULNERABLE ADULTS AND CHILDREN PERSONNEL IMPLICATIONS PROCUREMENT IMPLICATIONS
Background Documents: (Access via Contact Officer)	Bromley Local Plan 2019 - https://www.bromley.gov.uk/download/downloads/id/4768/bromley_local_plan.pdf Kent Downs AONB Management Plan 2014-2019 (second revision, currently adopted version) - https://s3-eu-west-1.amazonaws.com/explore-kent-bucket/uploads/sites/7/2018/04/18113849/KDAONB-Management-Plan.pdf