

High Weald Area of Outstanding Natural Beauty (AONB) Management Plan 2019-2024

Final Decision-Maker	Cabinet
Portfolio Holder(s)	Councillor Alan McDermott – Portfolio Holder for Planning and Transportation
Lead Director	Lee Colyer – Director of Finance, Policy and Development
Head of Service	Stephen Baughen – Head of Planning
Lead Officer/Author	David Scully – Landscape and Biodiversity Officer
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

1. That the Borough Council adopt the High Weald AONB Management Plan 2019-2024 (4th Edition), required by Section 89 of the Countryside and Rights of Way Act 2000, for that part of the High Weald Area of Outstanding Natural Beauty that falls within the Borough.
2. That the High Weald Joint Advisory Committee (JAC) be informed that the Borough Council confirms that it wishes the JAC to publish and submit the Plan to the Secretary of State on the Council's behalf.

Explain how this report relates to the Corporate Priorities in the Five Year Plan:

Our Borough

- To support a prosperous borough
- To support a well borough

Providing Value

- To ensure effective partnership working

Timetable

Meeting	Date
Management Board	19 December 2018
Discussion with Portfolio Holder and Planning Policy Working Group	22 January 2019
Planning and Transportation Cabinet Advisory Board	11 February 2019
Cabinet	7 March 2019

High Weald Area of Outstanding Natural Beauty (AONB) Management Plan 2019-2024

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The High Weald Area of Outstanding Natural Beauty (AONB) Management Plan was adopted by the Council in January 2004. In line with Countryside and Rights of Way Act 2000 the plan is reviewed every 5 years with the current Plan expiring in 2019. This latest review was undertaken by the High Weald Joint Advisory Committee (JAC) in 2017/18 to replace the current plan in 2019 and is now presented to the Council for adoption.
 - 1.2 The purpose of this report is to present the plan to members for adoption to ensure compliance with the Countryside and Rights of Way Act.
-

2. INTRODUCTION AND BACKGROUND

- 2.1 The High Weald was designated as an Area of Outstanding Natural Beauty in 1983 and spreads across 11 District and 4 County authorities. These authorities are brought together under the High Weald Joint Advisory Committee to provide for a coordinated approach to High Weald AONB issues across the designated area.
- 2.2 Around 70% of the Borough is designated as part of the High Weald Area of Outstanding Natural Beauty. The high scenic quality of the landscape brings many benefits to the Borough which is well known as an attractive place to live but the designation also carries with it certain statutory duties aimed at preserving and enhancing the *Natural Beauty* of the Area.
- 2.3 Section 89 of the Countryside and Rights of Way Act 2000 specifically requires the production of a Management Plan and responsibility for the production of this was delegated by the constituent authorities to the High Weald JAC under a Memorandum of Agreement. The High Weald Area of Outstanding Natural Beauty Management Plan was produced by the JAC and adopted by the Council in January 2004. In line with Countryside and Rights of Way Act 2000 the plan has been reviewed every 5 years.
- 2.4 Attached is the pre publication review 2019 to 2024 which is the third review of the 2004 plan. The document has been subject to public consultation and the necessary assessments and was reviewed by officers and members of the 15 constituent authorities. The document was approved by the High Weald AONB Joint Advisory Committee on the 28 November 2018 to be recommended to the constituent authorities for formal adoption by March 2019.
- 2.5 Officers and the Member representative to the JAC, Cllr Julia Soyke, recommend that Tunbridge Wells Borough Council continue its support for the Management Plan and the JAC to ensure the continued protection of the High Weald AONB and the Council's compliance with its statutory duty.

- 2.6 This review was very much about updating and refining the plan rather than a major revision or change and provides an opportunity to reflect current circumstances and revise indicators and targets.
-

3. AVAILABLE OPTIONS

- 3.1 Do nothing – The Council would not adopt the revised AONB Management Plan and might be considered in breach of its statutory duty.
- 3.2 Adopt the AONB Management plan as recommended.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 It is necessary to comply with our statutory duties in relation to the High Weald AONB to have an up to date Management Plan formally adopted by the Council. Approving the adoption of this revised plan will ensure that the valued high quality environment of the High Weald is conserved and enhanced for current and future residents of the Borough.
- 4.2 The Management Plan can, when adopted, be used to inform policies and actions of the Council and help to insure that it is meeting the statutory duty and adopted policy to conserve and enhance the AONB. The Management Plan and supporting guidance can also continue to be used to inform strategic and development control planning decisions.
-

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 The revision has been subject to public consultation and was available on the High Weald Unit website. The revised plan has been subject to a Strategic Environmental Assessment and Appropriate Assessment to conform to environmental legislation and government guidance and is supported by a Condition Report and Monitoring Report. A link to a draft was circulated to Members and planning officers electronically and comments received have been taken into account with the revised wording.
- 5.2 The process of public consultation and environmental assessment and ultimately adoption by the Local Authority enable the document to be given significant weight in planning considerations.
- 5.3 The work of the AONB Unit and the review of the AONB Management Plan are overseen by Members and officer representatives from each authority, which for this Borough are Cllr Julia Soyke and David Scully. There has been wider consultation with planning policy officers and development management officers during the drafting of the document.
- 5.4 The recommendations in this report come from the review which included consultation with key stakeholders.

RECOMMENDATION FROM PLANNING POLICY WORKING GROUP

- 5.5 The Planning Policy Working Group was consulted on this decision on 22 January 2019 and supported the recommendations.

RECOMMENDATION FROM CABINET ADVISORY BOARD

- 5.6 The Planning and Transportation Cabinet Advisory Board was consulted on this decision on 12 February 2019 and agreed the following:

That the recommendations set out in the report be supported.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The High Weald Joint Advisory Committee will be informed that the Borough Council confirms that it wishes the JAC to publish and submit the Management Plan to the Secretary of State on the Council's behalf.
- 6.2 The successful adoption or otherwise of the revised AONB Management Plan will at first be communicated through the JAC to participating authorities and then through the High Weald AONB website and publications as well as the various communications of the participating authorities.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Legal including Human Rights Act	The production of a Management Plan for the area designated as Area of Outstanding Natural Beauty that falls within the Borough is a statutory requirement of the section 89 of the Countryside and Rights of way Act 2000. Adoption of this Management Plan would fulfil that duty. There are no consequences arising from the recommendation that adversely affect or interfere with individuals' rights and freedoms as set out in the Human Rights Act 1998.	Jo Smith Planning Lawyer 13.12.2018
Finance and other resources	The production of the MP is included in the existing budget for Planning Services	Jane Fineman, Head of Finance & Procurement 01.02.2018
Staffing establishment	No implications identified	David Scully Landscape &

		Biodiversity Officer 13.12.2018
Risk management	No implications	David Scully Landscape & Biodiversity Officer 13.12.2018
Data Protection	No implications	David Scully Landscape & Biodiversity Officer 13.12.2018
Environment and sustainability	<p>The management plan contributes to the Council's obligations under: <u>Section 40, National Environment and Rural Communities Act 2006</u>: "40(1) Every public authority must, in exercising its functions have regard so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."</p> <p>And: <u>Section 85, Countryside and Rights of Way Act 2000</u> "85(1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty."</p>	David Scully Landscape & Biodiversity Officer 13.12.2018
Community safety	No implications	David Scully Landscape & Biodiversity Officer 13.12.2018
Health and Safety	No implications	David Scully Landscape & Biodiversity Officer 13.12.2018
Health and wellbeing	No implications	David Scully Landscape & Biodiversity Officer 13.12.2018

Equalities	<p>Decision-makers are reminded of the requirement under the Public Sector Equality Duty (s149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups.</p> <p>With regards to advancing equality of opportunity, the Management Plan includes an objective to develop and manage access to maximise opportunities for everyone to enjoy, appreciate and understand the character of the AONB while conserving its natural beauty. This includes an action to encourage engagement of people from all backgrounds and address inequalities of access particularly for people from different ethnic groups, low income households, children and young people and people with disabilities.</p>	<p>Sarah Lavallie Corporate Governance Officer 16.01.2018</p>
-------------------	---	---

8. REPORT APPENDICES

The following documents are to be published with and form part of the report:

- Appendix A: High Weald AONB Management Plan 2019-2024
- Appendix B: Letter to Chief Executive from the JAC dated 10 December 2018

9. BACKGROUND PAPERS

- High Weald AONB Management Plan review consultation web page and supporting documents <http://www.highweald.org/high-weald-aonb-management-plan/management-plan-review.html>