



# TONBRIDGE & MALLING BOROUGH COUNCIL

## EXECUTIVE SERVICES

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### Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building  
Gibson Drive  
Kings Hill, West Malling  
Kent ME19 4LZ  
West Malling (01732) 844522

**NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.**

Contact: Democratic Services  
[committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk)

21 June 2021

To: MEMBERS OF THE PLANNING AND TRANSPORTATION ADVISORY BOARD  
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Planning and Transportation Advisory Board to be held in the Council Chamber, Gibson Drive, Kings Hill on Tuesday, 29th June, 2021 commencing at 7.30 pm.

Members of the Committee are reminded that social distancing measures will be in place for this meeting. Other Members are required to participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

JULIE BEILBY

Chief Executive

## A G E N D A

1. Guidance for the Conduct of Meetings - Coronavirus Regulations

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## **PART 1 - PUBLIC**

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| 2. | Apologies for absence    | 7 - 8  |
| 3. | Declarations of interest | 9 - 10 |

*Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting*

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| 4. | Minutes | 11 - 12 |
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To confirm as a correct record the Notes of the meeting of the Planning and Transportation Advisory Board held on 17 May 2021

### **Matters for Recommendation to the Cabinet**

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| 5. | The Adoption of the Kent Downs Area of Outstanding Natural Beauty (AONB) Management Plan | 13 - 140 |
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*The report outlines a review undertaken to update the current Kent Downs AONB Management Plan for the period 2021-2026 and recommends its adoption.*

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| 6. | Tunbridge Wells Local Plan Statement of Common Ground | 141 - 176 |
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*The report summarises the Statement of Common Ground between Tunbridge Wells and Tonbridge and Malling and seeks approval for it to be returned to Tunbridge Wells Borough Council to accompany their Local Plan submission to the Secretary of State.*

- |    |                                   |           |
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| 7. | Housing Delivery Test Action Plan | 177 - 210 |
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*The report explains the Housing Delivery Test and the preparation of an Action Plan.*

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| 8. | Borough Green Gardens | 211 - 216 |
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*This report provides information on the work undertaken to support the delivery of development at Borough Green Gardens.*

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| 9. | Review of Planning Enforcement Plan and associated protocols | 217 - 236 |
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*The report provides an update on activities of the Planning Enforcement Team over the past 12 months with reference to the Planning Enforcement Plan. Additionally, the report seeks approval of the adoption of a Tree Protection Enforcement Protocol.*

- |     |  |           |
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| 10. | Tree Related Service Improvements and Tree Preservation Order Protocol | 237 - 262 |
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*The report provides an update on the ongoing review of the service provided in respect of tree related matters and changes required to facilitate improvements.*

11. Urgent Items 263 - 264

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive

**Matters for consideration in Private**

12. Exclusion of Press and Public 265 - 266

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**PART 2 - PRIVATE**

**Matters for Recommendation to the Cabinet**

13. Local Plan Delivery Approach 267 - 296

*The report provides an update on the Local Plan covering the period since March 2021.*

14. Urgent Items 297 - 298

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

## **MEMBERSHIP**

Cllr J L Botten (Chairman)  
Cllr D J Cooper (Vice-Chairman)

Cllr T Bishop  
Cllr M D Boughton  
Cllr R W Dalton  
Cllr D A S Davis  
Cllr M O Davis  
Cllr S A Hudson  
Cllr D Keers

Cllr Mrs F A Kemp  
Cllr A Kennedy  
Cllr D W King  
Cllr H S Rogers  
Cllr N G Stapleton  
Cllr M Taylor  
Cllr D Thornewell

**Measures under which all meetings of the Council will be conducted after 7 May 2021 to comply with coronavirus regulations and/or guidance in place at the time.**

As it is necessary to maintain social distancing to limit the spread of infection the way meetings are conducted will change. This page summarises the process. If you have any questions, please contact Democratic Services via the contact details provided on the agenda.

**Attending Meetings**

- All meetings of the Council will be held in the Council Chamber, Gibson Drive, Kings Hill until social distancing requirements are no longer necessary.
- To help contain the virus, Members of the public (including anyone exercising a right to speak e.g. at an Area Planning Committee) are encouraged to participate remotely via MS Teams if possible.
- Meetings will also be live streamed via our [YouTube channel](#) to minimise the need for the public to attend in person.
- Any members of the public wishing to attend in person at the Gibson Building can view proceedings via video link in the Committee Room (maximum capacity of 10).
- Prior notification on a "first come first served" basis for entry to the Committee Room will be adopted. Anyone wishing to 'reserve' a place in the Committee Room should contact [committee.service@tmhc.gov.uk](mailto:committee.service@tmhc.gov.uk)
- Public speakers for planning committees will be hosted in a separate area and escorted into the Council Chamber for their allocated time. There will be a limit on the number of public speakers at planning committees due to capacity issues arising from social distancing guidelines.
- Public speakers are asked to remain standing to address the Committee to avoid having to clean or change seats between speakers.
- Staff will be available to escort public speakers into the meeting room and to manage any crowd control issues.
- Doors and windows will remain open throughout all meetings to ensure circulation of fresh air. Attendees are advised to dress appropriately.
- All participants are required to wear face coverings when not speaking at meetings.
- Hand sanitiser will be available at entrances.
- All attendees must have the Test and Trace app and scan the QR code at the entrance to the building/meeting room if they wish to participate. Contact details will be requested on arrival for those who do have the app.
- The toilet facilities at Gibson Building will be open but may be used by only one person at a time.
- Car parking: Attendees are asked to leave a parking space free between vehicles.
- Refreshments will not be available, and all participants are advised to bring their own water or other refreshments.

**Anyone with covid symptoms should not come to the Council offices.**

**Thank you for your assistance.**

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Apologies for absence

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Declarations of interest

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## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **PLANNING AND TRANSPORTATION ADVISORY BOARD**

**Monday, 17th May, 2021**

**Present:** Cllr J L Botten (Chairman), Cllr D J Cooper (Vice-Chairman), Cllr M D Boughton, Cllr D A S Davis, Cllr M O Davis, Cllr S A Hudson, Cllr Mrs F A Kemp, Cllr D W King, Cllr N G Stapleton and Cllr D Thornevell

Councillors Mrs J A Anderson, R P Betts, V M C Branson, G C Bridge, A E Clark, Mrs T Dean, N J Heslop, M A J Hood, F A Hoskins, D Lettington, B J Luker, P J Montague, Mrs A S Oakley, W E Palmer, M R Rhodes, R V Roud and T B Shaw participated via MS Teams and joined the discussion when invited to do so by the Chairman in accordance with Council Procedure Rule No 15.21.

(Note: As Councillor M Taylor was unable to attend in person and participated via MS Teams, he was unable to vote on any matters).

Apologies for absence were received from Councillors T Bishop, R W Dalton, D Keers and H S Rogers

#### **PE 21/7 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

### **MATTERS FOR RECOMMENDATION TO THE CABINET**

#### **PE 21/8 TUNBRIDGE WELLS LOCAL PLAN - REGULATION 19 CONSULTATION**

(Decision Notice D210043MEM)

The report summarised the main changes between the Regulation 18 and 19 versions of the Local Plan and set out a proposed response for endorsement.

During an in-depth discussion, Members expressed concerns on a number of matters including the significant impacts related to increased volumes of traffic; lack of infrastructure to support health care and education; insufficient assessment of visual, ecological and biodiversity impacts; and an increased risk of flooding and did not feel that the mitigation measures proposed by Tunbridge Wells Borough Council adequately offset the scale of development in this location.

In addition, Members considered it important that the Statement of Common Ground identified areas of difference as well as areas of co-operation.

**RECOMMENDED:** That

- (1) the contents of the report be noted;
- (2) the proposed response to the Regulation 19 consultation, attached at Annex 3 to the report, be revised to reflect the strong concerns expressed by Members (as summarised above). Final changes to the response to be delegated to the Director of Planning, Housing and Environmental Health and agreed in consultation with the portfolio holder; and
- (3) a proposed Statement of Common Ground be presented to the next meeting of the Planning and Transportation Advisory Board to be held on 29 June 2021 for final consideration.

**MATTERS FOR CONSIDERATION IN PRIVATE**

**PE 21/9 EXCLUSION OF PRESS AND PUBLIC**

There were no matters considered in private.

The meeting ended at 9.40 pm

**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**PLANNING and TRANSPORTATION ADVISORY BOARD**

**29 June 2021**

**Report of the Director of Planning, Housing and Environmental Health**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Key Decision**

**1     THE ADOPTION OF THE KENT DOWNS AREA OF OUTSTANDING NATURAL BEAUTY (AONB) 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 a significant portion of Tonbridge and Malling, 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. This report briefly provides an update on the Management Plan and recommends its adoption.**

**1.1     Introduction**

- 1.1.1 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 importance.
- 1.1.2 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. 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.
- 1.1.3 Part IV of the Countryside Rights of Way Act 2000 (CROW Act) places a statutory responsibility on relevant local authorities to produce and regularly review AONB Management Plans which 'formulates their policy for the management of the area and for the carrying out of their functions in relation to it'. This is the third review of the Kent Downs AONB Management Plan. Once adopted, the Plan will be a material consideration in relation to planning policy and the determination of planning applications.
- 1.1.4 The preparation and review of the Management Plan has been undertaken by the Kent Downs AONB Joint Advisory Committee (JAC), acting on behalf of the local

authorities with land in the AONBs. The JAC comprises elected Councillors and officers representing individual districts, the AONB Unit, as well as representatives from statutory agencies, land owning, farming and community interest groups.

## **1.2 Kent Downs AONB Management Plan**

- 1.2.1 At its meeting in November 2018, the JAC it was agreed that the review of the Management Plan should be completed by the end of 2019. However, the process was delayed due to purdah for the 2019 General Election and subsequently the impact of the first Covid-19 lock down.
- 1.2.2 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.
- 1.2.3 There has been thorough engagement and consultation throughout the review involving over 1000 individuals and organisations who have an interest in the Kent Downs AONB. The statutory requirements for a Strategic Environmental Assessment and Environment Report, a Sustainability Appraisal, an Equalities Impact Assessment and Habitat Regulations Assessment have also been undertaken.
- 1.2.4 A formal public consultation process was undertaken between 14th July – 7th September 2020 through the KCC consultation portal. A good response was received with feedback and comments from over 140 individual respondents including both organisations and member of the public. TMBC provided officer level comments during this consultation period.
- 1.2.5 Natural England, Government’s advisors on Protected Landscapes, has also provided feedback on this revision; confirming that the statutory process has been followed, and that the third revision of the Kent Downs AONB Management Plan represents good practice.
- 1.2.6 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 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 stronger on 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.

### **1.3 Legal Implications**

- 1.3.1 Under the terms of the Countryside and Rights of Way (CROW) Act 2000 (part IV Section 89), the Borough Council and the other local authorities within the AONBs have a statutory duty to act jointly to prepare and review the Management Plans for AONBs, and to keep this under review.

### **1.4 Financial and Value for Money Considerations**

- 1.4.1 Each of the Local Authorities covered by the AONB make a financial contribution towards the core costs of running the AONB Units. This includes the joint preparation and review of the Management Plans. The AONB Units ensure that that all of the relevant Local Authorities work together, so fulfilling their duty under the Act. This mechanism minimises the cost of the process. The Borough Council's contribution towards these costs is covered by existing budgets.

### **1.5 Risk Assessment**

- 1.5.1 Failure to adopt the Kent Downs AONB Management Plan would mean that the Council will be in breach of the requirements of the CROW Act 2000 to review the Management Plan. In addition, there could be sanctions with regard to funding for the AONB Partnership from Natural England.

### **1.6 Equality Impact Assessment**

- 1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## 1.7 Recommendations

- 1.7.1 That the Board **RECOMMENDS** to Cabinet that the Council should **RESOLVE** to adopt the Kent Downs AONB Management Plan 2021-2026 as a material planning consideration.
- 1.7.2 It be **AGREED** that production of the Kent Downs AONB Management Plan be delegated to the Director of Planning, Housing and Environmental Health in consultation with the Cabinet Member to make further minor changes during the adoption process subsequent to this Council's decision being made.

Background papers:

Kent Downs AONB Management Plan 2021-2026  
**[Annex 1]**

contact: Jenny Knowles  
 Principal Planning Officer  
 (Policy)

Eleanor Hoyle  
 Director of Planning, Housing and Environmental Health



# Kent Downs Area of Outstanding Natural Beauty (AONB)

## Management Plan 2021-2026

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# Introduction

An Area of Outstanding Natural Beauty (AONB) is exactly what it says it is: a precious landscape whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard them.

AONBs represent only 18% of the land area of England and Wales. In this small proportion of the country it is the landscape that must come first. The Kent Downs is home to some of the most enchanting landscapes of southern Britain. Put simply, the purpose of this Management Plan is to set out the strategy to conserve and enhance the landscape and to bring forward the wider benefits to society that this work brings including supporting the sustainable development goals and enhancing health, well-being and creating the simple joy that beautiful landscapes can provide.

The Kent Downs Area of Outstanding Natural Beauty partnership has worked closely with many individuals and organisation to prepare and produce this revision of the Management Plan for this special place. We are grateful to the many people who have been involved in developing this Plan. The Management Plan provides the strategic framework energy, direction and commitment for the future of the landscape and through the previous versions of the Plan, much has been achieved. Indeed the Kent Downs AONB partnership is recognised nationally as one of the most effective at securing resources to support the management of this fine landscape.

At the same time the pressures on this particular landscape have grown once again, Kent is facing unprecedented levels of development and change including the challenges of the climate and biodiversity crises.

Our response to this greater pressure and to the difficult financial environment is not to retreat to seeking merely to protect the Kent Downs; instead, this Plan is more ambitious for the landscape and seeks wider, stronger and more collaborative and inclusive partnerships to meet its positive objectives. The ultimate goal of the Management Plan remains to ensure that the natural beauty of the landscape and vitality of the communities in and around the Kent Downs AONB are recognised, valued and strengthened well into the future. We seek to do this in a way which enhances health and well-being, is inclusive and engaging and supports much needed sustainable growth and development especially in response to the Covid-19 pandemic.

We encourage you to take part, to work with us to conserve and enhance this most beautiful and most threatened landscape.

Chris Reynolds  
Chairman

Nick Johannsen  
Director

# 1. The Kent Downs Area of Outstanding Natural Beauty

## Overview

An Area of Outstanding Natural Beauty (AONB) is an exceptional landscape whose distinctive character and natural beauty are so precious that they are safeguarded in the national interest. The Kent Downs is recognised nationally and internationally for its quality and character. This is a landscape of drama and intimacy; there is diversity and contrast within the AONB; there are ancient places as well as the bright white of a new cliff fall, the quiet of a woodland walk, dramatic hills and tranquil valleys, birdsong, breath-taking views, dazzling wild flowers, stars at night and the crashing of waves. The landscapes of the Downs have been shaped by the combination of nature and human hands, creating a place that has inspired art and science; retains remarkable historic places and patterns, internationally valued nature and is much valued by people. This is a distinctive, national landscape of outstanding quality and value.

### 1.1 A vision for the Kent Downs AONB in 2041

The first AONB Management Plan agreed a 20-year vision; while this 2004 vision remains fundamentally unchanged the context has changed markedly, with unprecedented growth predicted in Kent by the Kent Growth and Infrastructure Framework, adding around 25% to the population by 2031, just 10 years. The decline in biodiversity and impact of climate change which has been declared or recognised as an emergency by Parliament and most of the AONB partnership and there is a consensus that radical change is required by 2030 if we are to address these emergencies. The policy context that the AONB partnership is operating in is rapidly moving and in the light of this – while the partnership remains far sighted and ambitious for the AONB, with a long term overall vision for the landscape each section of the plan is re-focused order to spur impact and the achievement of the aims and principles of the plan in a 10 year period.

#### Our vision for the Kent Downs

In 2041... the qualities and distinctive features of the Kent Downs AONB, the dramatic south-facing scarp, far-reaching views, secluded dry valleys, network of tiny lanes, isolated farmsteads, churches and oasts, orchards, dramatic cliffs, the ancient woodlands and delicate chalk grassland along with the ancient, remote and tranquil qualities, are valued, secured and strengthened.

The Kent Downs has become a landscape where change supports the AONB's distinctive and valued features. Nature recovery, responses to development pressures and climate change have enhanced the Kent Downs landscape. The Kent Downs is greener, healthier, wilder and more beautiful, it is recognised and valued, enjoyed and cherished and its future conservation and enhancement is a certainty.

Strong, assertive leadership from the AONB partnership along with positive partnerships with organisations, civil society, local people and land managers act together with wider publics to recover, conserve, enhance, enjoy and promote a nationally and internationally recognised and valued landscape.

## **1.2 The special components, characteristics and qualities of the Kent Downs AONB**

The rich landscape of the Kent Downs AONB, is made up of landscape components with special characteristics and qualities which together distinguish it as a landscape of national and international importance and underpin its significance and natural beauty. Often the setting of the Kent Downs has great value and was a principle reason for the Kent Downs AONB designation. The identified components, characteristics and qualities are consistently recognised and valued by the public, individuals, institutions, organisations and experts alike; the Covid-19 pandemic brought a new spotlight on the importance of contact with nature and beauty and places the National Landscapes in a key position for societal and economic recovery.

The landscape components of Kent Downs have been identified as:

### **Dramatic landform and views; a distinctive landscape character**

The Kent Downs dramatic and diverse topography is based on the underlying geology. Key features comprise impressive south-facing steep slopes (scarps) of chalk and greensand; scalloped and hidden dry valleys, especially valued where they have a downland character; expansive plateaux; broad, steep-sided river valleys, and the dramatic, wild and iconic white cliffs and foreshore.

Breath-taking, long-distance panoramas are offered, often across open countryside, estuaries and the sea from the scarp, cliffs and plateaux. The dip slope dry valleys and river valleys provide more intimate and enclosed vistas.

The character of the Kent Downs is much valued; it arises from a distinctive, recognisable and pattern of elements in the landscape that make the Kent Downs particular and special as well as significant nationally and internationally.

### **Biodiversity-rich habitats**

The unique landscapes of the Kent Downs create and contain a rich and distinctive biodiversity of local and often national or international importance. This landscape provides a home to several species that are largely or wholly confined to the Kent Downs in Britain.

Habitats found in the Kent Downs include chalk grassland and chalk scrub; woodlands (ancient woodland, veteran trees and wood pasture), traditional orchards and cobnut platts, chalk cliffs and the foreshore, chalk streams and wet pasture, ponds and spring lines; heath and acid grassland. Hedgerows and trees outside woodlands are key features of the landscape and serve an important wildlife function along with networks of linear features of shaws, flower-rich field margins and road verges.

The wildlife of the farmed landscape is special in the Kent Downs. Many key habitats are farmed and the Downs support some of the most important arable weed communities in Britain.

### **Farmed landscape**

A long-established tradition of mixed farming has helped create and maintain the natural beauty of the Kent Downs. The pastoral scenery is a particularly valued part of the landscape. Farming covers around 64% of the AONB. Disconnected 'ribbons' of permanent grassland (shaves) are found along the steep scarp, valley sides, and on less-productive land having been created by grazing. Locally concentrated areas of orchards, cobnut plats (nut orchards), hop gardens other horticultural production are also present, their regular striate form can enhance the rise and fall of the land, increasingly widespread vineyards add to this ordered character.

### **Woodland and trees**

The Kent Downs is one of Britain's most wooded landscapes. Broadleaf and mixed woodland cover around 23% of the Kent Downs and frame the upper slopes of the scarp, dry valleys and plateaux tops. Almost 70% of the woodlands are ancient woodland meaning they have been continuously present at least since at least 1600; they support nationally important woodland plant and animal species. Large areas of sweet chestnut coppice are present throughout the Downs. Woodland is a much-valued component of the landscape, the sights, changing colours, smells and sounds adding to the perceptual qualities of the landscape.

Individual, hedgerow, fine and ancient trees outside woodlands are a most important, characteristic and sometimes dramatic element of the landscape.

### **A rich legacy of historic and cultural heritage**

Millennia of human activity have created an outstanding cultural inheritance and strong 'time depth' to the Kent Downs. In the original designation the characteristic villages, churches and castles are particularly noted and the historic settlement pattern remains an important distinctive component of the AONB. There are the remains of Neolithic megalithic monuments, Bronze Age barrows, Iron Age hill-forts, Roman villas, roads and towns, medieval villages and hamlets focused on their churches, post-medieval stately homes with their parks and gardens and historic defence structures from Norman times to the twentieth century.

Fields of varying shapes and sizes and ancient wood-banks and hedges, set within networks of droveways and sunken lanes have produced a rich historic mosaic, which is the rural landscape of today. Architectural distinctiveness is ever present in the scattered villages and farmsteads and oast houses, barns and other characteristic agricultural buildings, farmsteads, churches and historic country houses. The diverse range of local materials used, which includes flint, chalk, ragstone, timber, brick and peg tile, contributes to the character, colour, tone and texture of the countryside.

The AONB landscape has long been an inspiration to artists, scientists and leaders, from Shakespeare to Samuel Palmer, Darwin to Churchill and Turner to Moore; it was Toys Hill, in the Kent Downs, 'that inspired Octavia Hill to found the National Trust'. Today contemporary and more diverse publics are drawing their own inspiration from this extraordinary place. The inspiration that the landscape of the Kent Downs offers is not

confined to the influential and famous, we know that a wide variety of people greatly value this place for many of the same reasons.

### **The Heritage Coasts**

The Heritage Coasts either side of Dover, include the shoreline, marine flora and fauna cliffs, heritage features and adjacent downland. The White Cliffs form part of our national identity and display internationally important geological exposures, they form a soaring land and seascape of vast horizons of sea and sky extending westwards to the subtle crumbling Greensand and Clay cliffs of Folkestone.

The wildlife of the Heritage Coasts is internationally important, the clifftops consisting of nationally important chalk grassland and scrub, the cliff-faces supporting important breeding sea bird colonies including Fulmars, Rock Pipits, Lesser-black backed Gulls and the only Kent population of Kittiwakes. Seabirds wheeling high in the sky connect the sea and sky.

### **Geology and natural resources**

The imposing landform and special characteristics of the Kent Downs is underpinned by its geology. This is also the basis for the considerable natural capital and natural resources which benefit society. These include the soils which support an important farming sector and can sequester carbon; soil represent and is important biodiversity resource in its own right. The water and the water resources which support rivers teeming with wildlife and offering enchanting landscapes. Hidden below the chalk is a significant aquifer providing 75% of Kent's drinking water and feeding the much-valued chalk streams of the Downs. Fresh, clean air is experienced across the AONB and the vegetation patterns of the Downs are effective at removing air pollution.

### **Tranquillity and remoteness**

Much of the AONB provides surprisingly tranquil and remote countryside – offering dark night skies, space, beauty and peace. Simply seeing a natural landscape, hearing birdsong, seeing and hearing the sea, watching stars at night or 'bathing' in woodland are important perceptual qualities of the AONB.

## **2. Quality of life in the Kent Downs**

While not defined as characteristics and qualities of the landscape, the social and economic components of the Kent Downs are vital to the communities of Kent, the Kent Downs and beyond and key to its future conservation and enhancement.

### **Vibrant communities**

The Kent Downs is a living, working landscape shaped and managed by people. The most up to date population estimate as shows a total population of 96,000. While changing in nature, many of the Kent Downs communities are strong and vibrant, assertively seeking to conserve and enhance the place that they live in. Surrounding the AONB are large, rapidly growing and increasingly diverse urban communities, the Kent Downs offer a greatly valued landscape of peace, beauty and space to breath.

### Access, enjoyment and understanding

The Kent Downs is an easily accessible and charming landscape well provided with access opportunities; well over 1 million people live within a kilometre of the AONB boundary. There is considerable demand for access and recreation in the Kent Downs and providing this in a way which supports the special characteristics and qualities of the AONB is an increasingly important but challenging task; many site managers are reporting 'over-visiting' with sites being at and beyond their capacity on many occasions.

The AONB provides a public rights of way network four times as dense as the national average and there is a high relative density of bridleways and byways. Active user groups help to promote the sustainable management and use of the AONB for quiet countryside recreation.

Access to the Kent Downs AONB particularly through walking, cycling and riding provide demonstrable benefits to health and well-being at the same time visiting can support the local economy and services.

Improving the understanding and enjoyment of the AONB is an important task, without this the landscape may not be fully recognised, valued or enjoyed and its future conservation and enhancement may not be assured.

### Public Perception of the Kent Downs

In the preparation of the 2004 Management Plan and its subsequent reviews, comments and engagement have been sought from many participants including local authorities, stakeholders, local residents and visitors to the AONB. A key issue was to confirm what is most valued about the Kent Downs and what are the most important related issues and priorities in the view of respondents. The main consultation method used for the 2004 plan was a written questionnaire in the Kent Downs newspaper, *The Orchid*. Respondents could also complete an online questionnaire.

For this 2019/20 review the AONB Unit used the 'Head for the Hills' 50<sup>th</sup> anniversary celebrations of the Kent Downs AONB to reach a wider audience. Nearly 1000 individuals and organisations participated and, as in previous consultations, the special characteristics and qualities that formed the basis of the original AONB designation are still those most valued by people today.

*Nb in final printed version this table will be presented in order of importance as per 2019 survey*

<b>Most important components of natural beauty in the Kent Downs AONB</b>	<b>2003</b>	<b>2008</b>	<b>2013</b>	<b>2019</b>
Chalk Downland	59%	74%	71%	70%
Woodland	52%	43%	41%	48%
Landform & Geology	45%	41%	34%	34%
Ancient Lanes and Paths	33%	47%	40%	45%
Orchards/Cobnut Platts	21%	17%	14%	12%
River Valleys	20%	21%	19%	13%
Hedgerows	20%	19%	18%	15%
Historic Settlements	17%	25%	24%	23%

Mixed Farmland	14%	17%	12%	14%
Dry Valleys	7%	7%	8%	11%
Historic Parklands	6%	9%	7%	9%
<b>Most valued features of the Kent Downs AONB</b>	<b>2003</b>	<b>2008</b>	<b>2013</b>	<b>2019</b>
Scenery and Views	86%	83%	79%	74%
Wildlife	49%	48%	39%	58%
Peace and Quiet	46%	49%	39%	45%
Outdoor Recreation	33%	10%	12%	16%
Villages and Village Life	32%	32%	29%	21%
Historic Buildings	24%	17%	14%	13%
Dark Skies	n/a	6%	7%	12%
Amenities	10%	8%	7%	4%
Available Local Produce	7%	8%	5%	6%
Visitor Attractions	n/a	n/a	7%	4%
PROW Network	n/a	41%	45%	47%
Locally Distinct Highways	n/a	1%	3%	2%
<b>Priorities for Action</b>				
Prevention of Illegal Activities	56%	77%	71%	62%
Conserving Wildlife	54%	63%	59%	69%
Conserving Views and Scenic Beauty	50%	55%	56%	53%
Conserving Tranquillity	38%	36%	43%	59%
Preventing Loss of Historic Buildings	8%	22%	20%	22%
Management of Equine Land Use	n/a	8%	5%	4%
Information about Access to Countryside	2%	10%	15%	8%
Information on Features of AONB Landscape	12%	8%	2%	7%
More organised events	9%	6%	8%	5%
Research and Response to Climate Change	n/a	12%	7%	12%
Access	n/a	n/a	4%	n/a
<b>Action Needed to Improve Enjoyment of AONB</b>				
Encourage farmers to use more environmentally friendly techniques	45%	39%	44%	52%
Improve Sustainable Transport	23%	39%	38%	32%
Ensure Peace and Quiet	29%	64%	50%	50%
Greater Emphasis on Development Control	27%	34%	43%	39%
Getting Out and About	23%	14%	13%	15%
Better Information on Wildlife in Area	22%	9%	10%	13%
More Information on Where to Go in AONB	20%	17%	21%	17%
Improve or Increase Visitor Facilities	16%	17%	15%	12%
More Information on Local Produce	11%	11%	12%	9%
Highways Management that respects sensitivity of AONB	n/a	23%	22%	27%
Control of Light Pollution to Protect Dark Night	n/a	19%	18%	26%

Skies				

*Figure 1.1 'Have Your Say' Survey Results 2003-2019*

In addition to the AONB Survey, the Kent Downs AONB partnership participates in the Kent Environment Strategy Public Perception Survey (2018) which demonstrates that 97% of Kent respondents felt that the countryside was either important or very important to them with over 80% using the countryside at least once a fortnight; for many people walking, benefits to their children, loving nature were important motivators, the most important elements of the Kent countryside were woodlands, rivers and lakes, undeveloped coast, low lying hills and wildflower grasslands, all important components of the Kent Downs AONB.

## 2. The Management of the Kent Downs AONB

### Our vision for the management of the Kent Downs AONB

In 2031... the Kent Downs AONB is widely recognised and greatly valued. It is a landscape cherished and held in the highest esteem by those who visit, live and work there and nearby as well as by those who influence its future. Residents and visitors know where the AONB is and they understand its character and qualities and support and help deliver the purposes of its designation. The Kent Downs AONB partnership is acknowledged, supported, funded and equipped to be the main and an influential and effective advocate, convenor and champion for the AONB. A diverse range of individuals and organisations are delivering positive action on the ground and are collaboratively engaged in the partnership and management planning. The AONB partnership is engaging and open about the conservation and management of the AONB.

### 2.1 The Kent Downs in context

#### 2.1.1 Areas of Outstanding Natural Beauty

The 46 Areas of Outstanding Natural Beauty (AONB) in England, Wales and Northern Ireland cover approximately 1/8th of the land surface. In England 33 AONBs amount to 15% of the total land area. They vary greatly in landscape character and size ranging from the smallest, the Isles of Scilly (16sq. km) to the largest, the Cotswolds (2,038 sq. km). In Kent, the High Weald and Kent Downs AONB cover around a third of the county's land area.

The distinctive character and natural beauty of AONBs make them some of the most special and cherished places in Britain. AONBs are living, working landscapes that contribute some £16bn every year to the national economy. Although home to less than half a million people (under 2% of England's population), over two thirds of England's population live within half an hour's drive of an AONB and at least 170 million people visit English AONBs every year, spending in excess of £2bn.

Together with National Parks, AONBs represent our most outstanding landscapes; unique and irreplaceable national assets, each with such distinctive character and natural beauty that they are recognised internationally as part of the global protected areas family to be managed in the interest of everyone – local residents, businesses, visitors, and the wider public - and protected for future generations.



*Figure 2.1 National Parks and Areas of Outstanding Natural Beauty in England*

## 2.1.2 International recognition

Areas of Outstanding National Beauty are recognised and classified by the International Union for Conservation of Nature (IUCN). Along with National Parks and Heritage Coasts the AONBs in England and Wales fall into Category V – Protected Landscapes/ Seascapes. These are defined as a ‘protected area where the interaction of people and nature over time

has produced an area of distinct character with significant ecological, biological, cultural and scenic value: and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values.’ The IUCN primary objective for Category V Protected Landscapes is ‘to protect and sustain important landscapes/seascapes and the associated nature conservation and other values created by interactions with humans through traditional management practices.’

Until recently, the AONB designation was regarded (together with that of UK National Parks) as an anomaly in the international protected area system which prioritised ‘naturalness’ as a criterion of value. In the last quarter-century, however they have come to be recognised, particularly within Europe, as leaders in the move towards area-based sustainable development. AONBs, in particular, as ‘working’ landscapes, lead the way in pioneering new approaches to integrated countryside management based on voluntary partnerships engaging and working with local communities to secure common goals.

### 2.1.3 National legislation

The National Parks and Access to the Countryside Act 1949 legislated for the designation of AONBs and National Parks. Their purpose was to be similar – to conserve and enhance natural beauty. The Countryside Commission further defined the purpose of AONB designation in a statement of 1991.

Purpose of AONB designation...

‘...is primarily to conserve and enhance natural beauty’.

‘In pursuing the primary purpose of designation, account should be taken 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 social and economic development that in themselves conserve and enhance the environment”.

‘Recreation is not an objective of designation but the demand for recreation should be met so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.’

Areas of Outstanding Natural Beauty: A policy statement (Countryside Commission, CCP 356, 1991, p. 5).

Various Acts progressively strengthened the legal framework for AONBs; the Countryside and Rights of Way Act 2000, revised and partially replaced the AONB provisions of the 1949 Act, including a requirement that a management plan be prepared for each AONB and reaffirms the primary purpose (Section 82). In the case of the Kent Downs AONB (and others covered by more than one local authority), the management plan must be prepared by the local authorities acting jointly, it is the AONB Unit which takes forward this work with and for the Local Authorities.

Four common national aims unite AONBs partnerships and management plans:

- Conserve and enhance the natural and cultural heritage of the UK’s AONBs ensuring they meet the challenges of the future.

- Support the economic and social well-being of local communities in ways which contribute to the conservation and enhancement of natural beauty.
- Promote public understanding and enjoyment of AONB landscapes and encourage people to conserve and enhance them.
- Value, sustain and promote the benefits that AONBs provide for society including clean air and water, food and carbon storage.

#### **2.1.4 The Kent Downs AONB**

The Kent Downs AONB is a nationally important landscape and one of the most enchanting parts of southern England. The AONB was designated in July 1968; it covers 878sq.km (326 sq. miles) stretching from the Surrey/Greater London border to the Strait of Dover. Aside from a small area within the London Borough of Bromley, the AONB lies wholly within the county of Kent and covers around 23% of the total land area of the county. It rises to an altitude of 250m above sea level at its highest point at Toy's Hill south of Sevenoaks, and is crossed in three places by the river valleys of the Darent, the Medway and the Stour, all flowing northwards.

The Kent Downs are the eastern half of the North Downs ridge of chalk stretching from Farnham in Surrey to the English Channel. The western half of the chalk ridge lies within the Surrey Hills AONB, which adjoins the Kent Downs. The same ridge of chalk reappears on the French side of the Channel, where it lies within the Parc Naturel Régional des Caps et Marais d'Opale. In Kent, the North Downs, along with part of the Greensand Ridge and Lympne Escarpment form the Kent Downs AONB.

The Kent Downs is the eighth largest AONB in England and Wales, and administratively one of the most complex falling within twelve local authorities and lying partly or wholly within 137 parish council boundaries.

When the Kent Downs were confirmed as an AONB, the overall remarks of the designation committee were summarised as:

“The scarp slope and dry valleys of the Kent Downs are the main target for designation, particularly where they retain a downland character, that woodlands are highly valued throughout the designated area and particularly on the scarp slope and dry valley sides, and that other qualities of note are views from the escarpment, pastoral scenery, parklands, villages, churches and castles.”

The boundary of the Kent Downs AONB was drawn over 50 years ago, over time a variety of requests to extend the boundary have been submitted but the view of the Joint Advisory Committee has been to hold off from formally promoting boundary reviews until the process for extension has been simplified, despite the merits of extension (the body currently responsible for designation and boundary reviews is Natural England). Simplifying boundary extensions is a recommendation of the Government's Landscape Review which might create the opportunity to extend the AONB in the future (the Review also recommends a new National Landscape Service which would take responsibility for the designation process) .

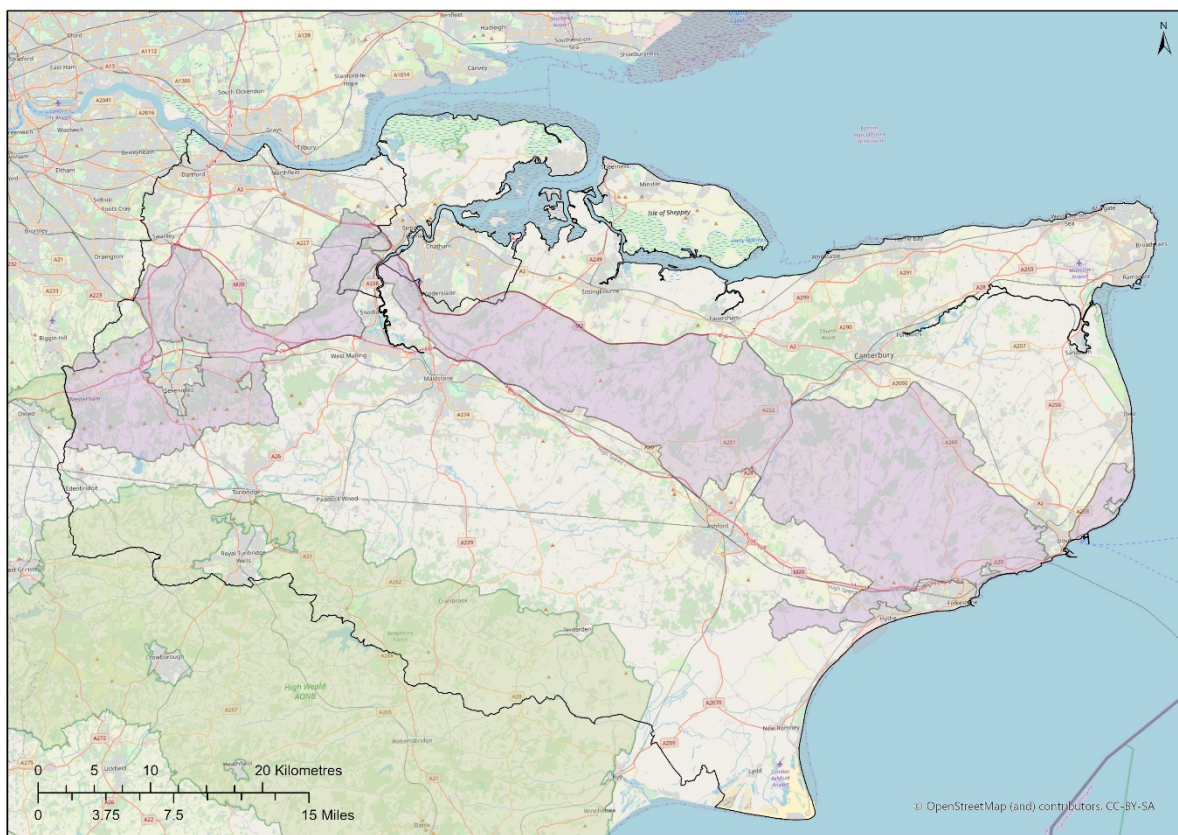


Figure 2.2 Kent Downs AONB Boundary

### 2.1.5 Definition of natural beauty and landscape

The term ‘natural beauty’ remains at the heart of the purpose of AONB designation. Part IV of the 2000 Act provides the following definition of natural beauty:

“Any reference in this Part to the conservation of the natural beauty of an area includes a reference to the conservation of its flora, fauna, geological and physiographical features”.  
Countryside and Rights of Way Act 2000, section 92.

The term ‘natural beauty’ was always intended to embrace more than just the visual or scenic elements of the landscape and the definition has been updated and broadened to include historic and cultural heritage. Government agency guidance specifically on AONBs provides a useful non-technical definition:

“Natural beauty is not just the look of the landscape, but includes landform and geology, plants and animals, landscape features and the rich history of human settlement over the centuries.”

(Areas of Outstanding Natural Beauty: A guide for AONB partnership members –  
Countryside Agency, CA24, November 2001)

The Natural Environment and Rural Communities Act 2006 (NERC): Section 99 formally clarifies in law that the fact that an area consists of or includes land used for agriculture or woodlands, or as a park, or ‘any other area whose flora, fauna or physiographical features

are partly the product of human intervention in the landscape' does not prevent it from being treated, for legal purposes 'as being an area of natural beauty (or of outstanding natural beauty).'

At the core of the secondary purpose of AONB designation is the understanding that the landscape is not just scenery, but it is the result of the historic and on-going interaction between people and place. Social and economic activity that contributes to the landscape and natural beauty is fundamental to shaping the future of the AONB.

The important link between people and place is emphasised in the European Landscape Convention (Council of Europe) where landscape is defined as "an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors". The convention, ratified by the UK in 2006, also recognises that "the landscape is an important part of the quality of life for people everywhere; in urban areas and in the countryside, in degraded areas as well as in areas of high quality, in areas recognised as being of outstanding beauty as well as everyday areas".

## **2.2 Management planning for AONBs**

In recognition of the national and international importance of AONB landscapes the Countryside and Rights of Way Act 2000 required relevant Local Authorities to jointly prepare, publish and subsequently review a Management Plan. It is required that the Plan (as a whole) formulates their policy for the management of the AONB and for carrying out their functions in relation to it. The Management Plan is essentially about conserving and enhancing the natural beauty of the AONB, the statutory purpose of the designation, but it is widely scoped partly because of the complexities of what is included in 'landscape' and 'natural beauty' and also to respond to the wide variety of functions Local Authorities are responsible for.

Increasingly the Management Plan is designed to enhance the beauty and character as well as the quality of the landscape, the essential services the landscape provides to society and should be seen as a part of a suite of Management Plans for all of the National Landscapes which together make up a strategic resource for the nation.

### **2.2.1 The role of this management plan revision**

The first statutory Kent Downs AONB Management Plan was adopted in April 2004. This is the third revision. In their formal observations the Countryside Agency and subsequently Natural England recognised the Kent Downs AONB Management Plan and its early reviews as representing 'exemplary' and 'best practice'.

This revised Management Plan is based on the original plan and its subsequent revisions. It justifies and details the aims and principles for the conservation and enhancement of the Kent Downs AONB. It has been prepared by the Kent Downs AONB Unit and Joint Advisory Committee (JAC) for, and on behalf of, the twelve local authorities that have land within the Kent Downs, thus fulfilling part of their statutory obligations.

The public consultation on this plan was extensive and took place during the 2020 Covid-19 Pandemic. Feedback from businesses, individuals and organisations was generally that the experience of the Pandemic made the vision aims and policies of the AONB Management Plan ever more important and urgent.

### 2.2.2 The status and role of management plan principles

The overarching aim of this Management Plan is to achieve the purpose of AONB designation.

The scope of the CRoW Act was wide for AONB Management Plans requiring policy both for the management of the AONB and for the Local Authorities to carry out their many functions. As part of this review process the Joint Advisory Committee has recommended that the approach of the plan is altered to recognise that the Management Plan as a whole represents their Policy (to be consistent with the CROW Act 2000 and PPGs). With this in mind what were described as 'Policies' in previous versions of the plan are now described as 'Principles'; some previous Policies have been removed so as not to repeat national policy.

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. The Planning Practice Guidance confirms this, stating that 'AONB Management Plans may contain information which is relevant when preparing plan policies, or which is a material consideration when assessing planning applications'.

### 2.2.3 A Duty of Regard

The strengthened status of AONBs through the CRoW Act has brought commitments from a wide range of organisations – including those who are not directly involved in the AONB partnership. Section 85, Part IV of the CRoW Act requires all public bodies, statutory undertakers and relevant authorities to demonstrate that they have taken account of the purposes of the AONB in their decision making.

The Kent Downs AONB partnership has prepared a series of guidance documents, which support the Management Plan and inform and provide practical ways for organisations and individuals to implement their Duty of Regard.

In support of the Duty several Public Bodies and Statutory undertakers have either signed Joint Accords or have developed practical projects to deliver the conservation and enhancement of Natural Beauty on the ground. Notable amongst these are the Forestry Commission, Natural England and UK Power Networks.

### 2.2.4 Who is the plan for?

First and foremost, the Management Plan belongs to the AONB local authorities – the plan provides the vision, aims and principles that formulates their policy for the management of the AONB and for carrying out their functions in relation to it.

Second, this Management Plan is for all the government agencies, statutory undertakers, utilities and public bodies which have a 'duty of regard' (under S85 of the CRoW Act 2000)

for the purposes of the AONB designation in their functions and operations. All public bodies and relevant authorities have to demonstrate that they have taken into account the purposes of the AONB designation in all their functions within the area. This Management Plan will inform, guide and influence that process.

Finally, and importantly, this is a plan for everyone who cares for, manages or whose work might affect the AONB as well as for those who live, work or play in the Kent Downs. The impact and difference that can be made by farmers, land managers, individuals, countryside management organisations, and community and voluntary organisations, when viewed as a whole is critical to the future of the Kent Downs. We intend that this Management Plan is practical and relevant to a wide and diverse range of individuals and organisations, and that it will help advise and influence activities, decisions and the perception people have of the Kent Downs.

### 3. The role of the Kent Downs AONB partnership

Within an area as large and varied as the Kent Downs, there are many hundreds of individuals and organisations which have a role in managing the landscape, supporting local business and communities and enabling quiet recreation.

Together the Kent Downs AONB partnership plays a central, pivotal and convening role in realising the strategic vision for the Kent Downs AONB and overseeing the Management Plan.

**The Joint Advisory Committee (JAC)** for the Kent Downs AONB was established in July 1997 and is at the heart of the partnership. JAC membership includes the twelve local authorities who have joint responsibility to prepare and review the Management Plan, namely: Ashford, Bromley, Canterbury, Dover, Gravesham, Kent, Maidstone, Medway, Sevenoaks, Folkestone and Hythe, Swale and Tonbridge & Malling; as well as Natural England. Additional advisory members are the Environment Agency, Country Land and Business Association (CLA), the National Farmers Union (NFU), Visit Kent, The Kent Association of Local Councils (KALC) and Action with Communities in Rural Kent (ACRK).

**An Executive** of JAC representatives and some outside advisors has assisted in steering the work of the Kent Downs AONB Unit. At a much larger scale, an occasional Kent Downs Forum is held for a wider audience, to discuss current issues and gain input and advice.

**The AONB Unit** is employed through and hosted by Kent County Council and works on behalf of Government and the JAC to carry out the preparation and review of the Management Plan, to advocate its vision, aims and principles and work in collaborative partnerships to deliver a range of actions described in the Action Plan.

The objective of the JAC is to ensure that the AONB Unit is effective, efficient and authoritative, recognised and valued by partners and policy makers as a professional body securing the purposes of the designation, delivering significant added value and enabling action on the ground.

The approach of the AONB Unit is to:

- Build knowledge and partnerships in order to inform and realise the ambitions of the

## Management Plan.

- Deliver great value to partners, providing authoritative advocacy, advice and support, catalysing activity amongst existing organisations and leading where appropriate.
- Carry out a timely, inclusive and authoritative review of the AONB Management Plan on behalf of Local Authorities.
- Lead on the delivery of the AONB Management Plan and generate partnerships and collaboration in support.
- Build capacity, motivation and professionalism and retains expertise and high quality, highly motivated staff.
- Actively seek finance, partnerships and other resources to support the delivery of the Management Plan.

In doing this the Unit retains the highest standards of business management and relates positively and openly with partner organisations, individuals, businesses and civil society.

Defra and local authority partners provide essential funding to support the AONB Unit to enable it to fulfil its role in the wider AONB partnership.

## **Together the JAC, its Executive and the Unit form the Kent Downs AONB partnership.**

The Government's **Landscape Review** made several recommendations about the future governance, funding and staffing arrangements for both AONBs and National Parks, these seek to ensure that AONBs in particular had sufficient resources to meet the objectives of the designation, improve efficiency and collaboration, strengthen participation and inclusion and enhance delivery. In addition the impact of the Covid-19 have been substantial on the health and wellbeing of society as well as the economy and has placed a new focus on the role of the AONB in recovery. In the light of the findings of the Landscape Review and the need to support the recovery from Covid-19 pandemic it is expected that the behaviours, values and culture of the AONB partnership, its governance and the funding arrangements of the Kent Downs AONB will be reviewed in the plan period.

*'Today, we have a system [in England] which is fragmented, sometimes marginalised and often misunderstood. Indeed it is not really a system at all, but 10 National Parks, who do not always work together effectively, and an entirely separate network of 34 less powerful Areas of Outstanding Natural Beauty (AONBs). They have different purposes from National Parks, vastly less money, but sometimes greater pressures; and yet cover areas that are more visited, sometimes more biodiverse and are just as beautiful.'*

## **The AONB partnership's role in planning policy and decisions**

Planning and development issues have a fundamental impact on the statutory purposes of AONB designation; until the CRow Act 2000, the land use planning system was the main mechanism by which AONBs were protected, conserved and enhanced.

Within the context of the National Planning Policy Framework and planning legislation, the Kent Downs AONB partnership has agreed to take on a limited land use planning role, in summary this is to:

- Provide design guidance in partnership with AONB Local Authorities.
- Comment on forward/strategic planning issues e.g. Local Plans.
- Involvement in development management only in exceptional circumstances, e.g. in terms of scale and precedence.
- Provide planning advice/comments on development management in other cases at the request of a Kent Downs AONB Joint Advisory member and /or local authority Planning Officers and Government.

This Management Plan is required by the legislation to 'formulate the local authority policy for the management of the AONB and for carrying out their functions in relation to it'. The planning function of Local Authorities is a critical way to conserve and enhance the Kent Downs.

### **Delivering in partnership and developing wider collaboration**

Much that has been achieved since the publication of the first Kent Downs Management Plan has been through the many partners who work on the ground in the AONB. The Kent Downs AONB partnership is recognised nationally as one of the most effective at securing activity and resources in support of the Management Plan and its principles; this revision recognises that even greater benefit could be generated through larger scale and more broadly scoped collaborative partnerships working across sectors, seeking greater inclusion and diversity and at a landscape scale, including working beyond the boundary of the Kent Downs, for example for landscape scale conservation, projects and programmes which benefit populations outside the AONB and for the Nature Recovery Network.

## **4 The management of the Kent Downs AONB – issues opportunities and threats**

The Government's Landscape Review has provided an overarching evidence-based assessment of the issues opportunities and threats affecting the management of our National Landscapes, they are recognised and supported by the Kent Downs AONB Joint Advisory Committee and so this plan does not repeat them here. The local response to the Review will be framed by the vision, aims and principles of this plan.

## **5 The management of the Kent Downs AONB - aims**

A landscape in which:

1. In line with the findings and recommendations of the Government's Landscape Review the partnership leading the conservation and enhancement of the landscapes of the Kent Downs is effective and influential, properly resourced, suitably representative and has powers which are fit for purpose.
2. The AONB partnership provides leadership and direction for the future conservation and enhancement of the AONB within the context of the Kent Downs AONB

Management Plan and is open to the views of all people, is adaptive and flexible to change.

3. The AONB partnership provides leadership and direction for the future conservation and enhancement of the AONB within the context of the Kent Downs AONB Management Plan.

## 6 The management of the Kent Downs AONB - principles

- MPP1 The Kent Downs AONB Management Plan and its supporting documents, supported by a strong partnership approach, will be pursued as the primary means to develop, co-ordinate and promote the management, conservation and enhancement of the Kent Downs AONB.
- MMP2 The Kent Downs AONB is a material consideration in plan making and decision taking, and so local authorities will give a high priority to the AONB Management Plan vision, aims, principles and actions in Local Plans, development management decisions, planning enforcement cases and in taking forward their other relevant functions.
- MPP 3 The development of strong, diverse working partnerships and landscape scale collaborations to implement the vision, aims and principles of the Kent Downs AONB Management Plan will be pursued.
- MPP4 Collaborative working partnerships and initiatives with other National Landscapes and the implementation of the findings of The Landscape Review will be pursued.
- MPP5 The involvement and engagement of diverse interest groups in decisions about and affecting the Kent Downs AONB future will be pursued.
- MPP6 The preparation and review of the Management Plan, advocacy of its vision, aims and principles and work in partnership to deliver the actions described will be pursued through a properly resourced Kent Downs AONB Unit supported technically and financially by the local authorities.

## 3. Sustainable Development

### Our vision for sustainable development in the Kent Downs AONB

In 2031 ... the principles and goals of sustainable development are at the heart of the management of the Kent Downs. Change reinforces and enhances the characteristics, qualities and distinctiveness of the Kent Downs and benefits its communities and economy. While the surrounding urban areas have expanded considerably, innovative management techniques and policy approaches successfully address the pressure and opportunities presented by growth to the landscapes of the AONB. Through landscape scale restoration, conservation and enhancement the Kent Downs has a key role in mitigating and balancing any negative environmental impacts of the significant growth that Kent has (and continues to) experience.

The impacts of climate change are being felt but the mitigation and adaptive responses taken are landscape led, effective and carefully chosen to enhance the characteristics, qualities and distinctiveness of the landscape rather than detracting from them. The natural capital and ecosystems service provision of the Kent Downs has been enhanced. Important areas of tranquillity have been identified, protected and expanded and provide 'oases of calm'.

The Kent Downs landscape and partnership take an important and appropriate role in the economic and societal recovery from Covid-19.

#### 3.1 Overview

Achieving sustainable development is an overarching principle for much national and international policy. The UN General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

##### 3.1.1 The Sustainable Development Goals

The 2030 Agenda for Sustainable Development is a historic global agreement to eradicate extreme poverty, fight inequality and injustice and leave no one behind. Agreed by world leaders at the UN in 2015, the 17 Sustainable Development Goals (SDGs) succeed the Millennium Development Goals (MDGs). The SDGs are universal with all signatories expected to contribute to them internationally and deliver them domestically. This Management Plan is underpinned by and contributes towards delivery of the United Nation's Sustainable Development Goals; the Plan contributes locally to some of the ways that the UK Government is supporting the delivery of the Sustainable Development Goals domestically.

##### 3.1.2 Sustainable Development in the Kent Downs AONB

Sustainable development has economic, social and environmental dimensions. In the context of the Kent Downs Area of Outstanding Natural Beauty, sustainability should be judged widely and in accordance with the sustainable development goals but with a focus on

the purposes of the AONB designation.

Applying this to the local circumstances of the Kent Downs, particular attention should be given to the special characteristics and qualities of the area and supporting a landscape led approach. These in turn help to apply to a variety of plans, strategies and policy frameworks so that proposals in or affecting the AONB can be judged. The protection afforded to the AONB should be commensurate with the national and international status of the area and give appropriate weight to the AONB's importance.

To assist this process, this management plan identifies the special characteristics and qualities of the Kent Downs landscape and provides an updated description of the landscape character of the area. In this context, key issues, threats and opportunities are identified along with a vision, aims and principles which respond to them. Strategic issues are identified in this section of the plan these are: over-arching 'guiding themes' (3.2) arising from the purposes of designation the context of the natural capital approach and the need to respond to climate change and ecological loss, and 'recurrent themes' (3.3) which arise frequently across the topics in this plan. These themes will be considered first when considering projects, proposals, policies and local authority functions, before turning to specific sections later in the management plan. In the absence of local criteria-based policies, the intention is that this management plan's vision, aims and principles will provide helpful evidence to assist with decision making.

### 3.1.3 Unprecedented growth and development pressures

The position of the Kent Downs, close to London, mainland Europe, major urban centres and growth areas means that the Kent Downs AONB, perhaps more than any other of Britain's protected landscapes – AONBs, Heritage Coasts or National Parks, has experienced and is experiencing severe development pressure. Evidence from a Defra commissioned review of growth and development in AONBs carried forward by Prof. Bibby (University of Sheffield) shows the Kent Downs AONB as being 'an outlier' in the amount of growth it has accommodated *'The Kent Downs AONB stands out as an area which has experienced major, but expected, change, showing a rate of urban growth of almost 10%.pa, with the urban area spreading by 14 ha over the decade'* (2014 unpublished) the population of the Kent Downs has increased by 3% in the previous plan period.

The Kent Growth and Infrastructure Framework (2018 update) prepared by a wide partnership of Local Authorities at the County level has identified an unprecedented level of planned growth in Kent in the period 2011 to 2031, this includes a 24% growth in the number of homes (additional 178,600) and a 23% growth in the number of people (additional 396,300); there is an increase of 21% of jobs (additional 170,300) planned. It should be noted that the Government's 'standard method' which uses a formula to identify the minimum number of homes expected to be planned for, increases Kent and Medway's housing need, compared to the Kent Growth and Infrastructure framework.

It is the scale and pace of change which was the primary reason that the Kent Downs AONB Joint Advisory Committee decided to shorten the immediate vision period of the AONB Management Plan from 20 to 10 years; so that the plan responds effectively to the immediate issues of growth, biodiversity loss and climate change.

The issues of growth, urbanisation and development present a variety of opportunities and threats. New transportation infrastructure including strategic trans-European highways, High Speed Rail, the proposed Lower Thames Crossing, communications infrastructure and

housing, as well as the pressures of intensive agriculture and forestry, increased recreational use and illegal activities such as fly tipping and off road driving, loss of tranquillity, landscape character and qualities can detract significantly from this important landscape.

An important role of the management plan is to achieve the management and mitigation of the detracting pressures on the landscape and to do so with ambition and at a scale to match the threat – good examples include the creation of land bridges which can mitigate the very significant negative impacts on the AONB from major roads and provided ecological connections. At the same time the approach of the Management Plan is to seek a positive exchange of goods and services between the Kent Downs and the surrounding urban areas. Despite the intense pressure experienced in the Kent Downs, it is still true that the AONB has largely retained its character and qualities. Community based, focused projects have shown the real benefit of sustainable development approaches.

The development pressures experienced in the Kent Downs AONB are specifically referenced in the Government's Landscape Review describing the Kent Downs (and High Weald) as:

*'especially large AONBs which cross multiple local authority boundaries and under particular development pressure,'*

### **3.1.4 Cumulative Change**

Against this backdrop of large-scale development, there is continual pressure for small-scale development and change creating a cumulative impact on the special character and qualities of the AONB. The landscape character assessment review of the Kent Downs continually picked up small scale poorly designed or inappropriately located, housing development, detracting influences from recreational land management, such as golf courses, equine facilities and visitor attractions, poor boundary treatments, badly designed highways, water and telecoms infrastructure, each individually small impact taken cumulatively is progressively diminishing the qualities and character of the AONB at a strategic scale. At the same time the cumulative impact of careful enhancements made through individual agri-environment schemes, conservation projects and carefully judged development can cumulatively conserve and enhance the landscape.

### **3.1.5 The London City Region**

The Kent Downs AONB Unit led a group of organisations from 12 National Landscapes operating in the London City Region to develop a 25 year vision. The vision recognises the opportunities and threats generated by the area's predicted population growth from 12 – 20m in the period 2017 to 2042. The overall aim is to collaborate to establish London and the South East as the World's Greenest City Region, where the Protected Landscapes are treasured and the population mobilised to enjoy and care for these natural environments.

A 7 point plan of goals was created; this management plan seeks to deliver against those goals at the local level.

## **3.2 Guiding themes**

Some of the sustainability issues to be addressed in the Kent Downs AONB are of a high-level, over-arching nature which underpin much of the quality as well as character and beauty of the landscape which should inform actions and decisions in the area generally.

These are natural beauty (outlined in section 1.2.1), natural capital and the provision of ecosystems services, climate change, ecological loss and nature recovery, a landscape led approach, net gain and green infrastructure provision.

## **Natural capital and the provision of resilient ecosystem services**

This plan is strongly informed by a natural capital approach; natural capital includes the air, water, soil and ecosystems that support all forms of life, the various sections of the plan contribute, where appropriate, to supporting the natural capital goals of the Government's 25 Year Environment Plan: clean air, clean and plentiful water, thriving plants and wildlife, reducing environmental risk, using resources more sustainably, managing environmental pressures, mitigating and adapting to climate change, minimising waste, enhancing biosecurity and, most particularly, enhancing beauty, heritage and engagement with the natural environment.

The UK government has repeatedly emphasised the importance of 'natural capital'. Natural capital offers a range of goods and services that society benefits from, called ecosystem services. These services range from crop pollination soil fertility maintenance, waste sinks to climate and water regulation. Ultimately all human life depends on ecosystem services for clean air, clean water and food production. Services have been grouped into four categories:

- Supporting services, such as nutrient cycling, oxygen production and soil formation. These underpin the provision of the other 'service' categories.
- Provisioning services, such as food, fibre, fuel and water.
- Regulating services, such as climate regulation, water purification and flood protection.
- Cultural services, such as education, recreation, and aesthetic value including beauty.

The ecosystems services of the Kent Downs are identified in Natural England's National Character Assessment for the North Downs and Wealden Greensand and are therefore not repeated here. The Kent Nature Partnership is in the process of generating a high level Natural Capital Account for Kent including the Kent Downs AONB. The Management Plan, taken as a whole, seeks to secure, conserve, enhance and make more resilient the natural capital value of the Downs and therefore the ecosystems services that the landscapes of the Kent Downs offer society.

## **Climate Change in the Kent Downs**

Climate change will affect the ability of future generations to meet their needs. The UK Climate Projection (UKCP) Programme 2018 provided a much finer grain (2.2km<sup>2</sup>) projection of climate change to 2100. Headline changes include hotter, drier summers; particularly hot summers and hot summer days are expected to become more common. While summers are expected to be drier there will be an increase in the intensity of heavy summer rainfall events. Warmer, wetter winters are also predicted with greater rainfall intensity. Sea level rise is predicted to continue (already 17cm since the start of the 20<sup>th</sup> century), with predictions ranging from around 30cm to 90cm by 2100 depending on the emissions scenario, these are significantly higher than the 2009 projections.

The UK Climate Impact Programme (UKCIP 2019) provides tools to establish adaptation

approaches to the projections. At a Kent level the information and evidence provided by the UKCP and UKCIP has provided an evidence base for the Kent Climate Change Risk and Impact Assessment (KCCRIa 2020). Key impacts are consistent with the UKCP predictions. Several key characteristics and qualities of the Kent Downs are predicted to change these include introduction of new pests and diseases, sea level rise and coastal erosion, wild fire, both drought and flooding affecting water bodies, water scarcity, soil erosion, air quality issues, changes in species distribution and abundance and changes in land management practice.

In recognition of the very serious threats climate change places on society the UK Parliament has declared an environment and climate emergency. Many of the local authority partners to the Kent Downs AONB Joint Advisory Committee have either declared or recognised an emergency or have plans to significantly reduce greenhouse gas emissions by 2030. There are a number of nature-based responses to climate change, some of which are mentioned in the Committee on Climate Change report on land use (2020) these include wilding, tree and hedgerow establishment, permanent grassland creation and management and soil carbon enhancement for instance through regenerative farming, all of which would be coherent with the Kent Downs AONB landscape character and qualities and which increase resilience and reduce the impact. New energy crops are promoted along with a shift in consumption from (and therefore production of) the most carbon intensive foods these approaches are reflected and promoted elsewhere in the plan.

There is an important role for both the AONB landscape and partnership in helping to achieve carbon sequestration and cutting greenhouse gas emissions.

### **Ecological loss and nature recovery.**

Set against a backdrop of unprecedented concern for the future of the natural world, intergovernmental and national reports demonstrate that the current response to the effects of human impact on nature is insufficient, along with the clear guidance from the Government's Landscape Review – there is a clear and pressing need to increase the scale and pace of nature recovery activity in AONBs. This is recognised in the National AONB Declaration on Nature in AONBs, the Colchester Declaration, which sets out a strategy for change. Nature recovery is an essential guiding theme of the Management Plan and the local implementation of the Colchester Declaration an important priority in order that we restore functioning ecosystems and extend and return lost habitats and species to the landscape.

### **A landscape led approach, local character and qualities**

Section 4 of the Plan demonstrates that landscape is made up of many component factors; it is complex and all the more wonderful for that. The primary purpose of an AONB is to conserve and enhance the natural beauty of the landscape, this must take into account all of the factors identified in this plan and in relevant guidance. The landscape of the Kent Downs AONB extends beyond administrative boundaries and is a strategic matter which should be specifically considered in local authority's duty to cooperate in plan making.

A landscape led approach to design, resource management and development means starting with an understanding of the landscape as a framework for evidence. In a nationally protected landscape the purposes of the designation have to be the driving force when

considering or undertaking change. The starting point of achieving landscape led approach is an understanding of the site and its setting, the local landscape character, supporting this it is the landscape elements, context, special character and qualities, distinctiveness, sense of place, patterns and sensitivities; how it is perceived by people and for what reasons it is valued by people are key to the approach. Applying best practice and an iterative approach are key in practice to conserve and enhance the natural beauty of the AONB.

A landscape led approach does not mean simply imposing an intervention within an existing landscape pattern. In a landscape led development, a site's landscape capacity will not be exceeded. For policies, plans and projects in or affecting the Kent Downs AONB delivering the purposes of the designation should be a primary consideration from start to finish, taking a landscape led approach is essential to achieving this.

Local characteristics and qualities are the triumph of the distinctive and the diverse over the uniform. Each section in this management plan explains what that means in the Kent Downs. Many aspects of local characteristics and qualities are specific to the designated area, such as the landform and landscape of the scarp and dip slope, the woodland and biodiversity which thrive on the steep scarp slopes, the sights and scents, the ecosystems services provided by the landscape, the time depth, access routes, patterns of settlement and farming practices which respond to them all.

Many more local characteristics are distinctive to individual places or small localities, from building materials to traditional events, fruit trees to dew ponds and dene holes. These provide variety around different parts of the AONB, in addition to the sense of place which comes from being within the designated area. These qualities, features and experiences should not be seen in isolation but as vital components of a landscape led approach to AONB management which reveres and therefore conserves and enhances what is locally special.

As part of the statutory review of this Management Plan a revision of the Kent Downs AONB Landscape Character Assessment has been taken forward; Landscape Character Assessment is covered in more detail in section 4. Landscape Character Assessment is an important tool for taking a landscape led approach and the Kent Downs AONB Landscape Character Assessment forms an integral component of this plan.

## **Intended Net Gain**

The intention of achieving a net gain, initially for biodiversity and eventually for the environment as a whole, through development is a key principle in the government's 25 Year Environment Plan. It is expected that biodiversity net gain will become mandatory during the plan period. Net gain is also required by national planning policy in the National Planning Policy Framework para 170 and 174. Biodiversity Net Gain is covered in more detail in section 5 (Biodiversity).

Net Gain provides the potential to generate substantial new investment streams to achieve the sustainable development and biodiversity objectives of the AONB Management Plan. While this is important and welcome for the AONB whether a net gain can be achieved is yet to be proven.

## **Green infrastructure provision**

The Kent Downs AONB is recognised as a strategically important component of the Green

Infrastructure of Kent and the south east of England. Green Infrastructure provision is embodied in the National Planning Policy Framework and Planning Practice Guidance and is an essential component of good planning for urban and rural areas. Green infrastructure is a key tool to create a resilient environment in the face of climate change supporting biodiversity and access opportunities.

### 3.3 Recurrent themes

Some topics arise so frequently when seeking to conserve and enhance the natural beauty of the Kent Downs that they should be understood for their strategic importance to the landscape management of the AONB. These cross-cutting topics are usually one of a number relevant to any action or decision affecting the AONB. They are assembled here to highlight their overall importance and should be viewed as matters to address first whenever this management plan is relevant, before turning to specific topics in each of the following sections. This does not mean that each one will necessarily be significant to every decision or action, but that their possible applicability should always be considered.

#### Tranquillity and remoteness

The perception of being away from the noise, sights and smells of modern life is a much valued feature of many parts of the AONB where people can refresh body and soul. In the south east of England absolute tranquillity is an increasingly rare resource. The Landscape Institute's overview on Tranquillity (2017) recognises the importance of relative tranquillity which is relevant in the case of a busy county like Kent:

*A distinction is made between absolute tranquillity and relative tranquillity. When we refer to tranquillity in the UK, it is therefore almost always relative tranquillity that we are referring to, but in differing degrees. For instance, the tranquillity promoted by a summer sunrise on a calm day on top of a high mountain may be close to absolute, with almost no disturbance of any kind detracting from that state of mind. Yet the benefit to people of the relative tranquillity .... may be very high, despite intrusion from background traffic noise or the presence of many other people. Both sorts are important to recognise and value...'*

Research by the Campaign for the Protection of Rural England (CPRE) has shown that since the 1960s England has lost over 20% of its tranquil areas to urban sprawl, traffic and light pollution. The average size of our tranquil areas has reduced by 73%. As Kent's population increases, this resource will become more important and increasingly under threat. National tranquillity mapping carried out by the CPRE and more recently by Winchester University has confirmed that the Kent Downs offers important areas of relative tranquillity.

A 2016 CPRE survey documents the loss of dark night skies through badly designed and sited night lighting, it also identifies the areas of England with pristine night skies; the report suggests a series of recommendations to protect and enhance dark skies. An accepted and often valued part of living in or visiting the countryside has always been dark, star-filled skies. These qualities are increasingly difficult to enjoy outside the AONB, while there are parts of the Kent Downs which benefit from truly dark skies it is important to seek to both protect and extend these.

The importance of tranquillity has been noted in the National Planning Policy Framework which requires (paragraph 180 (b)) that planning policies and decisions should aim to 'identify and protect areas of tranquillity which have remained relatively undisturbed by noise

and are prized for their recreational and amenity value for this reason'. One way that tranquillity within the Kent Downs is currently impacted is as a result of several main flight paths passing over the AONB; the impact of overflying airplanes on landscape tranquillity can be significant, especially where background noise is otherwise low.

The erosion of tranquillity is an issue that has been emphasised in the public engagement stage of this AONB Management Plan, it is an important issue for the public and local authority partners and a part of the special characteristics and qualities of the Kent Downs.

***Tranquillity mapping will be inserted***

## Setting

The setting of the Kent Downs AONB is broadly speaking the land outside the designated area which is visible from the AONB and from which the AONB can be seen, but may be wider when affected by intrusive features beyond that. The setting of the Kent Downs is not formally defined or indicated on a map. The setting of the AONB landscape should be distinguished from the setting of listed buildings and other heritage assets (on which there is legislation and also policy in the National Planning Policy Framework and elsewhere).

Proposals which would affect the setting of the AONB are not subject to the same level of constraint as those which would affect the AONB itself. The weight to be afforded to setting issues will depend on the significance of the impact. Matters such as the size of proposals, their distance, incompatibility with their surroundings, movement, reflectivity and colour are likely to affect impact. Where the qualities of the AONB which were instrumental in reasons for its designation are affected by proposals in the setting, then the impacts should be given considerable weight in decisions.

The Kent Downs AONB Joint Advisory Committee has prepared a 'Setting Position Statement' which provides helpful further advice supporting the vision, aims and principles of the Plan.

## Design and materials

The special characteristics and qualities of the Kent Downs include the quality of the built heritage and settlement patterns. To conserve and enhance the natural and scenic beauty of the Kent Downs, the scale, extent and design of new development, re-development and restoration is critical. The NPPF places considerable focus on the importance of good design, stating that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions' while the Planning Practice Guidance advises that all development in AONBs 'will need to be located and designed in a way that reflects their status as landscapes of the highest quality'.

To support the statutory Duty of Regard towards the conservation and enhancement of natural beauty placed on public bodies and statutory undertakers the Kent Downs AONB Partnership has produced a series of design guidance documents:

- The Kent Downs AONB Landscape Design Handbook
- The Kent Downs Area of Outstanding Natural Beauty Rural Streets and Lanes: A Design Handbook
- The Kent Downs AONB Farmsteads Design Guidance

- Managing Land for Horses – a guide to good practice in the Kent Downs Area of Outstanding Natural Beauty.  
The Kent Downs AONB Guidance on the Selection and Use of Colour in Development
- A Buildings and Settlement Design Guide is planned.

The Kent Downs has a rich tradition of half-timbered and weather-boarded buildings. There is also a legacy of locally distinctive architecture in locally derived building materials such as Ragstone, flint and chalk. Soft red bricks and peg-tiles lend colour and here and there long-straw thatching can be seen. The predominance of local materials helps to establish the distinctive character of the built environment. The conservation and enhancement of these diverse buildings requires local sources of building materials, as well as skilled craftsmen who understand and respect the building traditions of the past and the architectural vernacular. High quality modern design can draw from the past. New development should use available, sustainably sourced traditional as well as appropriate new materials and a design approach which fits neatly with and complements the valued traditions, forms and patterns of the past, while securing environmental efficiency and affordability.

### Mitigation

This plan promotes the use of the mitigation hierarchy so that first adverse impacts on any of the sustainable development goals should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be applied. Where adequate mitigation measures are not possible, compensatory measures should be adopted.

This approach is supported in para. 32 of the National Planning Policy Framework; this management plan follows the priorities set out in the NPPF by focusing on the avoidance of damage to the characteristics and qualities of the Kent Downs AONB. However, mitigation is also important. Reducing the impacts of unavoidable change from infrastructure and growth and a growing population close to the AONB, changing land management, the needs of the AONB population and access and enjoyment, for instance, is an on-going challenge. Likewise, infrastructure and growth in the setting of the AONB can challenge the qualities of the AONB itself. Mitigation will also be needed where schemes which have benefits for the AONB also themselves have adverse effects, for example where:

- affordable housing to sustain local AONB communities is needed but must be constructed in ways which minimise impacts on their surroundings;
- infrastructure to reintroduce woodland management (with benefits including biodiversity, wood products, renewable energy, and employment) may also need road access, harm local amenities or erode tranquillity; and
- improved recreational access to enjoy the qualities of the AONB could erode those very qualities.
- Farm management and diversification activities

In addition, the AONB must play its part in appropriately mitigating the impacts of climate change, which demands responses by all sectors. This should be achieved in a way which supports rather than harms the character and qualities of the AONB.

Given the anticipated pace and scope of growth it is increasingly likely that impacts on the AONB may not be mitigated satisfactorily. In these circumstances the AONB partnership will seek compensatory measures to enable conservation and enhancement of the landscape

elsewhere in the AONB.

### **3.4 Sustainable development – main issues, opportunities and threats**

- a. The predicted scale and pace of growth in Kent and the London City Region is unprecedented; to conserve and enhance the natural beauty of the AONB and to create benefit for existing and new communities significant new efforts and investment in the enhancing the green infrastructure, landscape, its natural capital and ecosystems services will be required. Through landscape scale restoration, conservation and enhancement the Kent Downs has a key role in mitigating and balancing any negative environmental impacts of the significant growth that Kent has (and continues to) experience and should be a target for net gain investments in Kent.
- b. There is a rapidly changing context in which the management, conservation and enhancement of the Kent Downs AONB landscape is conducted.
- c. Cumulative loss of landscape features, biodiversity, tranquillity and character and suburbanisation has been experienced in the AONB due to incremental poorly located, designed and badly screened development, visitor pressure and leisure uses, intensive agricultural and forestry and woodland management practices, pressure from traffic and significant levels of urban growth and development.
- d. The expected impact of climate change is clear, being felt and will be substantial; mitigation and adaptation responses supporting decarbonisation of the economy and focusing on nature based solutions should be implemented that are urgent, evidence based and enhance landscape character, qualities and resilience.
- e. There is a need to work at a community level to support project-based sustainable development initiatives and exemplars in the AONB and to increase the scale, integration and impact of activity.
- f. Despite a significant loss and continuing pressure, the Kent Downs still provides important relatively tranquil areas; the National Planning Policy Framework (NPPF) places a requirement on Local Planning Authorities to identify tranquil areas.
- g. Dark night skies are a feature of some parts the Kent Downs and are a valued part of the experience of tranquil rural areas.
- h. The quality of the setting of the AONB particularly in the experience of views is recognised as important in the original designation and in the enjoyment of the landscape today.
- i. The choice of design and materials in restoration, new development and landscape management are recognised as critical when seeking to conserve and enhance the landscape of the Kent Downs AONB.

- j. By applying the Sustainable Development Goals to the management principles of the Kent Downs AONB the partnership can bring forward environmental, social and economic benefits for existing and new communities.
- k. Biodiversity net gain and eventually environmental net gain provide major opportunities to take forward the conservation and enhancement of the landscapes of the Kent Downs AONB
- l. The Kent Downs AONB landscape and partnership is well placed to take an appropriate role in supporting efforts to recover from the economic and societal impacts of the Covid-19 pandemic, including supporting the rural and visitor economy, supporting the resilience of farming and food production and the health and well-being of communities.

### 3.5 Sustainable development – aims

A landscape in which:

- 1. AONB conservation and enhancement, sustainable development goals and the vision aims and principles of the AONB Management Plan are the starting point of net gain and green infrastructure investments, plans, projects and policies affecting the Kent Downs.
- 2. The character and distinctiveness of villages, farmsteads and individual buildings are conserved and enhanced by combining the best traditions of the past with the best technologies of the present to create environmentally sustainable and locally enhancing development.
- 3. A positive, proactive and urgent approach is taken to the implications of climate change and intelligent and effective mitigation and adaptation responses are chosen which support landscape character, resilient ecosystem services and drive rapid greenhouse gas reductions and increase in sequestration.
- 4. All development achieves landscape enhancement, biodiversity gain and supports carbon neutrality; conservation and mitigation is delivered in every case.
- 5. A comparatively tranquil environment is protected, conserved and enhanced.
- 6. The setting and views in and out of the AONB are conserved and enhanced.
- 7. The detrimental impact of existing infrastructure on the qualities of the AONB is significantly reduced.
- 8. Individual and cumulative development and change contribute to the conservation and enhancement of the AONB rather than detracting from it.
- 9. The AONB partnership takes an active and appropriate role in supporting the economic and societal recovery from the Covid-19 pandemic.

### 3.6 Sustainable development – principles

- SD1 Ensure that policies, plans, projects and net gain investments affecting the Kent Downs AONB take a landscape led approach are long term, framed by the Sustainable Development Goals appropriate to the Kent Downs, cross cutting and recurrent themes, the vision, aims and principles of the AONB Management Plan.
- SD2 The local character, qualities, distinctiveness and natural resources of the Kent Downs AONB will be conserved and enhanced in the design, scale, siting, landscaping and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements.
- SD3 Ensure that development and changes to land use and land management cumulatively conserve and enhance the character and qualities of the Kent Downs AONB rather than detracting from it.
- SD4 A strategic, evidence led approach to both the adaptation to and mitigation of the impacts of climate change on the natural beauty and historic character of the Kent Downs, and its human consequences, will be pursued with an urgent focus on supporting greenhouse gas emission reduction and sequestration through nature based solutions.
- SD5 Renewable and sustainable energy initiatives and energy efficiency measures will be pursued where they help to conserve and enhance the natural beauty and landscape character of the Kent Downs AONB and bring environmental, social and economic benefits to local people and ensure proposals conform with the Kent Downs AONB Renewable Energy Position Statement and resisted where they do not.
- SD6 Activities to increase understanding of the importance and the extent of tranquillity, remoteness and dark night skies within the Kent Downs will be pursued.
- SD7 New projects, proposals and programmes shall conserve and enhance tranquillity and where possible dark night skies.
- SD8 Ensure proposals, projects and programmes do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the Kent Downs AONB.
- SD9 The particular historic and locally distinctive character of rural settlements and buildings of the Kent Downs AONB will be maintained and strengthened. The use of sustainably sourced locally-derived materials for restoration and conversion work will be encouraged. New developments will be expected to apply appropriate design guidance and to be complementary to local character in form, siting, scale, contribution to settlement pattern and choice of materials.
- SD10 Positive measures to mitigate the negative impact of existing infrastructure and growth on the natural beauty and amenity of the Kent Downs AONB will be pursued.

- SD11 Major development should avoid the Kent Downs AONB in line with NPPF guidance. Where it is decided that development will take place that will have a negative impact on the landscape character, characteristics and qualities of the Kent Downs AONB or its setting, mitigation and or compensatory measures appropriate to the national importance of the Kent Downs landscape will be identified, pursued, implemented and maintained. The removal or mitigation of identified landscape detractors will be pursued.
- SD 12 Transport and infrastructure schemes and growth areas are expected to avoid the Kent Downs AONB. Unavoidable developments will be expected to fit unobtrusively into the landscape, respect landscape character, be mitigated by sympathetic landscape, buffering, land bridges and design measures and provide compensatory measure through benefits to natural beauty elsewhere in the AONB.
- SD13 A strategic, landscape led approach to green infrastructure and net gain investments is taken to ensure the recovery, conservation and enhancement of the special characteristics and qualities of the Kent Downs AONB and its setting. The Kent Downs AONB takes a key role in accommodating net gain investments derived from growth elsewhere where the intended gain cannot be delivered locally.
- SD14 The Kent Downs AONB partnership will support efforts to achieve an economic and societal recovery from the Covid-19 pandemic in a way that supports the vision, aims and principles of the AONB Management Plan.

## 4. Landform and Landscape Character

### 4.1 Our vision for landform and landscape character in the Kent Downs AONB

In 2031... the rich diversity of landscape character and qualities distinctive to the Kent Downs are protected, enhanced and managed to the highest standards in a co-ordinated and continual programme. The special characteristics and qualities of the Kent Downs AONB are widely recognised, valued and strengthened and landscape character informs land and resource management, nature recovery plans, intended net gain and natural capital investments, responses to climate change and development decisions.

### 4.2 Overview

The fundamental and special characteristics that distinguish the natural beauty of the Kent Downs landscape were identified when the Kent Downs AONB was designated in 1968. These were reconfirmed in the 1995 Kent Downs AONB Landscape Assessment and its reviews and again in the views expressed in the public and stakeholder consultation for the original AONB Management Plan and its subsequent reviews.

### 4.3 Landscape Character Types and Areas within the Kent Downs AONB

#### Landscape character

Landscape character is described as a distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another and can provide a helpful description and sense of place to our surroundings. A landscape led, Landscape Character supported approach, further supported by historic landscape character assessment, can assist in informing landscape management decisions and its use is supported by Planning Practice Guidance for the Natural Environment.

The founding Kent Downs AONB Landscape Assessment was prepared by the Countryside Commission (1995 CCP 479); it identified 13 Landscape Character Areas in the AONB. Many of these have been divided into local character areas which detail specific local characteristics and identify some of the pressures facing them. Drawing from these descriptions, the 2004 Landscape Assessment of Kent described Landscape Character Area condition and sensitivity assessments. At a local level landscape character assessments have been prepared as part of the Local Plan Process for several Kent Downs Local Authorities.

As part of this review of the Management Plan a full review of the **Landscape Character Areas** (LCAs) was taken forward. This used a professionally led approach and up to date guidance and included defining Landscape Character Types and reviewing the established Landscape Character Area descriptions and some boundaries.

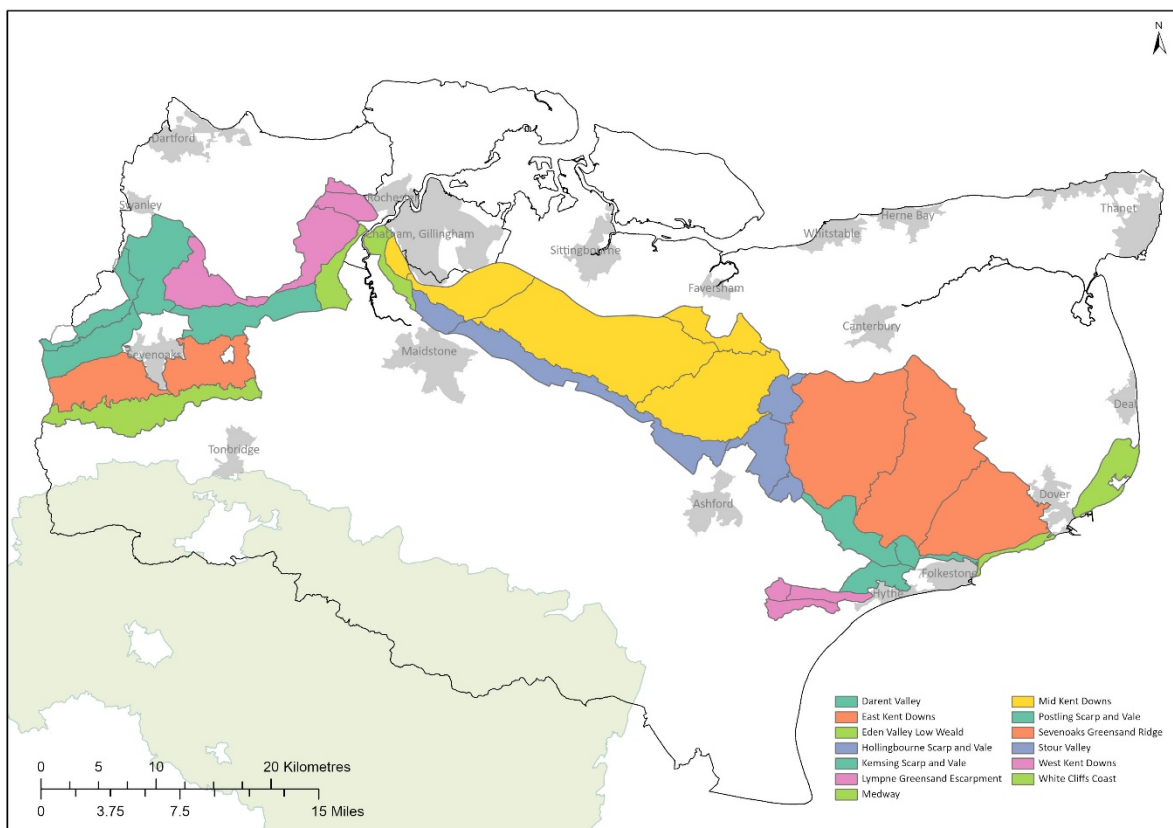


Figure 4.1 Kent Downs AONB landscape character areas

**Landscape Character Types (LCTs)** are defined as distinct types of landscape that are relatively homogenous in character. They are generic in nature in that they may occur in different areas but wherever they occur, they share broadly similar combinations of geology, topography, drainage patterns, vegetation, historical land use and settlement pattern.

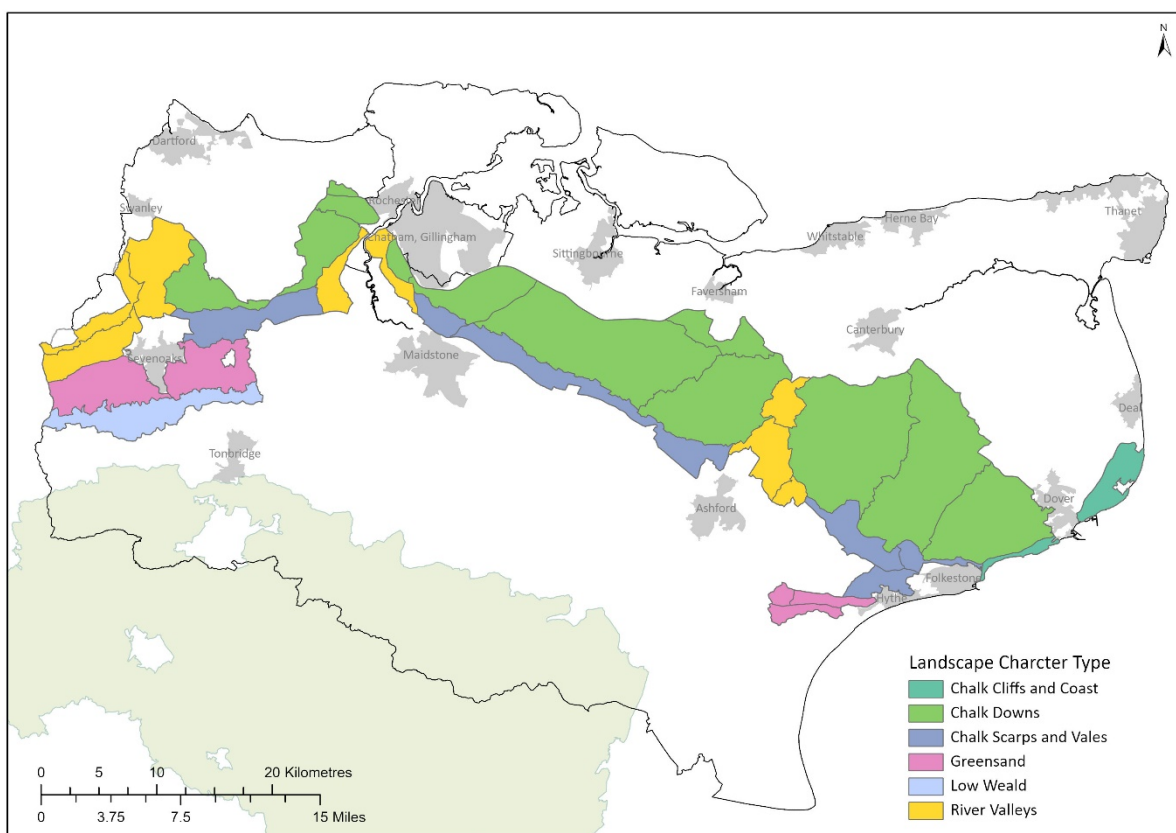


Figure 4.2 Kent Downs AONB landscape character types

There are six LCTs within the Kent Downs AONB, reflecting the area's underlying geology and its topography; these are Chalk Scarp and Vales, Chalk Cliffs and Coast, Chalk Downs, Greensand, Low Weald and River Valleys.

### ***The Chalk Scarp and Vales***

The long arc of the North Downs chalk ridge is the most dominant element of the AONB, consisting of the steep, south-facing scarp slope rising above the Gault clay vale below. Spectacular views are offered along the chalk escarpment across the Vale of Holmesdale; the scarp along with the dramatic views it affords was a key target for the original designation of the Kent Downs AONB.

### ***The Chalk Cliffs and Coast***

The Chalk scarp ends dramatically at the English Channel forming the White Cliffs, one of the most evocative and best-known British landmarks. The scale of the Kent Downs landscape is at its greatest here. The high vertical cliffs and the white chalk contrast starkly with the foreshore and constantly changing sea below with the bustle of ferries and shipping; overall the coast provides an awe-inspiring panorama. The expansiveness and drama is increased further by enticing glimpses of the French coast on the horizon.

### ***The Greensand***

The undulating Greensand Ridge rises to one of the highest points in southeast England at 250 metres at Toy's Hill. The views from along the length of the Greensand Ridge are some

of the best in southern England, and on a clear day, the High Weald and the South Downs beyond can be seen. In the east Kent Downs, the Lympne escarpment of calcareous Sandstone and Ragstone provides a spur of higher ground affording dramatic views across the near-level Romney Marsh and Hythe Bay.

### **The river valleys**

Further diversity is provided at the points where the three main rivers, the Darent, Medway and the Great Stour cut through the chalk. Each river flows in a northerly direction and they form broad, steep-sided valleys with open vistas along the river corridors. The River Medway does not lie in the AONB itself, although parts of its tidal flood plain are within the boundary.

### **Chalk Downs**

Behind the scarp, open plateau and dry valleys offer a beautiful, greatly valued and intimate feature of much of the Kent Downs landscape and they are often criss-crossed by a maze of tiny, sunken one-track lanes. The downland valleys often have a narrow strip of rough grassland, scrub or woodland along their steepest slopes, locally known as shaves, which are important for wildlife. The larger dry valleys such as Elham and Alkham have the sporadic winterbournes such as the Nailbourne in Elham, flowing occasionally during the very wettest winters. The plateaux areas often dominated by stiff clay with flint soils overlying the solid chalk, the soils were historically difficult to cultivate and were used extensively for sheep grazing. Much of the ancient woodland remains framing the plateaux and enclosing the dry valleys.

### **National Character Areas**

Natural England has described National Character Areas (NCAs) which divide England into 159 distinct natural areas. Each is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. Their boundaries follow natural lines in the landscape rather than administrative boundaries, making them a good decision making framework for the natural environment. The National Character Areas Profiles which cover the Kent Downs AONB include the North Downs (119), Wealden Greensand (120) and Romney Marshes (123).

### **Landscape condition and change**

Landscape condition is strongly influenced by external factors which can contribute to or detract from landscape character. The assessment of condition evaluates the landscape pattern and the presence of incongruous features (detractors). It also evaluates how well the landscape functions as a habitat for wildlife and the condition of cultural or 'man-made' elements such as enclosures, built elements and roads. Urban fringe areas are often under pressure and are therefore often described as being in poor condition whilst other more remote areas may still have the same basic features but be described as in a better condition. It is therefore practical to assume that condition may vary throughout a character area and any conclusions should be regarded as a summary of the overall situation.

Landscapes are not static; they change and evolve over time. In a Protected landscape setting the purpose of management planning is to drive positive change that '*conserves and enhances*' the character and qualities that are valued and for which the landscape was designated. It is remarkable and re-assuring how consistently the public attitude of what is most valued in the Kent Downs reflects the original targets for designation.

More than for any previous revision of the Kent Downs AONB Management Plan the context is changing rapidly; there are new opportunities and threats from leaving the EU and a

shared urgency to respond to climate change, biodiversity loss and the economic and social impacts of the Covid pandemic. In this context this Management Plan seeks to be forward looking and to promote positive landscape change that supports the purposes of the designation, reflects what is valued by the public and takes a positive approach to the climate and ecological emergencies, this means that the plan will promote more tree establishment than has been suggested in the past, is positive about wilding and will be more active on low carbon land management and encourage new opportunities for access for health and well-being.

#### **4.4 Landform and landscape character - main issues, opportunities and threats**

While the Landscape Character Area review found an overall positive picture driven by the interventions of the AONB partnership, partner organisations, farmers and land managers and many others there remains concern and further opportunity, these are picked up in detail in the revised Landscape Character Assessment of the Kent Downs AONB 2020.

- a. Loss of and damage to the quality and character of the AONB through the cumulative effect of inappropriate, poorly designed general development, unsustainable land management approaches and land use change, the impacts of growth in visitor pressure.
- b. Degradation of the setting and urban fringe impacts in certain Kent Downs landscape character areas through development, infrastructure, urbanisation and recreational pressure.
- c. The impact of Ash Dieback disease with the consequent loss of tree cover in woodland, roadsides and in open landscapes is already impacting significantly on landscape character and will continue to do so.
- d. The erosion of natural beauty and special character through illegal and antisocial activities such as fly tipping, abandoned cars and illegal off-road vehicles.
- e. The opportunity to promote landscape character conservation and enhancement through at a substantial scale new funding mechanisms (E.L.M.s, Net Gain etc.) and new partnerships specifically focusing on proposed positive management actions as well as addressing the enhancement to ecosystems services and seeking to remove or mitigate identified detractors.
- f. General lack of awareness of the importance and value of the Kent Downs landscape, its characteristic features and the social and economic benefits it brings.
- g. A landscape led approach, supported by a landscape character assessment is not used sufficiently or appropriately in land-use, land management, design and development management decisions, Landscape and Visual Appraisals, Landscape and Visual Impact Assessments and design; landscape character assessments are not always consistent or up to date.
- h. Major potential threats and opportunities lie in responses to climate change, the Covid-19 pandemic, the introduction of intended net gain policies and natural capital/ ecosystems services payments. These could drive outcomes which are either

contrary or supportive of the valued landscape characteristics and qualities of the Kent Downs.

- i. New and innovative forms of land management which meet natural capital enhancement objectives (such as wilding, regenerative agriculture and agro-forestry) may bring new and potentially valued character to the landscape.

## 4.5 Landform and landscape character - aims

A landscape in which:

1. The diversity of landscape character across the Kent Downs is properly described and understood, maintained, conserved and enhanced, and the strong sense of place of individual localities is recognised, reinforced and celebrated.
2. A landscape led approach supported by landscape character is used to inform AONB management decisions and areas of opportunity and threat are identified and become the focus for action.
3. The highest standards of landscape conservation, restoration and enhancement are encouraged and integrated into all land uses in the Kent Downs and its setting.
4. There is better understanding of which landscape features local people and visitors value and all people are encouraged to play a part in retaining and enhancing these features.
5. New interventions in the landscape developed to provide, public good, intended net gain, natural capital enhancement, nature recovery and climate mitigation support the valued characteristics of the Kent Downs, seeking to manage, enhance, change positively so as to amplify and augment landscape character and qualities and make it more resilient and more valued for the future.

## 4.4 Landform and landscape character - principles

- LLC1 The protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued.
- LLC2 The promotion, management, restoration and appropriate creation of viewpoints will be supported.
- LLC3 The provision of co-ordinated and high-quality landscape conservation guidance will be pursued, focusing on the special characteristics and qualities, natural beauty and the landscape character of the Kent Downs AONB.
- LLC4 The prevention, detection and enforcement action against illegal and overtly damaging activities which detract from landscape character will be pursued.
- LLC5 The revised Kent Downs AONB Landscape Character Assessment forms an integral,

interconnected, component part of the AONB Management Plan and should be used to inform proposals and land management impacting the AONB.

- LLC6 The improved awareness and appreciation of all the special qualities of the Kent Downs AONB landscape and its conservation to people who influence the future of, live, work in or visit the AONB will be pursued.
- LLC7 The development of strategic, long-term, landscape action and enhancement plans for areas of the Kent Downs AONB which present the greatest threats or opportunities or where natural capital enhancement, intended net gain, nature recovery, ELM or climate mitigation investments are proposed, will be pursued.

## 5. Biodiversity

### Our vision for biodiversity in the Kent Downs AONB

By 2031... the distinctive nature of the Kent Downs is understood better, enjoyed, celebrated and is in favourable, resilient condition with key habitats and species flourishing. There is a far-sighted, effective nature recovery plan being implemented across the Downs, which recognises and responds to the substantial changes that will be experienced and is connected with a wider national nature recovery network. An ambitious approach to intended biodiversity net gain is agreed and implemented, it is achieving secure advances in biodiversity across the Kent Downs. There has been an increase in the extent and quality of key characteristic habitats and abundance of species of the Downs. People, policy and funding regimes recognise, value and support the importance of nature in the Kent Downs.

#### 5.1 Overview

##### 5.1.1 Nature in the Landscapes of the Kent Downs

The unique landscapes and history of the Kent Downs created and contain a rich and distinctive biodiversity which contributes greatly to the natural beauty of this exceptional place, adding much of the detail which makes the Kent Downs significant, characteristic and special.

The natural vegetation of the Kent Downs is believed to have been broadleaved woodland. This would have been varied in structure and composition, with open glades and patches of grassland and heath created by fallen trees and grazing animals, and chalk grassland refugia found on exposed areas such as cliff tops. Many of the species originally contained in the wilder landscape of the Downs are now absent. The 'wildwood' would have been a dynamic system with varied habitats but much the woodland element has been cleared and managed over the last 6,000 years. Woodland clearance gave way to the expansion of grasslands, scrub and arable, however heavy, flint laden soils have meant that woodland clearance has been less than in many parts of Britain. The Kent Downs is a heavily wooded landscape and in many places a centuries-old landscape remains in place, nonetheless, farming and cultivation has been a significant influence on the biodiversity of the AONB.

##### 5.1.2 A rapidly changing context

While the natural heritage of the Kent Downs is characteristic, distinctive, valued and vested through millennia, the strategic and policy context for biodiversity conservation and enhancement has changed substantively. This is partly due to multiple failures to prevent biodiversity loss at a local, national and international level, at the local level monitoring has indicated declines in species abundance and biodiversity across the AONB. The 2019 State of Nature Report shows that, at a national level, the 'UK's wildlife loss continues unabated' with 41% of species in decline since 1970, abundance of wildlife in decline and 15% under threat from extinction. At the same time the potential impacts and risks of climate change are now better researched and understood and the approach of the plan needs to be far sighted in its response, nature based solutions to climate change will be an important part of the tool kit.

Many of the Local Authority partners to the Kent Downs AONB have declared or recognise a Climate and in some cases Ecological Emergency; The Government's 25 Year Environment

Plan gives us some idea of the ambition and direction of travel and stated clear intent for AONBs and National Parks; The Government's Review of Designated Landscapes has been clear that there is much more that can be done in National Landscapes to support nature recovery and what we have now is 'not good enough'. The AONBs and National Parks have been identified by the Government as potentially forming the key component of the UK's commitment to protect 30% of the UK's land for the recovery of nature by 2030 and are described as the 'backbone' of a national nature recovery network. The mechanisms by which the ambitions of the 25 year plan, the 30% commitment to recover nature and the Landscape (Glover) Review will be delivered are still in development.

### **5.1.3 IUCN Category V Protected Landscape Status and nature conservation.**

The Kent Downs AONB is recognised as an International Union for the Conservation of Nature (IUCN) Category V Protected Landscape. The primary objective of Category V status is, 'To protect and sustain important landscapes/seascapes and the associated nature conservation and other values created by interactions with humans through traditional management practices.' The conservation and enhancement of nature is a primary objective of this Plan and traditional management practices are a vital component of the methods available for the conservation of both the species and habitats of the Kent Downs. Be it in woodlands, farmed landscapes, heath or down, the integrity of the interaction between people and nature over time has produced the distinctive character and is an essential component of its future conservation and enhancement.

### **5.1.4 The Colchester Declaration**

At its national conference in July 2019, the National Association for Areas of Outstanding Natural Beauty jointly agreed ['The Colchester Declaration'](#).

The Declaration recognises the global concern for the future of the natural world and has established a series of pledges that the AONBs will take forward if Government provides the powers and resources to do so. The principles and actions of this plan will take forward the commitments made in the Declaration.

### **5.1.5 A Local Nature Partnership for Kent**

The Natural Environment White Paper created the opportunity to develop Local Nature Partnerships to further objectives for the natural environment. The Kent Nature Partnership has a vision for the Garden of England to have a healthy natural environment that is rich in wildlife, is enjoyed and valued by all and underpins our long-term economic, social and personal wellbeing. The Kent Downs AONB partnership is represented on the Board of the Kent Nature Partnership and this plan is an important part of delivering that wider vision.

### **5.1.6 Kent Biodiversity Strategy**

The Kent Nature Partnership's Biodiversity Strategy for Kent was published in 2020 and it is clear that most species and habitats important in the Kent Downs AONB have been recognised a significant part of the Kent Resource. This Management Plan and the Kent Biodiversity Strategy are closely aligned, within the wider context of the Colchester Declaration and national legislation.

### **5.1.7 The Lawton Principles**

The Lawton Report 'Making Space for Nature' draws from a wide range of evidence to review England's wildlife and ecological network. The report reiterates that the natural world is fundamental to our wellbeing, health and economy and that priorities for action at a

landscape scale should be:

- 1st Manage existing sites better
- 2nd Make existing sites larger
- 3rd Create new sites
- 4th Enhance connectivity
- 5th Create new corridors

While much emphasis is now being placed on new and larger areas for nature, landscape scale approaches to enhancing biodiversity, the Lawton principles promote the better management of existing sites first in most cases. In addition the contribution of many small-scale individual enhancements can help support this more overarching approach, indeed it is a critical component.

### 5.1.8 Wilding

In recognition of the loss of biodiversity and that high input habitat management can be unsustainable and even counter-productive, there is a new emphasis on the restoration of natural processes. The 'wilding' approach calls for the establishment of large expanses of land set aside for nature and natural processes, connected by corridors which allow the movement of species between the larger areas. The approach encompasses terrestrial, aquatic and marine environments.

It is recommended that wilding takes place on sites of least risk first (i.e. where there is limited other value), this builds on the central idea that natural processes should be allowed to take their course, including natural succession on open habitat, fluctuations in population abundance and presence of species without deliberate intervention. This is in contrast to much conservation practice which often involves the close management of habitats to maintain them at a particular successional stage (such as grassland or heathland) in order to support a distinct array and abundance of species in 'favourable status'. Intervention under a rewilding approach is limited to restoring missing species and missing parts of the system which allow natural processes to occur. (Definition taken from Woodland Trust position statement). The charity Rewilding Britain emphasises the 'need to encourage a balance between people and the rest of nature where each can thrive'.

The most prominent example of wilding in southern lowland Britain is at the Knepp Estate in Sussex, in Kent more recent examples include the Wilder Blean and Wilder Nashenden projects (in the Kent Downs). The landscape generated by wilding evolves and differs from that which is described in the designation of the Kent Downs AONB and understanding of its biodiversity value is emerging and will change over time. Knepp represents wilding at a large scale, the concept of wilding can however be adopted at many different scales across urban and rural landscapes. It is expected that wilding will be an important part of a suite of tools deployed in nature recovery and climate mitigation, including in lowland Britain and in Designated Landscapes such as the Kent Downs AONB, where large scale wilding projects would create a new more natural landscape character.

### Intended Biodiversity Net Gain

Biodiversity net gain is an approach which, in the context of new development, aims to leave the natural environment in a measurably better state than beforehand. It is expected that the Environment Act will mandate a net gain of 10% for all new developments when granting planning permission.

This change could substantially increase the investment made available for nature in Kent and the Kent Downs. Given the significant pressures on Kent's natural environment, land lost to, and fragmented by, development and urban creep, alongside the evidence that there has been major losses in Kent's wildlife over the past century, the Kent Nature Partnership is proposing a county wide 20% net gain standard (as measured by the Natural England metric). This increased target for net gain may also enable some of the net gain investment to be targeted off site, to areas of strategic opportunity for nature recovery and low threat of future development – this places the Kent Downs as a potential strategic area for net gain investments. The proposed approach of the Nature Partnership is supported in principle for the Kent Downs AONB however it is recognised that this is subject to further evidence and testing and any requirement will ultimately be decided and set out individual local authorities local plans.

### **Nature Recovery in the Kent Downs AONB**

The Environment Bill 2020 (subject to amendment after this plan is published) made commitments to recover nature through Local Nature Recovery Strategies (LNRS) and a wider Nature Recovery Network. The Protected Landscape network of National Parks and AONBs has been described by Natural England as the 'backbone' of the Nature Recovery Network.

In the Colchester Declaration, each AONB has committed to developing a nature recovery plan.

LNRSs are described as forming spatial strategies for nature covering the whole of England. They will support delivery of mandatory intended biodiversity net gain and provide a focus for a strengthened duty on all public authorities to conserve and enhance biodiversity which are expected to be introduced by the Environment Act they will also underpin the Nature Recovery Network.

In Kent the Kent Downs AONB Unit is part of a wider partnership established to agree priorities for nature's recovery which will map the most valuable existing habitat for nature and specific proposals for creating or improving habitat for nature and wider environmental goals. Unless the Environment Act directs a different approach, it is the intent of the AONB Unit and partnership that a Nature Recovery Plan for the AONB will be developed collaboratively and coherently with the county level strategy and as part of a wider national Nature Recovery Network, for which the AONBs and National Parks will be a key component.

## **5.2 Biodiversity - special characteristics and qualities**

### **5.2.1 The wildlife of the Kent Downs**

The wildlife of the Kent Downs is particularly rich and distinctive, it is also varied, reflecting historic land management approaches, changes in the local climate, geology, soils and topography and its close proximity to the European continent.

In planning to recover nature in the Kent Downs AONB there is a clear need to increase the scale and pace of nature conservation activity to restore and recover habitats and species at

a landscape scale.

### Key species of the Downs

In Britain, there are several very rare and charismatic species largely or wholly confined to the Kent Downs. This is true of several beautiful rarities, such as the lady, monkey and late spider orchids, black veined and straw belle moths as well as rare arable field wildflowers. Other rare and threatened species occur in good numbers; for example the dormouse, the edible or Roman snail, the adder and rare arable field wild flowers along with several butterflies associated with downland. Many of these are recognised in Section 41 of the Natural Environment and Rural Communities Act as species of principle importance in England. Semi-natural habitats of particular importance in the Kent Downs are also recognised in the UK list of priority habitats and in the Kent Biodiversity Strategy and the Kent Downs is recognised as containing nationally 'Important Plant Areas' by the charity Plantlife and large parts of the Downs are included in Buglife's 'Important Invertebrate Areas'.

As part of the Colchester Declaration key species conservation will be an important priority of the nature recovery efforts in the Kent Downs, which has been identified by Natural England as an area with potential 'Species Big Wins'. **Insert map**

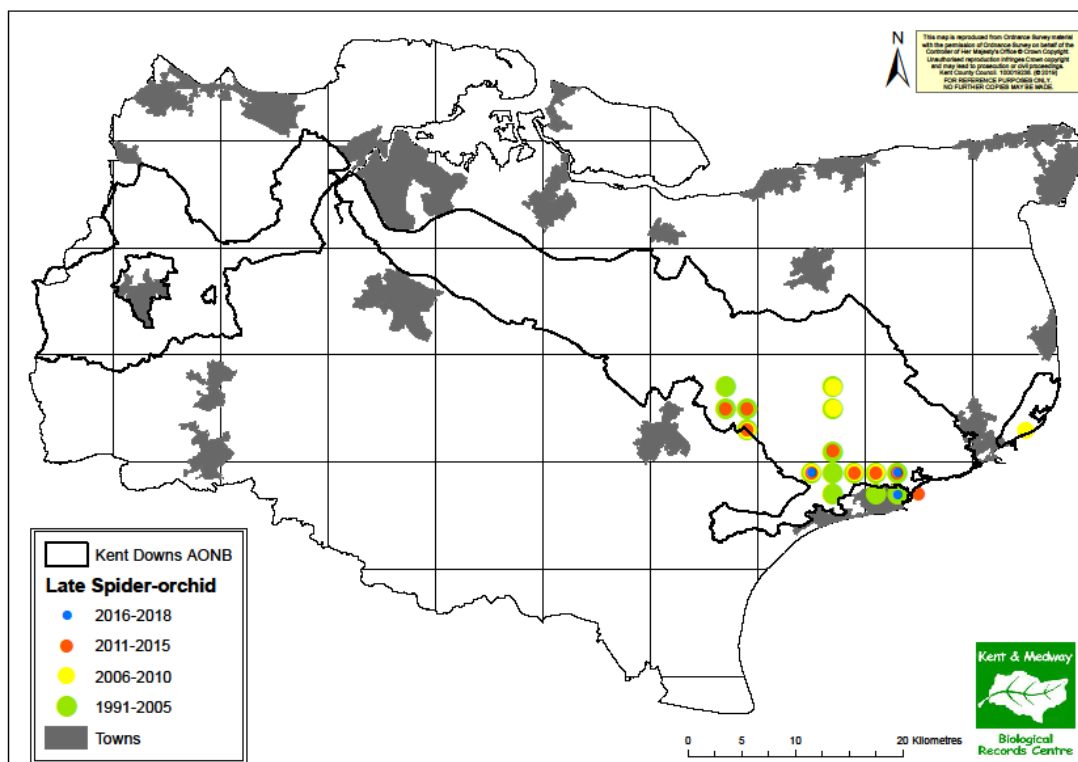


Figure 5.1 White Helleborine distribution in the Kent Downs AONB

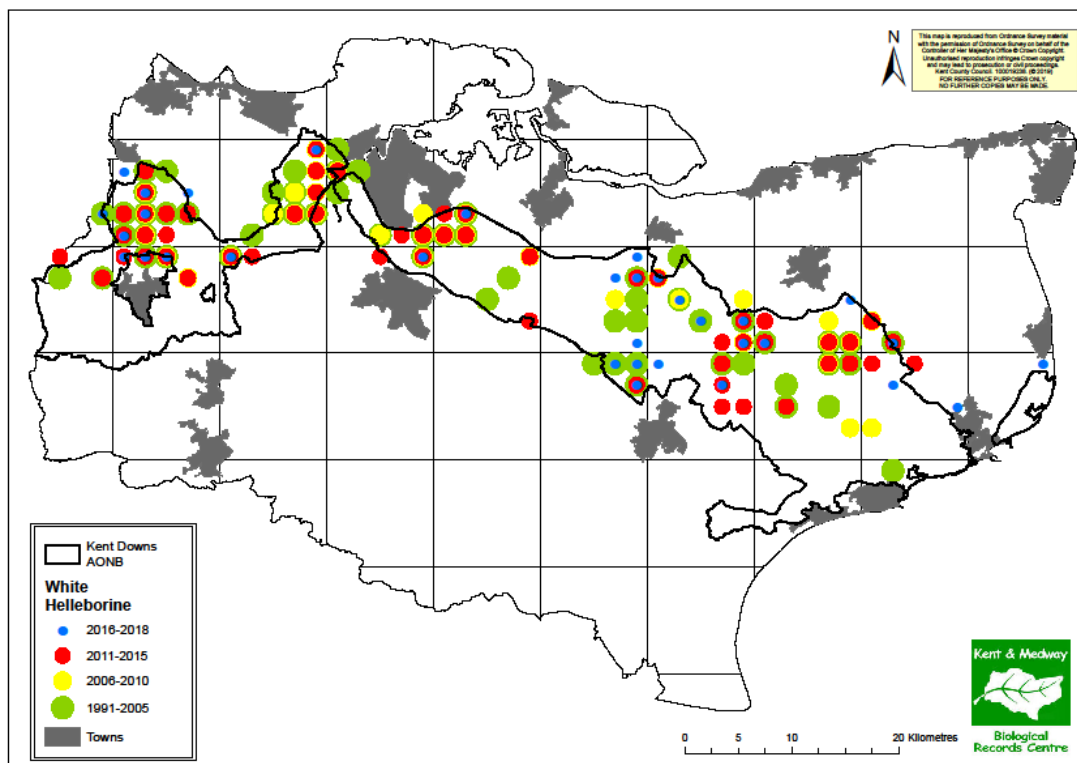


Figure 5.2 White Helleborine distribution in the Kent Downs AONB

## Key habitats of the Downs

### Grassland

Unimproved chalk downland is for many the essence of natural beauty in the Kent Downs landscape with its flower-rich, scented springy turf and profusion of insect life. Orchids and butterflies of chalk downland are symbolic of this habitat and the AONB supports populations of some of the country's rarest chalk species. Chalk grassland is an internationally important habitat, with over half the world's resource found in England. Although this habitat is one of the most valued features of the Kent Downs, the remaining extent of unimproved chalk grassland is less than 2% of the AONB land area (about 1500 ha or 80% of the Kent and 6% of the UK resource). For many rare species in the Kent Downs it is the warm, sunny south-facing chalk slopes which are most important.

The Kent Downs is home to other grassland habitats often overlooked and less designated; neutral grassland can be found in valley bottoms and often forms part of Local Wildlife Sites, road verges and church yards, providing flower rich areas supporting a variety of pollinators, reptiles, amphibians and insects. Where grassland is managed primarily for production or equine uses there is a tendency to overgrazing which means that potentially diverse habitats are depleted.

### Ancient woodland, chalk cliffs, foreshore and seabed platform

These are important, special and characteristic habitats of the Kent Downs AONB which are covered in detail in separate sections of the plan.

### ***Chalk streams and wetlands***

Chalk streams, river corridors, winterbournes, flood plains and spring lines, together with ponds, dew ponds and small wetland areas, are the principal wetland types in the Kent Downs. Winterbournes and ponds are frequently seasonal in nature and often host characteristic species. Chalk streams are very special and highly valued with only around 200 in the world, most of which are found in the southern half of England. In the Kent Downs the Darent, Little Stour, Stour and Dour are defined as chalk streams.

### ***Acid grassland and heaths***

Acid grassland and heaths on the greensand and clay plateau typically survive in parkland, common land and Chart Woods. Acid grassland can occur on clay caps near downland adding an interesting diversity to the landscape.

### ***Species-rich hedgerows and road verges***

Species-rich hedgerows, headlands, ditches and road verges and the sunken lanes of the Downs are a special, diverse and distinctive feature. Often the road verges and hedges are rich in plant and animal diversity, providing important and very beautiful habitats and connectivity. Hedgerow trees are particularly striking in the landscape and, in combination with the hedge, provide important ecological connectivity.

### ***Farmland habitats***

Farmland habitats and species adapted to traditional mixed farming practices; in particular the Kent Downs supports a nationally important site for arable weed communities – supporting some of the UK's most threatened native plant species and farmland birds. More generally farmed parts of the landscape are capable of supporting a much wider diversity of nature and intensive farming practices have been responsible for the loss of significant amounts of biodiversity

### ***Wood pasture and parkland***

There is a strong legacy of parkland and wood pasture in the AONB where there are often large, open-grown and veteran trees which are special features in their own right. Trees outside woodlands are particularly threatened and important part of the beauty and ecology of the landscape of the Downs.

### ***Traditional orchards***

The Kent Downs landscape is strongly associated with fruit growing, with orchards making a significant contribution to the local distinctiveness of parts of the Downs. The terms 'traditional' or 'old' orchard, usually refer to orchards of apples, pears, plums and, in the Downs, cherries with large, widely spaced fruit trees, traditionally with grazed grassland below; traditional Kentish Cobnut platts are important and distinctive, particularly in the western portion of the AONB.

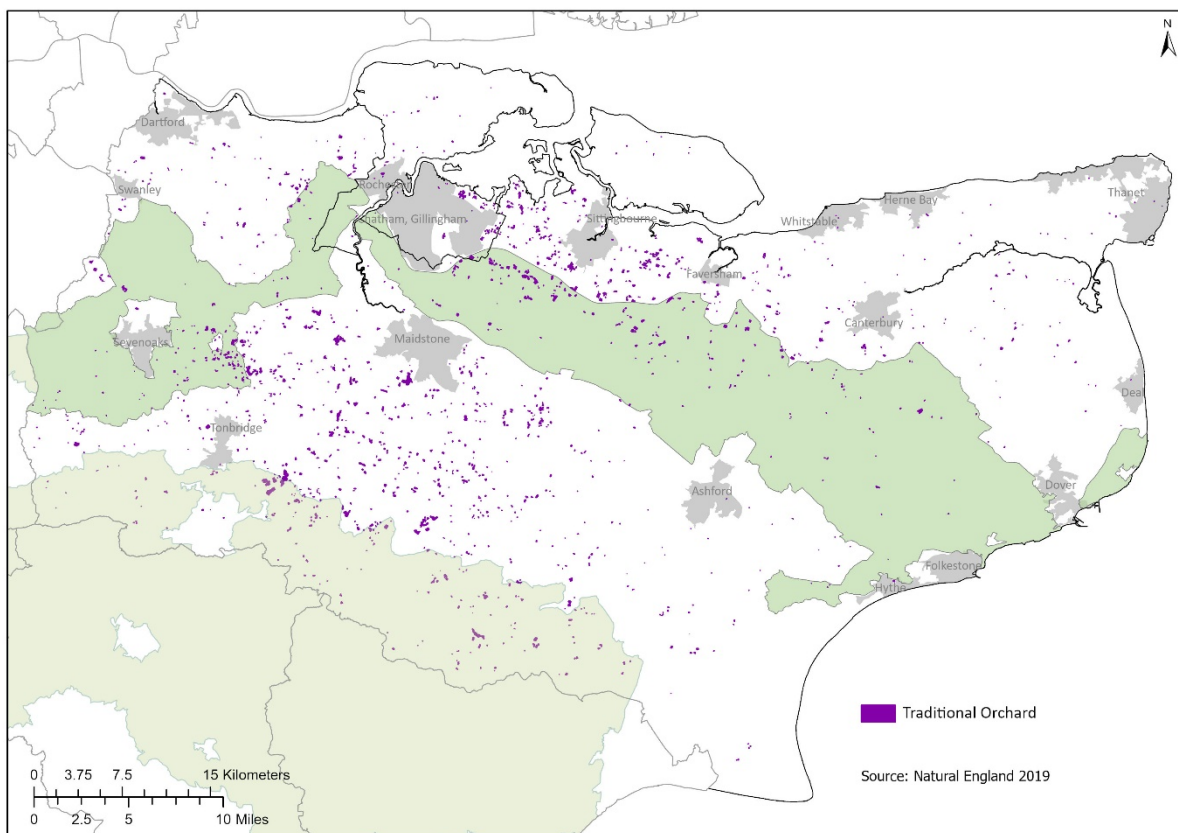


Figure 5.3 Traditional Orchards in Kent

### 5.2.2. Designated nature conservation sites

A number of the most important nature conservation sites in the Kent Downs are legally protected and managed primarily for their biodiversity value. There are 38 Sites of Special Scientific Interest (SSSIs) in the Kent Downs AONB covering some 4420 Ha, of these the following sites are of international importance and were protected under the European Union's Habitats Directive as Special Areas of Conservation (SAC) and now form part of the UK legal framework following the UK's exit from the EU:

- Folkestone to Etchinghill Escarpment
- Wye and Crundale Downs, National Nature Reserve
- Queendown Warren, Local Nature Reserve
- Lydden and Temple Ewell, National Nature Reserve (on the AONB boundary)
- Park Gate Down
- Dover to Kingsdown Cliffs (the only SAC for the maritime chalk cliff features in the country)
- North Downs woodlands. The scarp slopes of the Medway Valley are designated for internationally important beech-yew woodland communities.

Management of these important sites rests largely with Government and public bodies, and specialist conservation organisations. However a number of key sites are in private ownership, such as parts of the Folkestone and Etchinghill escarpment owned by Eurotunnel, and the Medway Valley escarpment by Lafarge or Trenport Holdings.

Of recognised county level importance the Local Wildlife Site network is also critical in conservation of the landscape and wildlife and is felt to be at increasing risk; research by the Kent Nature Partnership showed limited reference to Local Wildlife Sites and Biodiversity Opportunity Areas in Local Plans despite the importance of these sites is recognised in the Natural Environment White Paper and Lawton review. In total Special Areas of Conservation (SACs), Sites of Special Scientific Interest (SSSIs) and Local Wildlife Sites (LWSs) cover some 16% of the AONB.

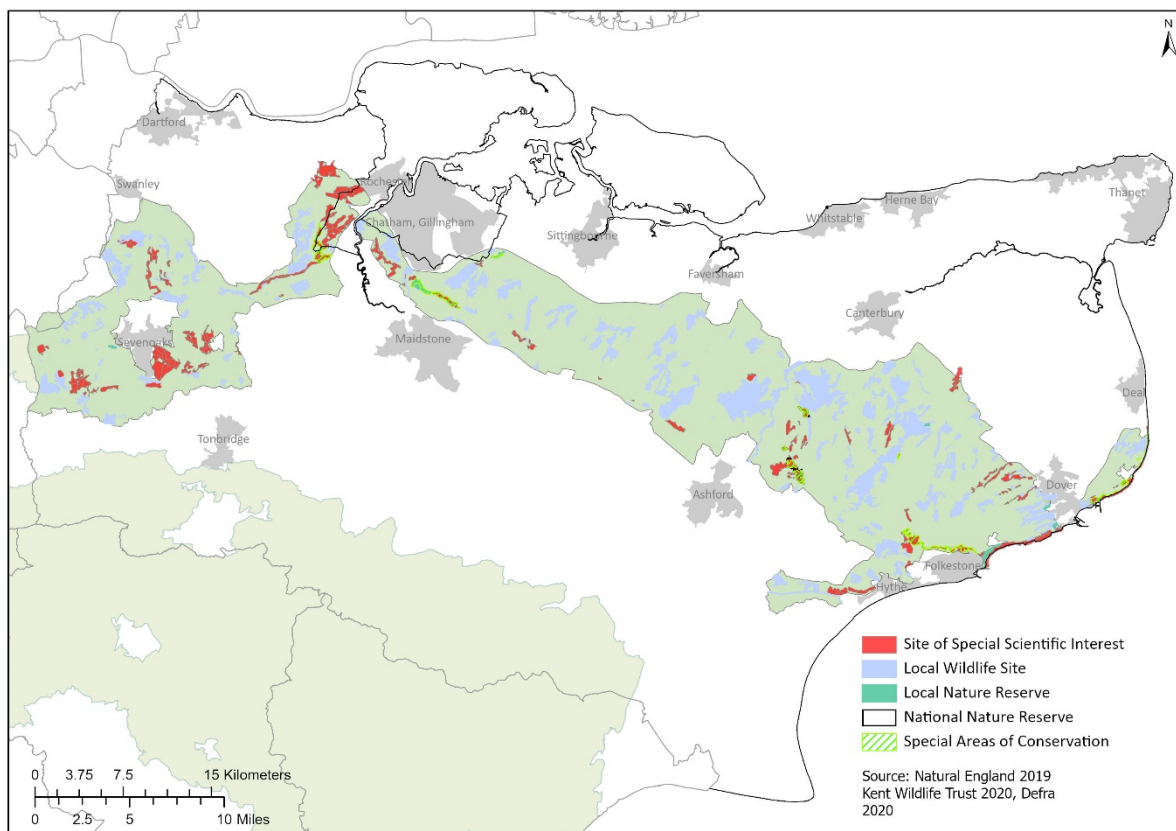


Figure 5.4 Nature Conservation Sites in the Kent Downs AONB

### 5.3 Biodiversity - main issues, opportunities and threats

Despite the extent of recognised and recorded nature conservation sites in the AONB some are losing species and condition, elsewhere habitat loss and change, alien species, pests and disease and the impact of climate change are damaging and degrading the biodiversity of the Kent Downs. Many important plant and animal species depend on suitable long-term management of appropriate habitats in the wider countryside.

In the context of continued biodiversity loss and while a wide range of national and local policy development is live there is an opportunity for the Kent Downs AONB partnership to influence policy development so as to benefit the characteristics and qualities of the Kent Downs.

a. Growth and an increasing population along with increased public access to sensitive sites have been identified by site managers as a key issue in maintaining the quality of special habitats. This is in part a 'problem' of the successful promotion of access to nature and creates the opportunity to create new, less sensitive places for people and nature and to reduce pressure on the most sensitive sites and species. Such an approach can be an important part of achieving intended biodiversity net gain.

b. Habitat fragmentation, damage from intensive agriculture, introduction of invasive species, decline, damage, and loss are recognised as issues across Kent Downs habitats. In response there is the opportunity to manage, extend and connect existing priority protected and designated sites and habitats as well as promote sustainable farming, create new habitat and areas of wilding as a critical step to conserve and enhance biodiversity and generating high quality Green Infrastructure for Kent in which the Kent Downs could play a focal role. Examples of new habitat creation, for instance from green hay from chalk grassland, show how positive changes can be achieved over time and with consistent intervention. The Kent Downs has been identified as a key area for enhancement for pollinators and is mapped as a 'B line' by Buglife, the Downs can also make an important contribution to Kent's Plan Bee.

c. Great uncertainty prevails over the livestock industry. A lack of grazing livestock or poor returns from managing remaining areas of semi-natural grassland, and other traditionally grazed habitats important in the Kent Downs (particularly small, inaccessible or unprotected sites) means that often the most effective and landscape appropriate way of securing the established wildlife interest as well as landscape quality (by grazing) is increasingly uncertain.

d. There is a general lack of awareness and understanding of the biodiversity resource and its designations; trends in biodiversity; the value of the nature of the Kent Downs and how it contributes to landscape condition, carbon sequestration, the quality of life, health and wellbeing and the economy is combined with an associated lack of funding and support for management. The Colchester Declaration promotes the restoration of nature if sufficient resources are made available.

e. Need to provide accessible and well-managed sites with easy access from urban areas to provide contact with nature, health and wellbeing benefits, as well as to reduce pressure on existing particularly sensitive sites is seen as an important opportunity particularly for the new Environmental Land Management Systems.

f. Need to respond to the repeated failure to meet UK Biodiversity targets (2010/ 2020\*) and the opportunity for the Kent Downs AONB to make a significant local contribution to meet future targets.

[JNCC report](#)

g. Kent Downs landscape is sensitive to changes in climate, pollution and to more abrupt changes caused by extreme weather events; both are predicted. The UK and Kent Climate Change Risk Assessments identify key risks to Kent Downs biodiversity. At the same time the ability of each habitat to sequester carbon has been identified and could be an opportunity to link habitat creation to climate change mitigation; the so called 'nature based' solutions which will achieve multiple benefits for the public good.

- h. The opportunity to develop significant collaborative partnerships and large-scale investment areas to secure intended net gain funding and to help meet biodiversity objectives of the plan.
- i. In the light of new approaches to nature conservation such as wilding and intended net gain; there is an opportunity to create new and valued habitats and landscape character at a large scale, reflecting what exists and is valued but also resilient for the future increasing the abundance of nature in the Kent Downs. At the same time a significant risk exists for the loss of sites where previous environment schemes have achieved significant gains.
- j. New crops (such as vines) and cropping patterns (such as zero tillage, agro-forestry and regenerative agriculture) create both challenges and opportunities for biodiversity landscapes of the Kent Downs.
- k. In the context of the recent departure of the UK from the EU there remains considerable uncertainty covering wildlife regulations and payments for the enhancement of nature.

## 5.4 Biodiversity - aims

A landscape in which:

1. The rich diversity of natural features, wild animals, plants and habitats are recognised, conserved, enhanced and positively managed so that the extent and condition of key habitats is enhanced and the pace and scale of nature conservation is accelerated in a way that allows both rare and characteristic species to flourish and to be resilient to future change.
2. A functionally connected nature recovery network of well-managed, functioning, wilder and connected sites of biodiversity importance covers the Kent Downs. These provide habitats for locally typical and rare species and communities, places for people to connect with nature and the essential building block to achieve functional, resilient ecological networks.
3. Rare species confined to the Kent Downs are conserved and increased and distinctive and characteristic species of the Kent Downs which are more common and widespread flourish due to careful and sensitive management.
4. Comprehensive and easily accessible data informs and influences land management and development decisions and monitors changes to biodiversity.
5. The natural heritage and wildlife is recognised for its inherent value for contributing to the landscape character, nature based solutions to climate impacts, quality of life and the economic value of the Kent Downs.
6. Collaborative management at a landscape scale secures significant enhancement to the habitats and species, of the Kent Downs, improves resilience as a local response to the national and international challenges to biodiversity.
7. At least 75% of the 38 Sites of Special Scientific Interest (SSSIs) and Local Wildlife Sites in public or protective ownership in the Kent Downs are restored to favourable

condition by 2030.

## 5.5 Biodiversity – principles

- BD1 Creation of new habitats, wilding and connecting habitat corridors will be pursued, informed by the Lawton principles, landscape character, the needs for new recreation, the needs for resilience and the threats to existing habitats and species. Delivery will be through collaboration to establish resilient, functional ecological nature recovery networks and high-quality green infrastructure.
- BD2 Local, regional and national biodiversity targets and spatial priorities for habitats and species distinctive to the Kent Downs will be supported; a role for Kent Downs AONB landscape and partnership in delivering a wider Nature Recovery Network, the Kent Biodiversity Strategy and Colchester Declaration will be defined and delivered.
- BD3 Targeting of advice, grants and agreements to reduce fragmentation and enhance the biodiversity of the Kent Downs AONB will be pursued.
- BD4 The collection, promotion and sharing of information on land cover, designated wildlife sites, habitats and species to assist in effective biodiversity and landscape character management and monitoring will be supported.
- BD5 The protection, conservation, enhancement and extension of Kent Downs AONB priority and distinctive habitats and species will be pursued; the Biodiversity Duty of Regard will be actively promoted.
- BD6 The generation of sustainable markets for the products of sensitively managed UK Priority Habitats characteristic to the Kent Downs AONB will be supported.
- BD7 The Kent Downs AONB Partnership will be active in seeking to secure the best outcome for the biodiversity of the Kent Downs from the changing national policy framework.
- BD8 Generating a greater connection between people and nature will be pursued at the same time as dispersal of visitor pressure from sensitive wildlife sites where the biodiversity interest is at threat.
- BD9 The opportunities presented by intended Biodiversity Net Gain and other legislative changes are secured in the Kent Downs AONB in a way that support the vision, aims and principles of the Management Plan. Development permitted in the Kent Downs will secure 20% biodiversity net gain subject to further evidence and testing; any requirement will ultimately be decided and set out individual local authorities' local plans.

## 6. Farmed Landscape

### Our vision for the farmed landscape of the Kent Downs AONB

In 2031... the Kent Downs AONB is a place where agriculture takes and is appreciated for a pivotal role in the conservation of natural beauty and landscape qualities and character of the Kent Downs. Sustainable farming is the predominant land-use of the AONB and the heritage of mixed farming is retained in a contemporary context, supporting and enhancing landscape character, soils health, nature and is an important part of the Kent Downs contribution to achieving net zero carbon emissions. There is a greater public understanding of the roles of farming and more opportunities to gain carefully managed access to farmed landscape and to understand farming systems. Despite the changing context a broad range of crops are sustainably produced and are suited to the increasing extremes of climate, local conditions and market forces as well as the landscape. Naturally diverse permanent grasslands are well managed and orchards, plots and hop gardens retain an important place in the landscape. The flourishing number of vineyards are managed in a way that conserves the characteristics and qualities of the AONB. The high-quality products of the Kent Downs are commercially successful and high environmental quality is a market advantage.

#### 6.1 Overview and context

The Kent Downs AONB is principally a farmed landscape, with around 64% of its land classed as agricultural. Centuries of changing farming practices have shaped the landscape to create an important part of the natural beauty which is celebrated today. Historically the range of soil types of the Kent Downs has supported mixed farming practices where arable crop production has co-existed with livestock grazing and horticulture. The patchwork of land-use created by mixed farming is also vital for many valued plant and animal species associated with farmland. The farmed landscape is much valued for the access afforded along public rights of way, permissive paths and open access land.

Departure from the European Union is expected to be the most significant change to the context for farmers and land managers in the Kent Downs, since the UK joined the European Community in 1972. This management plan will operate during a period of substantial change in the farming economy. The intended direction of travel has been signalled in the Government's 25 Year Environment Plan the Agriculture Act (2020) and Environment Bill but agriculture is operating in an increasingly uncertain and volatile environment.

#### Farm tenure and farming type in the Kent Downs

Figure 6.1 indicates that the Kent Downs AONB continues to be a landscape of mixed agricultural use. There has been a reduction in overall farmland area as well as a rationalisation of farming practice. *This data originates from Defra, Geographical breakdowns are only available in the years that correspond to the EU Farm Structure Survey, next updates expected early 2021 which will be inserted if available.*

% of Farmed Land cover	1961	1972	1990	1999	2007	2008	2009	2010	2013	2016
Arable	53	64	58	55	50	54	55	54	52	54

<b>Grassland</b>	37	27	35	30	34	35	34	34	35	32
<b>Grassland with scrub</b>	0	0	1	9	Data not available					
<b>Orchards and hops</b>	7	6	4	4	2	3	2	2	2	2
<b>Parkland</b>	3	3	2	3	Data not available					
<b>Area of Farmed Land (ha)</b>	64,227	64,925	64,141	64,546	60,836	57,833	57,213	55,797	55,477	58,132

Figure 6.2 shows an increase in the changing nature of farm holdings in the Kent Downs, this picture is expected to change still further in the plan period. There has been a move to larger 'contract' farming and cooperative farming ventures, especially on the most productive land in order to achieve economies of scale, this can lead to larger fields to accommodate larger machinery and to crop rotations on a whole farm rather than field scale. The move to larger scale farming shown in Figure 6.2, can also lead to monocultures over large areas which

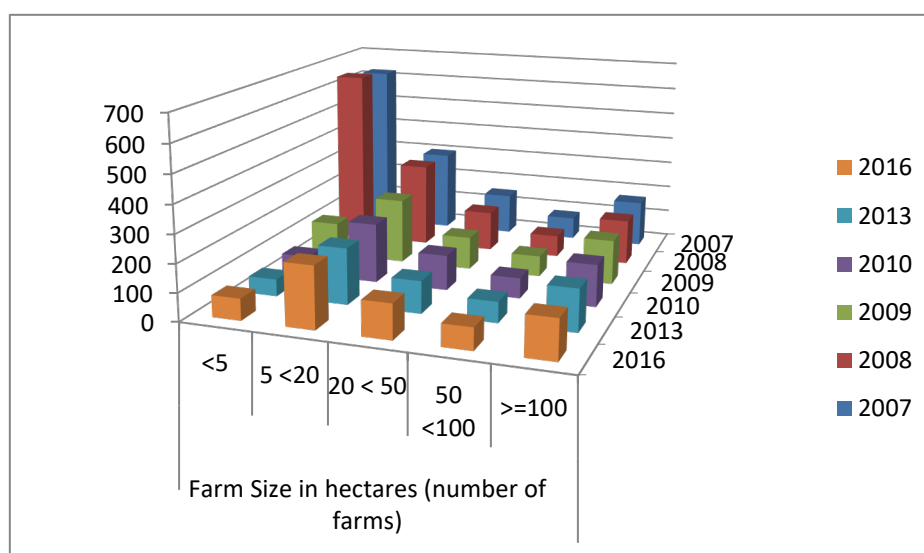


Figure 6.2 Farm Size in the Kent Downs AONB

consequently leads to lack of mosaic and therefore reduced opportunity for natural biodiversity, and increasing fragmentation of natural biodiverse pathways.

When medium sized farms are absorbed into larger holdings, farmhouses and buildings can be sold off with small holdings or to 'amenity' farmers and landowners who are not reliant on agriculture as a main income. The general setting and relationship between buildings in farmsteads and immediate landscape around farm buildings is becoming more 'suburbanised'. The separation of farm holdings and farm cottages and the increasing price of housing effectively prices agricultural workers out of the rural housing market.

An increasing focus for farm business is to enhance the skill base or human resource so that farm enterprises can remain viable, resilient and effective; operating sustainably with a strong knowledge base that encompasses the wide context that farming now operates within. At the same time the automation of elements farming means that low skilled work is less

likely to be available.

### **Changing financial signals to farmers.**

Since WWII early government policy and incentives encouraged increased food production. Farm businesses responded by adopting new crops, technologies and practices, which have seen a marked increase in crop production and efficiency of scale. In some cases, the cost has been the loss of landscape quality, biodiversity and historic features that have been part of the mixed farming landscape for centuries; elsewhere farmers have chosen to conserve and enhance the landscape at the same time as increasing productivity.

Where there has been removal of hedgerows, woodlands and field margins, deep ploughing of grassland and drainage of wetlands, as well as the intensive use of pesticides and inorganic fertilisers the result is sometimes sterile farmscapes with little wildlife or reduced landscape interest, and damaged soils, albeit this form of agriculture is highly productive.

More recently the agricultural economy has been subject both to the removal of production-based subsidy and to increasing volatility driven by global markets and climatic fluctuations affecting both produce value and production costs. These pressures require farmers to make increasingly market led decisions and to use up to date methods to retain competitive advantage, reduce risk and add financial and environmental resilience. At the same time public opinion and Government policy has strengthened in favour of environmentally sensitive farming that produces high-quality food with less cost on the public purse.

The departure of the UK from the EU brings with it potentially significant changes and challenges and substantial amounts of uncertainty. The signals from Government through the Agriculture Act and Environment Bill indicate that future public financial support for agriculture will be focused on 'the public good'; this will include new access opportunities; enhancement of water, soil and air, investments in nature recovery and in landscape beauty, so called ecosystems services. The details of the new Environmental Land Management systems will be piloted and implemented during the plan period and the Kent Downs AONB Unit will be delivering a 'Farming in Protected Landscapes' programme.

### **Livestock farming in the Kent Downs**

Sheep and beef cattle play an important part in the AONB land-based economy and form an important part of the mixed farming landscape. There has been a continued decline in livestock numbers (particularly sheep which have nearly halved in number since 1990). Grazing is important to retain the special character of the AONB particularly in permanent semi natural grasslands. Grazing animals are linked to greenhouse gas emissions and there is a focus on reducing meat consumption as part of the response to climate change; in this context it is important to note that low intensity grazing on natural sites has a much lower greenhouse gas footprint than many other sources of beef and lamb. The decline in livestock numbers is expected to continue following the UK exit from the EU the High Weald AONB has researched opportunities to redress the change (Restocking the High Weald report) – many of the proposals are applicable to the Kent Downs.

There are multiple pressures faced by livestock enterprises. The loss of grazing livestock and skilled graziers due to the poor economics of grazing, has led to areas of grassland that were previously grazed, falling out of use only to be ploughed up for crops, planted with trees, converted to leisure use or scrubbed over through abandonment, indeed research by the [University of Sheffield \(2020\)](#) shows that tree planting may become more financially viable than sheep farming. At the same time the role of sustainably managed livestock in

improving soil quality is increasingly understood and there is a potential that rotational agriculture may increase in response to soil degradation.

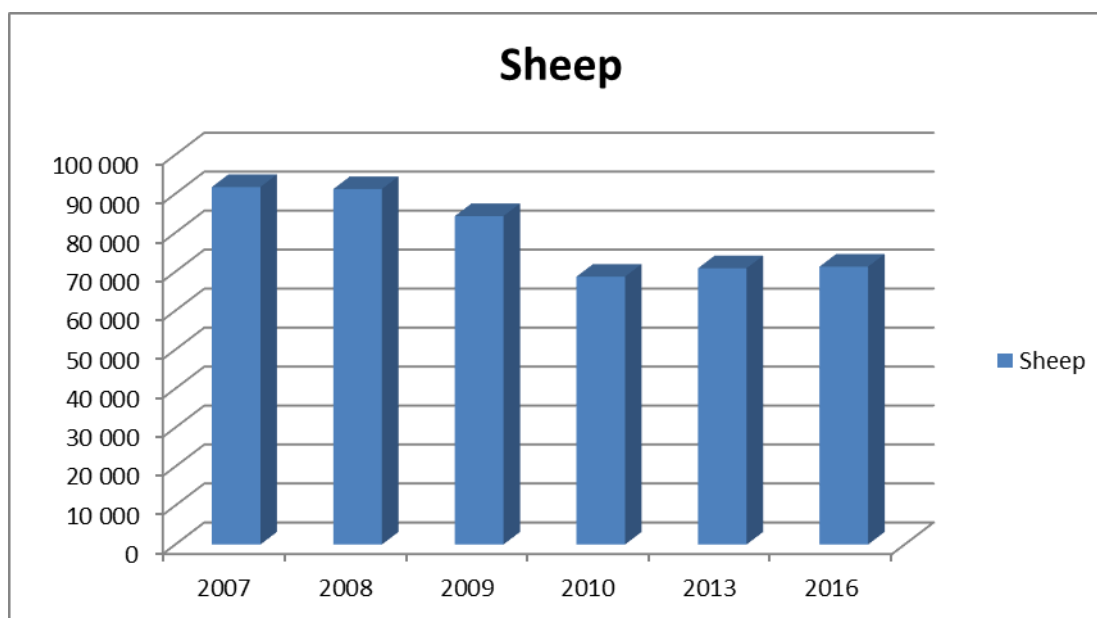


Figure 6.3 Sheep numbers in the Kent Downs AONB

Horses are an increasingly common grazing animal in the AONB; equine management is classed as leisure rather than agricultural use. Equine activities play an important role in the AONB land-based economy and can provide a market for local farm produce for feed and bedding for instance. If managed in a sustainable and sympathetic manner, horse grazing can make a positive contribution to the management of the pastoral quality of the AONB's natural beauty. However examples of good practice can be difficult to find and the impacts of growth in equine enterprises have tended to detract from the Kent Downs landscape character, creating subdivided paddocks, new structures, overgrazing, lighting and ménages. Good practice guidance has been published for the management of land for horses in the Kent Downs AONB.

### Arable agriculture

Part of the mixed farm picture of the Kent Downs landscape arable agriculture is an important economic component of the Kent Downs. Key crops include wheat, oil seed rape and barley. There is an unusually high amount of grade 2 and 3 agricultural soils in the AONB, when compared with other Protected Landscapes, making arable agriculture viable with parts of the AONB being a focus for production based agriculture. Arable crops are undifferentiated commodities with generally little opportunity to add value in the farm enterprise and local economy. Like many types of agriculture, arable farming is increasingly driven by technological innovation which can lead to the simplification of crop rotations and field patterns but can also drive greater precision and efficiency. At the same time the role of minimal or no tillage farming in improving soil quality is increasingly understood and there is a potential that this form of cultivation as well as other regenerative agricultural practice may increase in response to soil degradation and climate change mitigation and resilience.

Arable field wild-flowers are amongst the most threatened groups of plants in the UK. Some of the arable farmland of the Kent Downs include some of the most valuable sites for these plants in Britain, notably Ranscombe Farm nature reserve. The Kent Downs offers the potential to enhance the abundance of these most threatened plants

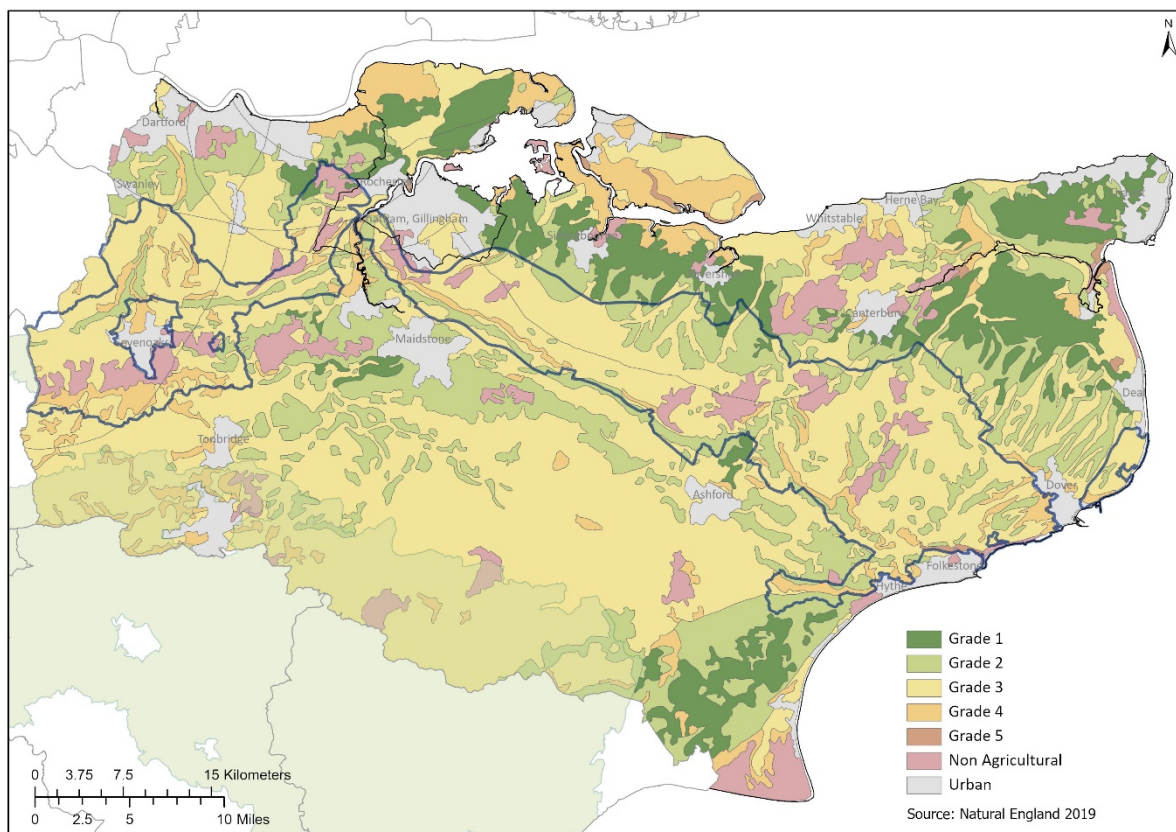


Figure 6.1 Agricultural land classification in Kent

### Orchards and Fruit

Traditional orchards of large trees with understorey grazing are much valued in the landscape and rich in wildlife however they are difficult and uneconomic to manage and many have been grubbed or replaced by more productive and labour-efficient, safer, smaller fruit trees grown in closely spaced rows. Their greater uniformity and more intensive management have reduced the associated wildlife and landscape value of these orchards. They do, however, provide a modern and important link to a valued historic landscape; orchards can be important for biodiversity, carbon storage and the local economy.

Other horticultural activities add variety and interest to the AONB landscape. For example, lavender, as a crop for essential oils has replaced a number of hop gardens, and a rapidly increasing number of vineyards have been planted adding a new hue to the AONB scenery. A further locally distinct landscape feature is the production of cobnuts in the south east corner of the Greensand Ridge, centred around Platt and Plaxtol (a cobnut orchard being called a plat)

The area of orchards and hop gardens in the AONB has decreased by nearly 50% since 1961 (70% nationally). There has however been a recent upturn in orchard planting including

walnuts and new fruit varieties such as apricots which could increase significantly if the predicted climate changes take place. Additionally, the use of polytunnels has increased slightly.

Vineyards are a rapidly increasing component of fruit growing in the Kent Downs Vineyards are often located in prominent positions in the landscape and by their nature tend to be highly visible. Viticulture is a high value, high profile activity, generating relatively high levels of employment when compared with other agricultural uses. Careful vineyard management can present opportunities to create new areas of flower-rich grasslands and species rich hedgerows, however there are often development pressures associated with viticulture, including the establishment of wineries, visitor centres, wire works and provision for workers which can be landscape detractors. The Kent Downs AONB Unit has led a Test and Trial researching best practice in vineyards for Defra's Environmental Land Management scheme; the recommendations will be promoted in the AONB and amongst other National Landscapes.

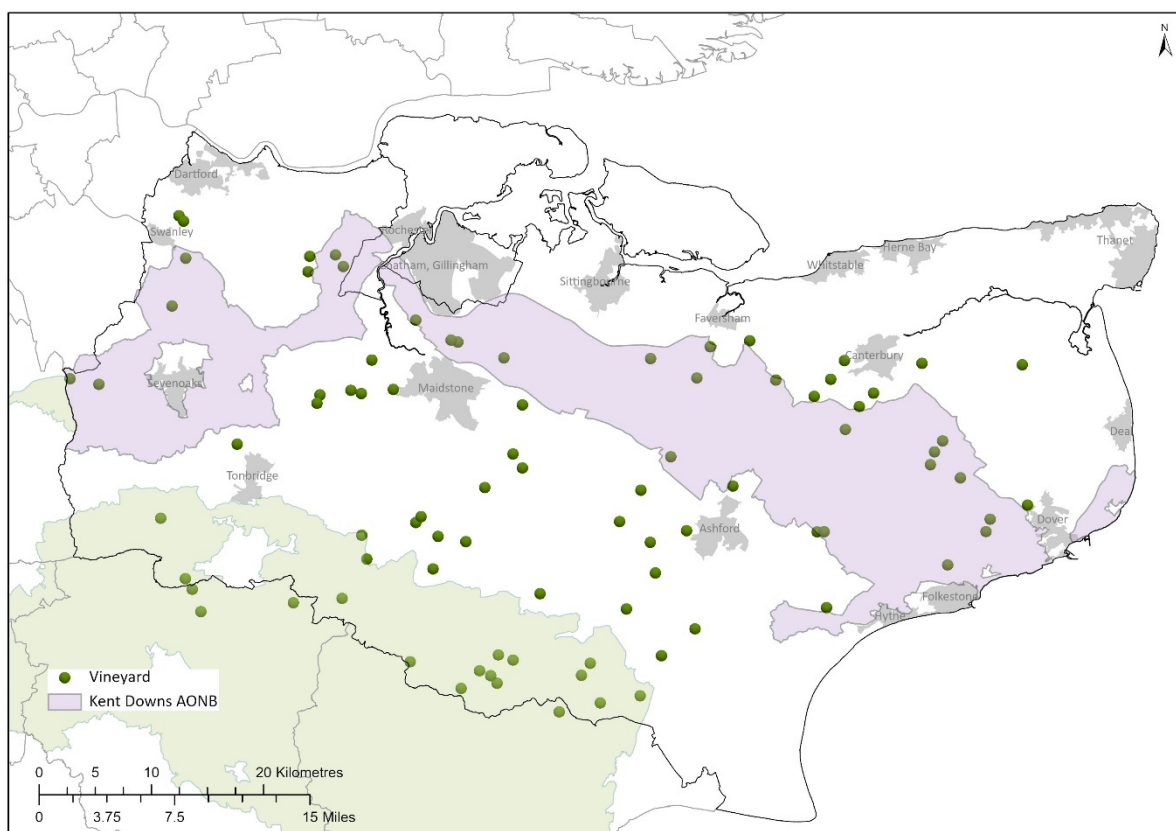


Figure 6.2 Vineyards in the Kent Downs AONB (will be updated in final plan)

While currently covering a small area of the AONB the use of polytunnels and glass houses is anticipated to continue increasing (together with the associated transport and storage infrastructure) in order to meet the needs of post EU exit fresh food supply, quality standards and a longer season as required by customers. Polytunnels can be significant detractors from landscape character and qualities in the Kent Downs and in its setting, poly tunnels and glass houses can create high demands for water and create drainage problems. Poly tunnels are temporary developments and often now use hydroponics meaning that their location is no longer connected to soil type, meaning that less sensitive locations can be chosen. As

temporary developments decommissioning strategies should be established and enforced. The horticultural sector is a small but often prominent feature in the AONB landscape and significant to the rural economy. [Link to guidance](#)

### *Agriculture and Climate Change*

Climate change adds a further powerful influence with agriculture having an important role both in adapting to the changes already in train and mitigating further impacts. The IPCC Special report on Climate Change and Land (2019) brings a special focus on the place land management and agriculture has in responding to climate change. Agriculture has been a significant net contributor to carbon, methane and nitrous oxide emissions globally, at the same time agriculture is extremely sensitive to climate change impacts, in particular changing weather patterns and increasing extremes in weather events.

The IPCC report emphasises that most land-related responses that contribute to climate change adaptation and mitigation also combat land degradation and enhance food security, as well as contributing to sustainable development and other societal goals, so called 'co-benefits'. The Committee on Climate Change report on land use (2020) promotes low carbon farming techniques, a reduction in the most carbon intensive products, more tree planting and increasing agro-forestry and further increases in bioenergy crops.

The National Farmer's Union (NFU) and Country Land and Business Association (CLA) have both recognised the important risks of climate change and role that farming has in response. The NFU have published a plan to meet net zero carbon from agriculture by 2040 which includes increasing efficiency, enhancing carbon storage in soils and woodlands and coupling bioenergy with carbon capture. Other approaches where agriculture can have an important mitigating effect as well as engendering adaptation include evolving agricultural systems including supporting nature-based solutions to climate change and carbon management, regenerative agriculture and agro-forestry.

There is an important role for agriculture in Kent Downs to adapt to and mitigate the urgent climate impacts.

### *Farmsteads and Historic farm buildings*

Historic farm buildings are an important cultural part of the landscape and are the category of historic building most at risk; farmstead guidance prepared by the Kent Downs AONB Unit in partnership with English Heritage and Kent County Council seeks to secure this important special characteristic in the Kent Downs.

### *Agri-environment schemes and Environmental Land Management*

The public farm payment arrangements are critical to the management of the Kent Downs landscape with agri-environment and cross compliance schemes having made an important contribution to landscape conservation.

Since its inception in 1991, the Countryside Stewardship Scheme (CSS) which was followed by the Environmental Stewardship Scheme (ESS) and subsequently the current Countryside Stewardship (CS) have brought positive changes to the landscape, wildlife and historic features of the AONB and continue to do so. Such schemes have achieved significant enhancements to the landscapes of the Kent Downs, 39,699ha (45%) of the AONB (this equates to 74% of the utilisable agricultural area) is managed under agri-environment schemes, 262 agreements are in place. This includes 5,538ha of managed grassland with 487ha with public access payments. 734ha of unimproved chalk grassland and 250ha of

semi improved chalk grassland.

The eastern part of the Kent Downs AONB has been the focus of a 20-year programme which has applied Countryside Stewardship payments to deliver landscape scale conservation in the farmed environment. A consistent 1:1 approach of advice and support in five focused areas of 50-80km<sup>2</sup> and to groups of 12 to 20 farmers has created large areas of restored and recreated grassland. The figures and outcomes are impressive with over 900Ha of arable and species poor grassland now converted to wild-flower rich meadows 300Ha of which have been sown with native, local wildflower mixes.

The exit of the UK from the EU brings with it an opportunity to look again at how public funding supports farming and land management to enhance landscapes, improve access and respond to the climate emergency and take part in nature recovery. The Environmental Land Management systems are being tested and co-designed with farmers and land managers and pilots of a new scheme which will use public money for public good will run in the mid-term of the plan period and the Farming in Protected Landscapes Scheme will be established. Much remains to be defined but the 'public goods' have been clearly signalled by the 25 Year Environment Plan and the AONB Unit has run three tests and trials for Defra.

#### *Collaborative approaches to farming and the landscape*

Research and pilots in various Nature Improvement Areas, such as the Marlborough and South Downs add to the east Kent work led by Natural England and show the greater potential for landscape and biodiversity gain from wide collaborative management across farm holdings (clusters) rather than at a single farm holding level. This approach can address the issues of managing ecosystem services and seeking payment for them. Given future natural resource management issues and the importance of the farmed landscape to the natural beauty of the Kent Downs, a wide collaborative approach to farming and landscape could form an innovative future approach to landscape management in the Kent Downs. Farmer cooperation is an important theme in the developing Environmental Land Management approach.

#### *Nitrate Vulnerable Zones and catchment sensitive farming*

An important part of the AONB is covered by Nitrate Vulnerable Zones (NVZ). The NVZ programme aims to reduce nitrate pollution in water through regulation of how and when nitrogen is applied to land, the management and storage of manure and the use of cover crops. Farmers in a Nitrate Vulnerable Zone are required to follow mandatory rules to tackle nitrate loss from agriculture, Countryside Stewardship schemes target areas of the Kent Downs AONB to assist with the management of the water environment.

Catchment Sensitive farming advice (provided by Natural England and Commercial Water Companies) looks to address the diffuse water pollution from agriculture at source, pathway and receptor sites. It provides both 1-2-1 advice and farm cluster workshop and training events for farmers and looks to collaborate, negotiate and influence in a well-informed way to achieve pragmatic outcomes. Relevant to this is the ban on Metaldehyde for outdoor use in agriculture and the recent Farming Rules for Water legislation which protects water from runoff (soil, fertiliser and manures); this has 8 rules based around assessing risk and taking the appropriate steps to avoid or mitigate.

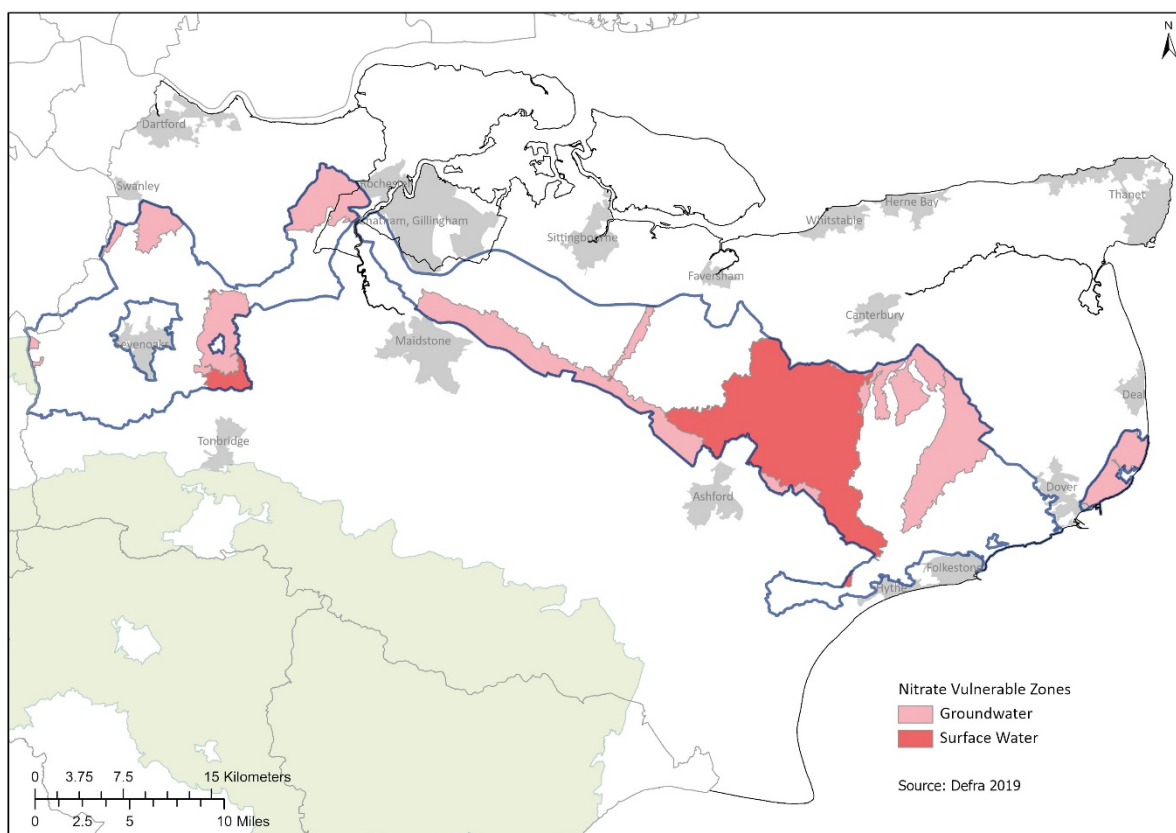


Figure 6.3 Nitrate Vulnerable Zones

### *Farm Diversification Activity*

Farms have been diversifying their businesses for many years; this provides a way to increase returns for the enterprise, stabilise incomes and utilise farm resources effectively. Farm diversification can be carried out in a way which supports the wide objectives of the Kent Downs AONB Management Plan. Equally diversification, for instance to some renewable energy technologies or intrusive leisure activities can run counter to the characteristics and qualities which are valued. The Kent Downs AONB partnership promotes an integrated approach to farm diversification, balancing business, planning and environmental issues when considering diversification proposals.

### *Access and Understanding*

Access to the farmed landscape is much valued and important for health and well-being; at the same time the negative impact of access on farm enterprises is an increasing concern of farmers and farm managers. In the context of new arrangements for farm payments carefully managed access could form a diversification opportunity at the same time as providing public good and managing and mitigating impacts on the farm enterprise. The findings of the Kent Downs access Test and Trial clearly set out exciting opportunities to overcome the barriers to access for more and more diverse people in a way that can benefit farmers and land managers.

## **6.2 Farmed landscape - special characteristics and qualities**

## A mixed farm landscape

Kent Downs farmland is characterised by a tradition of mixed farming, with arable crops and grasslands, occasional orchards and platts set among a lattice of ancient woodland, hedgerows, copses and individual in field and hedgerow trees.

A key part of this mixed farm landscape, arable agriculture has always been an important part of the character of this landscape. The area of arable land has fluctuated only slightly over the 50 years since designation. The seasonally changing colours and hues of arable agriculture and grassland typify the rich heritage of mixed farming. The Kent Downs are particularly notable for rare species associated with arable agriculture particularly the rare wildflowers found on reserves such as Ranscombe Farm and farmland birds.

Pastoral landscapes are a particularly valued component of the Kent Downs; permanent, flower rich grassland, including neutral grassland in some valley bottoms, grazed flood meadows but most notably chalk grassland found often on the dramatic chalk scarps and on 'shaves' in the dry valleys. In many cases the chalk grassland is of International importance for its wildlife. More productive grasslands, sometimes form part of farm rotations.

Orchards and horticulture play an important part in the special character of the AONB landscape, the regular striate form enhancing the rise and fall of the land. Teynham (just north of the AONB) became the site of the first 'mother' nursery for commercial fruit orchards in England in the days of Henry VIII, and there is still a concentration of top and stone fruit (tree fruit) and hop growing along the northern fringes of the Mid Kent Downs. In the Kent Downs it is the traditional cherry orchards which are particularly distinctive.

The Kent Downs AONB has, along with the South Downs National Park and Surrey Hills AONB, has become the target for increasingly confident and capable English wine growing and production. There has been a rapid expansion of vineyard areas in the AONB have been planted with vineyards since the publication of the last AONB Management Plan; subject to market conditions this is expected to continue to grow at a rapid rate and is creating a new character. Studies (2020, 2021) prepared by the Kent Downs AONB Unit and South Downs National Park Authority into the impacts and opportunities arising from viticulture conducted in the Kent Downs, Surrey Hills AONBs and the South Downs National Park clearly demonstrate both the potential impacts of viticulture on the landscape and how to draw public good benefits from viticulture as well as other row fruit growing.

## 6.3 Farmed landscape - main issues, opportunities and threats

- a. Need to balance viable, resilient and competitive farming enterprises with the need for sensitive environmental management in a landscape of national importance.
- b. Decline in farmland area of the Kent Downs, grazing livestock enterprises and loss of skilled graziers.
- c. Substantial uncertainty about the farming and land management economy and its wider context driven by volatility in agricultural commodity prices (both scale and speed), the impact of trade negotiations and future public payment arrangements post EU exit.
- d. Uncertainty and limited funding for agri-environment (Environmental Land

Management) schemes and the incentives they offer, particularly in the face of rising farm gate prices, along with the ending of long run Stewardship schemes. This issue is counter balanced by the considerable opportunities to enhance farming's role in responding to climate change, delivering nature recovery and new access opportunities as well as other 'public goods' identified by ELMs.

- e. Ploughing of permanent grassland and previous stewardship land as a response to uncertainty about the future farm payment environment is an identified risk.
- f. Changes in landholdings and land management practice. Loss or amalgamation of medium-sized mixed farms and growth of large units with 'share' or 'contract' farming often with an associated loss of crop diversity and establishment of small farming units/residential or leisure owners, where farming is not the main source of income and experience and continuity of land management are not guaranteed.
- g. Rationalisation of the farming system and loss of the mixed farming landscape, diversity and distinctiveness and selling off of farmhouse and buildings/cottages from the farmland estate; separating land and accommodation changing the character and landscape setting of former farmhouses; estate cottages and farm buildings.
- h. Given the relatively high proportion of grade 2 and 3 land there is a need to encourage investment in landscape character management in areas of 'productive' agriculture.
- i. Farm diversification and development activities such as increased equine facilities, permitted rights afforded to farm building conversions, shooting and field sports, alternative crops (e.g. lavender, biomass energy crops, vineyards) and non-agricultural enterprises (e.g. self-catering cottages, glamping and new uses for traditional farm buildings) can have important detracting impacts as well as benefits to the characteristics, qualities, and rural economy of the Kent Downs.
- j. Increasing use of polytunnels to provide high quality, low 'food mile' soft and stone fruit and other high value produce but can be important detractors from the landscape.
- k. The need to manage adaptation and mitigation strategies for climate change in a way that supports landscape character and qualities; for instance promote low carbon farming, soil restoration, regenerative agriculture, agro-forestry, natural flood management, sensitive water storage sensitive design in new agricultural buildings.
- l. The opportunity to develop a wide collaborative approach to farmland management in the Kent Downs and build on the long-term strategic approaches and to create a nature recovery network in the Kent Downs.
- m. Lack of public awareness of the links between food and farming and land-based activities, environmental issues, landscape conservation and management is combined with an increasing wish for access to land and the opportunity presented by the development of the ELMs to radically change this position and manage the impacts of access in a positive way.
- n. Historic farm buildings are the category of historic building identified as being most at risk and the historic character of farmsteads is being lost.

- o. Rural crime and antisocial behaviour are an important cost to farm economies making it harder for farmers and land managers to accept further access or manage land sensitively and can make the landscape feel unmanaged and unwelcoming to the public.

## 6.4 Farmed landscape – aims

The Kent Downs remains principally a farmed landscape where the character and qualities of the landscape are supported by strong, viable, resilient and sustainable farming enterprises and where:

1. Public payments support the objectives of the AONB management plan which forms the strategic framework for Environmental Land Management. The conservation of landscape character and diversity, the restoration and enhancement of wildlife habitats, the conservation of historic and cultural features, responses to climate change and the welcoming of people to enjoy the landscape, are all integrated and complementary activities to contemporary, competitive, sustainable and resilient farming.
2. The mixed farming landscape is promoted in a modern collaborative context and at a landscape scale; the benefits of previous public investment in agri-environment and former set aside schemes are retained and good and innovative land management practice which supports and enhances the ecosystem services of the AONB is encouraged to all agricultural enterprises, farm owners and managers.
3. Farm diversification and development activities conserve and strengthen landscape character, qualities and local distinctiveness.
4. Locally produced, high-quality and sustainably produced food is available and environmental quality is a market advantage.
5. There is heightened awareness and understanding by residents and AONB visitors of the importance and fundamental role played by farming, and the connection between landscape conservation, environmentally responsible farming and high-quality food are appreciated by all people.

## 6.5 Farmed landscape - principles

- FL1 The Kent Downs AONB will retain the mixed farming character for which it is valued.
- FL2 The targeting of public agricultural payments to make a positive, landscape scale contribution to conserving and enhancing the special characteristics, qualities and landscape character of the Kent Downs AONB and supporting ecosystems services and public wellbeing will be pursued using the AONB Management Plan as the strategic framework.
- FL3 Farming practices that improve the Kent Downs AONB landscape character and qualities, or mitigate damaging impacts, will be supported and pursued through guidance.

- FL4 The use of integrated whole farm and farm cluster planning which includes a business planning, landscape, heritage, biodiversity and habitat assessments and supports ecosystems services will be pursued.
- FL5 Farm diversification activities will be supported if they help achieve the vision, aims and principles of the Kent Downs AONB Management Plan.
- FL6 The production, supply and marketing of Kent Downs AONB produce derived from environmentally sensitive management will be encouraged and supported.
- FL7 Proposals for conversion from agricultural land to leisure use and the creation of both agricultural and non-agricultural structures must demonstrate that there will be no individual or cumulative negative impact on the landscape character and qualities of the Kent Downs AONB.
- FL8 A collaborative, long term 'cluster farm' approach to achieving the farmed landscape objectives of the Kent Downs AONB will be pursued.
- FL9 To meet the green house gas targets for the Kent Downs AONB the adoption of new and modified farming approaches to climate mitigation and adaptation and soil enhancement that produce co-benefits for landscape and biodiversity will be supported where they support the character and qualities of the Kent Downs.
- FL10 Activities will be supported that increase wider public understanding of farming and the benefits that the farmed landscape can bring for high quality food production, recreation, well-being, nature conservation, the historic environment, landscape and a buoyant rural economy will be supported.

## 7. Woodland and Trees

### Our vision for woodland and trees in the Kent Downs AONB

In 2031... the characteristic Kent Downs network of woodland and trees is greater in extent and is conserved and enhanced for its landscape, wildlife and historic value as well as its vital role in mitigating climate change and supporting nature recovery. Sustainably managed woodlands and trees are resilient to stressors such as pests, disease, visitor pressure and climate change, they provide inherent mitigation and adaption to that change. Buoyant markets for woodland products support the productive, sustainable management of trees and woodlands; new woodland and tree establishment; high quality multi-functional management provides well-used places for leisure and recreation, health and wellbeing and are rich in characteristic wildlife.

### 7. Overview

The Kent Downs AONB is one of Britain's most wooded landscapes and it contains a nationally significant amount of ancient woodland. The woodland component of the landscape has its roots in the often poor clay with flints soils on valley sides or steep slopes which are difficult to farm, woodlands have been retained in some of the sporting estates. Woodland covers around 23% of the AONB and is the second largest land-use after farming, tree canopy cover which includes trees outside woodlands in the Kent Downs.

#### Difference between England National Forest Inventory Map 2012 & England NFI Map 2018

(source: Forestry Commission 2020)

Interpreted Forest Types	Gained 2012-2018 (ha)	Lost 2012-2018 (ha)	Net (ha)
Assumed woodland	4.40	1.69	<b>2.71</b>
Broadleaved	82.48	40.02	<b>42.46</b>
Conifer	10.58	2.22	<b>8.36</b>
Coppice	3.40	0.00	<b>3.40</b>
Felled	0.64	0.00	<b>0.64</b>
Ground prep	1.11	1.59	<b>-0.48</b>
Low density	3.13	0.00	<b>3.13</b>
Mixed mainly broadleaved	1.07	0.00	<b>1.07</b>
Mixed mainly conifer	1.13	0.81	<b>0.32</b>
Young trees	19.91	11.76	<b>8.15</b>
<b>Woodland</b>	<b>127.86</b>	<b>58.09</b>	<b>69.76</b>

The highest woodland concentrations in the AONB are found on the Greensand Ridge between Sevenoaks and Tonbridge; along the chalk escarpment in West Kent; in large blocks in the mid Kent Downs; above the Stour Valley and in areas of the East Kent Downs

plateaux. Much of the AONB's woodland comprises, fragmented sites in disparate ownership, a situation exacerbated by the increase of wood lotting (breaking up woods into multiple small ownerships). Wood lotting research in Kent has found some negative impacts; often woodland management is absent and the ability to manage woodlands as a whole can be compromised. However, new owners are often motivated to improve and understand woodland wildlife and heritage.

The declarations of climate and environmental emergencies has placed a new focus on woodlands and trees and in particular woodland and tree establishment – the Kent Downs AONB landscape can support more woodlands and in particular trees outside woodlands.

Trees and woodlands provide significant amenity and economic value, iTree surveys can assist in quantifying this benefit and in Kent a Natural Capital account is being prepared which will provide more information on the ecosystems services and value of trees and woodlands as well as other natural assets in Kent and the Kent Downs.

### **7.1 Ancient woodland**

Whilst all woodland is important to the character and qualities of the AONB almost 70% of the Kent Downs woodland is ancient woodland, around 30% of this is plantation on ancient woodland sites (PAWS) (3,585ha); areas of ancient woodland where non-native species have been planted, generally in the 20th century. The careful, gradual restoration of PAWS sites to native species composition is a current priority for woodland management. The Forestry Commission strategy for ancient woodland is described in the <https://www.gov.uk/government/publications/managing-ancient-and-native-woodland-in-england>.

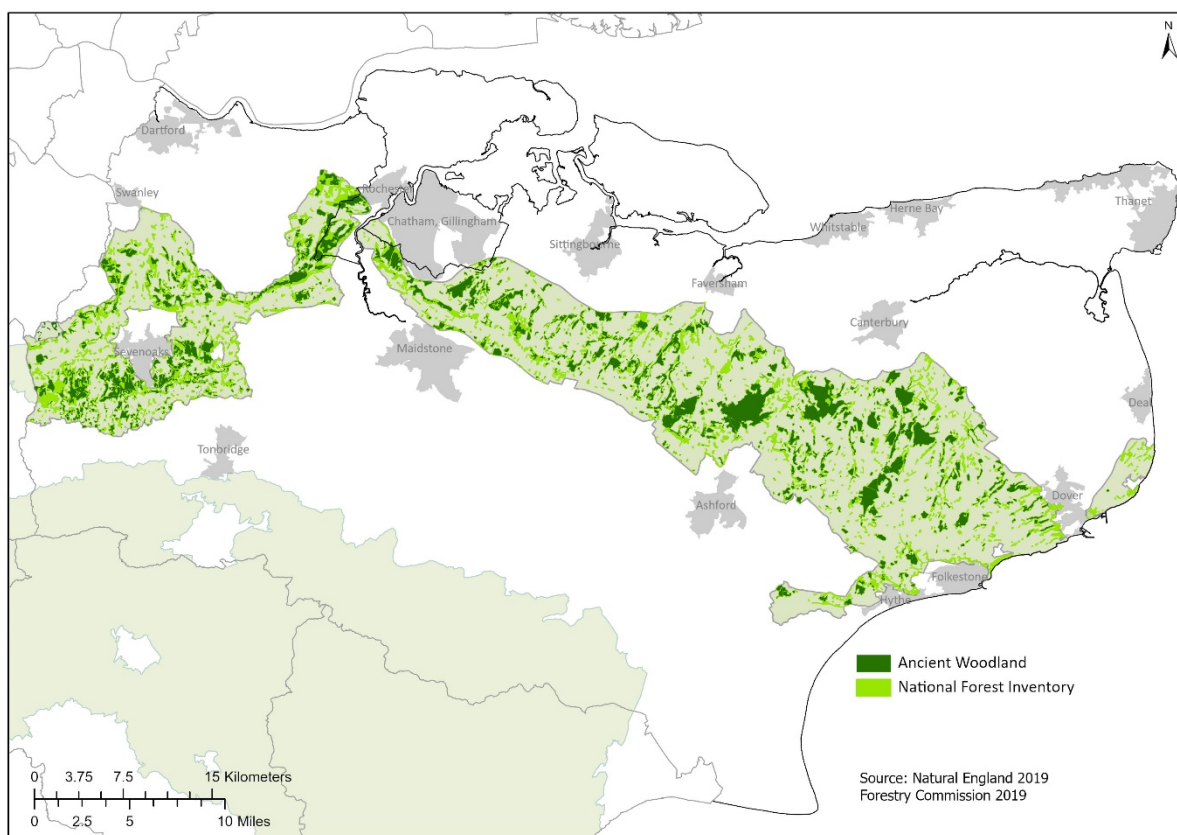


Figure 7.2 Woodland cover in the Kent Downs AONB

## 7.2 Tree pests and diseases

Ash is a particularly prominent tree in the Kent Downs AONB, both in the woodlands and hedgerows ash forms an important component of the landscape and was a major component of regeneration following the 1987 storm. The Kent Downs woodlands were one of the first areas in Britain to experience widespread infection from Ash Dieback (*Hymenoscyphus fraxineus*); the landscape implications are already serious with whole woodlands filled with dead and dying ash trees, trees outside woodlands dying and being felled and clear evidence that the impact is intensifying and spreading across the Downs. There is an increasingly serious risk to the ecosystems services provided woodlands and the health and safety of the public and woodland workers in particular. The Kent Downs has been identified as an Important Ash Area by the Joint Nature Conservation Committee (JNCC), reflecting the prominence of Ash in the landscape and the associated nature conservation interest.

Ash Dieback is only one of many tree diseases and pests which are affecting or expected to affect the Kent Downs landscape; in the period of the last plan sweet chestnut blight and Oriental chestnut gall wasp have been recorded in Kent; *Phytophthora* spp have potential serious tree health implications; oak processionary moth has been extending from London into the Downs and in 2019 infected imported oak trees were intercepted in or near the Kent Downs. An important issue for the commercial woodlands is the eight-toothed spruce bark beetle (*Ips typographus*) which has been recorded in Kent; it is a serious pest of spruce with a potentially significant impact on the British forestry industry. Grey Squirrel have an important impact on the ability to produce high quality timber and various species of deer are reported to be increasing and spreading in the Downs affecting planted and regenerating

trees and the woodland ground flora. The Government has published a Tree Health Resilience Strategy (2018) and Research Strategy for Ash Dieback (2019) along with an Ash Dieback tool kit which was developed by the Tree Council that have informed the drafting of the revised plan and provide a helpful strategic context but do not create a landscape recovery plan. It is important that woodland management to mitigate the impacts of pests and diseases is as carefully conducted as in other circumstances.

Tree planting and woodland establishment is an increasingly important priority nationally, there is a target to establish 30,00Ha of new woodland in England by 2025 and 30,000Ha across the UK every year until 2050. Ensuring the biosecurity of nursery trees is vitally important to ensure that more tree diseases are not established which are likely to vastly outweigh any benefit that new planting might bring; a bio-secure standard for nursery stock (Plant Healthy) was established in 2020. Trees can be very good at establishing themselves, especially where there are nearby appropriate seed sources; new planting is not always the best or most effective way to establish new woods or even trees outside woodlands, tree planting should be used where natural regeneration is not a viable option or the outcome would be detrimental, for instance where unsuitable seed trees are common.

### 7.3 Coppice woodlands

Throughout the AONB coppiced sweet chestnut is common, often planted into ancient woodland over the last two centuries. Historically sweet chestnut coppice was used for pit props in the east Kent coalfields and for fencing and hop poles. Latterly, as these industries declined, chestnut coppice went for hardwood pulp at the nearby paper mills which have now closed. Chestnut is still coppiced for high value fencing and more recently for the supply of wood chip for heat and fuel for Sandwich combined heat and power. Like ash, sweet chestnut is facing several diseases which may seriously affect its productivity and viability in the Kent Downs and there is concern about the future resilience of single species woodlands.

The continuation of coppicing is important for landscape and biodiversity conservation. Much of the AONB's woodland landscape was once characterised by blocks (cants) of coppice stools cut on regular cycles. Many ancient woodland animal and plant species require coppice management which cyclically opens up the woodland floor to light. Coppice with standards creates edges and mosaics of high canopy with taller and shorter coppice stands, providing a diversity of ecosystems within the woodland habitat. Establishing and managing coppicing is difficult where deer populations are high because re-growth can be browsed off. It has been noted that deer populations in Kent woodlands are growing (The Deer Initiative); it is important to maintain deer numbers at a level that does not prejudice the re-establishment of coppicing the regeneration of trees and woodlands and the quality of the woodland ground flora..

The relatively new practice of 'wilding' taken forward to enhance biodiversity may be a way to emulate some of the beneficial effects of coppice for woodland diversity and create open areas in woodland, but is likely to detract from the potential for woodland products to be harvested.

In Kent, Sussex and Surrey there remains a coppice industry which, although small and threatened, is showing signs of resurgence and could provide a basis from which to return the coppice woodland of the Kent Downs to rotational management and thus continue a management tradition with origins in the Neolithic period.

## 7.4 Shooting in woodlands

The Kent Downs landform and landscape character makes its woodlands suitable for shooting, particularly pheasant shooting which is thought to be one of the most important economic drivers for woodland management. Where game bird management is poor the quality of woodland biodiversity is damaged and grey squirrel numbers can increase, at the same time game management can align with conservation aims where not intensive and doesn't restrict woodland management.

## 7.5 Climate change, trees and woodlands

Climate change puts a special focus on the woodlands of the Kent Downs. The Forestry Commission has identified a series of key impacts which include declining tree health and limited mortality in some native species but increasing productivity for others, particularly where water and soil nutrients are available, changes to ground flora, loss of drought sensitive species particularly on shallow soils, damage from extreme events and the expectation that forests and woodland will become increasingly seen as a cool shady refuge for healthy exercise, whilst public access to forests may be interrupted by closures due to storm damage, and roads and paths being washed away. Trees and woodlands are acknowledged to be important carbon sinks through the biomass of trees and in the associated soils. The use of timber in building and for other permanent uses is an effective way of 'locking' carbon dioxide and removing it from the atmosphere; using timber from coppice for heat and heat and power is a low carbon emissions source of energy (compared with fossil fuels), it encourages woodland management which is effective at accelerating carbon sequestration and is a sustainable supply of energy but does not 'lock' carbon. The wood fuelled combined heat and power plant at Sandwich has provided a major new demand point for timber grown in Kent (160K tonnes each year).

The Woodland Trust report 'Adapt or Die' suggests that beech, a feature in parts of the Downs, may no longer be viable in the Kent Downs by as soon as 2050, anecdotal evidence suggests that mature trees are most vulnerable to the climatic changes. Forestry Commission research indicates that the Kent Downs will be a refuge for lowland woodland types as climatic conditions change. Additionally sweet chestnut, being a species of Southern Europe, is likely to be well adapted to the predicted conditions and coppicing is thought to be a way to make the woodland ecosystem more resilient. The relatively single species nature of many chestnut woodlands makes them potentially less resilient to the predicted impacts of climate change as well as disease.

As part of the strategy to reach net carbon zero by 2050 the Committee on Climate change has recommended bringing 80% of woodland into active management by 2030, it has also promoted significant new tree planting across Britain. The Kent Downs AONB can accommodate new woodland, woodland expansion and in particular trees outside wood while, at the same time enhancing landscape character and providing other 'co-benefits' such as flood amelioration, wildlife enhancement, new economic forestry and new access opportunities. During the plan period a tree establishment strategy will be published for the Kent Downs AONB.

## 7.6 Forestry and woodland in public ownership

The Kent Downs AONB contains large areas of Forestry England owned land (1,560ha); much of this is plantation on ancient woodland sites (conifer and broadleaf); the policy position for which is to return to broadleaved woodland over time. Forestry England owned woodlands are popular with visitors and public usage can be high near urban areas. Kings

Wood is home to the Stour Valley Creative Partnership collection of artist's interventions; several notable pieces appear on a sculpture trail albeit there has been limited commissions in recent years. There are several examples of community owned and managed woodlands in the Kent Downs and this enthusiasm is an important opportunity for the future sustainable management of the woodlands and trees of the AONB.

### **7.7 Health and wellbeing from trees and woodlands**

Trees and woodlands have been demonstrated as providing many health and well-being benefits, Forest Research, for instance has identified key beneficial characteristics in its publication 'Trees and woodlands: Nature's health service', new approaches to woodland recreation for health and well-being, such as 'forest bathing', are increasingly popular and also have demonstrable benefits for participants. New research identifies the critical function of the vegetation of the Kent Downs, in particular trees and woodlands, in mitigating air pollution.

### **7.8 The canopy approach**

The recognition of the importance of the whole tree canopy, not just woodland cover is growing. Woodlands and trees outside woodlands together provide an ecological and landscape network which is much valued for its scenic beauty but also for the functions, or ecosystems services it provides; supporting wildlife diversity, climate mitigation and adaptation, water management and clean air. There are significant challenges to the health and extent of the tree canopy of the Kent Downs in particular from tree disease and pests at the same time farming systems which integrate trees with other farm crops can be a way to extend and connect the canopy.

### **7.9 A Tree Champion and Tree Strategy**

The Government has appointed Sir William Worsley as the Tree Champion with an agenda of setting a direction for the country's trees and woodlands over a 25 year period. More tree planting has been an important priority and it is expected that a draft England Tree Strategy will be published early in the plan period.

## **8 Woodland and trees - special characteristics and qualities**

Woodlands and trees are a vital part of the Kent Downs' natural beauty, providing a green, tranquil mantle to the upper slopes of the escarpments and valleys. The woodlands emphasise the undulating nature of the dip slopes and scarp and frame the agricultural lower slopes and settlements. Individual, fine and ancient trees along with in field and hedgerow trees are an important, characteristic and sometimes dramatic element of the landscape. The woodlands and trees of the Kent Downs are much valued for the sights, sounds, wildlife, cultural meaning and narrative as well as for recreation, to improve health and well-being they provide.

Almost 70% (12,114 ha) of the Kent Downs woodland resource is ancient woodland (continuously present since at least 1600). The Kent Downs' ancient woodland is nationally significant representing (3.3%) of the total in England and Wales (Natural England, Ancient Woodland (England) Inventory).

Ancient woodland is irreplaceable and valued for its cultural, landscape and biodiversity importance and the products it supplies. Some ancient woodland may represent our only link

with the original post glacial 'wildwood' and is more likely to contain vulnerable animal and plant species than any other habitat. Ancient woodlands can also include physical evidence of former landscape management practices. The rich but sensitive ground flora of ancient woodlands – bluebells, wood anemones, ramsons and yellow archangel – and the bird song of warblers, nightingale and nightjar and the rare and beautiful butterflies, even the dank scents of rotting leaves in the winter are part of the natural beauty of the AONB. Much of the valued woodland wildlife, invertebrates, lichens and fungi, are associated with old trees, deadwood or open ground and are restricted to ancient woods and wood pasture. The ancient woodlands of the Kent Downs also preserve the evidence of thousands of years of human activity in earthworks, monuments and place names.

The diversity of woodland types broadly follows the different soil types within the AONB, including clay (with ash, hornbeam and oak); chalk (with ash, beech and yew) and free draining sands (with oak, birch and beech). Lowland beech yew woodland is particularly distinctive in the Kent Downs and is of European importance.

Trees outside woodlands; in field trees, hedgerow trees and individual notable trees are a particularly important and vulnerable part of the landscape of the Kent Downs and are generally unlikely to regenerate under current land management systems; each tree is an ecology and has a story. Often prominent in land and streetscapes, trees outside woodlands are an important quality of the landscape.

## 8.2 Woodland and trees - main issues, opportunities and threats

- a. There has been an increase and intensification of the impact of pests and diseases on woodlands and trees and this is expected to continue; the approach to woodland and trees in the landscape should be responsive and secure sustainable management as well as achieve resilience to this significant threat.
- b. There is a need to ensure that markets for woodland products secure sustainable woodland management which support landscape character, wildlife and the local economy.
- c. There is a need to build an appropriately trained and equipped work force with the capacity to both generate and take advantage of new markets.
- d. Restocking on woodland sites, woodland creation and tree planting needs to be resilient to future climates mixing natural regeneration and planting schemes use a diverse range of appropriate species which are certified as bio secure and ideally of local provenance. (NB the use of species found previously in the area, such as lime and elm, and appropriate non-native stock are being considered as a response to the impacts of climate change, pests and disease but this is not conclusive and there is a need to be open to new approaches).
- e. The implications of climate change put a special focus on Kent Downs woodlands for both adaptation and mitigation responses; the resilience of woodlands and trees and a strategic approach to woodland and tree cover expansion are a key consideration.
- f. The diversity of type and motivation of wood owners and the rapidly changing woodland context means there is a need for consistent intervention and advice to

support sustainable woodland management.

- g. The emphasis on multi-purpose woodland use is supported but can bring challenges for owners and managers and it can be the case that recreation, biodiversity and landscape management are do not bring commercial returns. Woodland recreation provides many benefits but increasing pressure is sometimes considered an increasing issue for woodland management, affecting commercial options, biodiversity and visitor experience.
- h. Intensive agriculture, infrastructure and building developments and pre-development felling can lead to the loss and fragmentation of woodland and transitional habitats around woods; there has been a reported increase in advance felling on sites where development is being sought.
- i. Pheasant and other game bird rearing can cause a loss of biodiversity and landscape value but where managed well can support sustainable woodland management.
- j. There is a need to take a strategic approach and propose long term management solutions to minimise biodiversity loss, to promote woodland regeneration and reduce fragmentation of woodlands and to limit the long term impact of disease and pest species in Kent Downs woodlands.
- k. There is a need to support the use of the UK Forestry Standard and Grown in Britain certification for woodland products.
- l. There is a need for the restoration and management of open space in woodlands, particularly woodland rides and glades and to carefully consider the opportunity for a wilding approach and the reintroduction of woodland species in certain circumstances.
- m. Insufficient understanding of the value, condition and location of 'veteran' trees, specimen trees outside woodlands and standing /lying deadwood in woodlands and parkland – for landscape, biodiversity, cultural and historic reasons.
- n. The need to harness the popular value of woodlands to improve understanding, engage new management arrangements and wider community and individual involvement, health and well-being.
- o. The historic features contained in woodlands can often be overlooked, there is a need to ensure that they are better understood conserved and protected during woodland management operations and through the application of the UK Forestry Standard.
- p. The need to continue to promote and secure the restoration of PAWS sites through guidance and management support.

### **8.3 Woodland and trees – aims that support the sustainable management of woodlands and trees**

A landscape in which:

1. The irreplaceable fine tree and ancient woodland characteristics and qualities, cultural heritage and landscape character is restored, conserved and enhanced.
2. The retention and sustainable management of woodlands and trees provides beautiful landscapes, recreation and education, carbon sequestration, timber, a sustainable source of renewable energy, an important wildlife habitat and assists with adaptation to the impacts of climate change.
3. Existing woodland is retained and expanded areas of woodlands and trees form functional ecological networks alongside other key habitats of the AONB in order to encourage resilience to the impacts of climate change and enhance landscape character and quality; the canopy cover of the Kent Downs is increased. A tree establishment strategy is agreed for the AONB
4. Woodland ecology and archaeology is well understood, conserved, enhanced and recognised for its value.
5. There are sustainable levels of access to woodlands for, health, well-being, recreation and leisure with wider, more inclusive opportunities for people to benefit. Careful management ensures the conservation and enhancement of the special characteristics and qualities of woodlands and trees.
6. The sustainable production of high-quality timber and valuable underwood is stimulated through sustainable market demand.
7. A collaborative approach is taken to the management, enhancement and establishment of trees and woodlands of the Kent Downs is taken.

#### **8.4 Woodland and trees - principles that support the sustainable management of woodlands and trees**

- WT1 The extent of woodland, transitional habitats around woodland and trees outside woodland in the Kent Downs AONB will be retained, connected and extended.
- WT2 A strategic, collaborative approach will be pursued to secure sustainable multipurpose woodland and tree restoration, management and establishment that reduces fragmentation, responds carefully to the impact of pests and diseases and does not risk further pests and diseases, conserves and enhances the special qualities and character of the landscape, the resilience of woodlands and trees and benefits people's enjoyment, health and well-being.
- WT3 The managed, gradual conversion of plantations on ancient woodland to deciduous woodland will be supported where locally distinct woodland types, tree species and bio-secure principally local provenance tree stock or natural regeneration are used.\*
- WT4 Training, accreditation and wider understanding of woodland management to woodland owners and workers, local people and visitors will be encouraged and supported.

- WT5 The restoration and management of woodland open habitats and spaces, such as rides, glades, and wood pasture, for landscape, biodiversity and archaeology conservation purposes will be supported.
- WT6 The identification, protection, management, planned replacement and reintroduction of trees outside woodlands including fine specimen and 'veteran' trees will be pursued. This will include developing a Kent Downs based ash dieback recovery plan as part of wider woodland and tree establishment plan for the AONB.
- WT7 Positive and strategic management interventions to overcome damage to woodlands, such as from disease, illegal and harmful recreation, an expanding deer population, poorly managed use for game rearing, livestock and development associated with wood lotting, will be pursued.
- WT8 In response to pressures on woodlands and the positive motivations of many new woodland owners, co-ordinated actions and the development and promotion of guidance and support which integrates sound landscape, heritage and biodiversity management will be supported.
- WT9 New markets for sustainably produced, appropriately certified woodland products and marketing initiatives will be supported.
- WT10 Research to understand the ownership patterns and motivations of woodland owners will be encouraged to support a coordinated, strategic approach to the conservation and enhancement of the woodlands and trees of the Kent Downs.
- WT11 The identification and review the extent of ancient woodlands using up to date methodology will be supported.

\* Principle WT3 may be amended only on the basis of sound evidence to reflect the possibility that non-native tree stock of native species could be more resilient to climate change impacts, a position statement will be prepared as part of the delivery of the AONB Management Plan.

## 8. Historic, Cultural and Scientific Heritage

### **Our vision for the historic, cultural and scientific heritage of the Kent Downs AONB**

In 2031... the rich heritage of historic landscape, buildings, settlements, sites and their settings that characterise the Kent Downs' historic and cultural fabric are maintained in favourable condition and are enhanced to reflect their local character and significance. The environmental performance of historic buildings is enhanced in a way that is sensitive to their character. They are understood and cherished by local people and visitors alike for their intrinsic value and for their important contribution to quality of life and rural economy. Vibrant and exciting artistic and cultural interpretation and celebration of the Kent Downs is supported and strong partnerships for the arts and cultural development in the Downs is in place and delivering extraordinary, contemporary work enjoyed, created by and inspiring wide and diverse publics.

#### **8.1 Overview**

The Kent Downs is a significant cultural landscape; the UN definition of cultural heritage encompasses natural heritage which is the understandable focus of much of the plan for an Area of Outstanding Natural Beauty however the concept of landscape encompasses much more than nature and landform and if we are to conserve and enhance this cultural landscape the plan must encompass wider components of landscape, including tangible and intangible cultural heritage. By affording adequate focus to the historic and cultural heritage of the landscape the fundamental objective of the AONB; being recognised and valued, is more likely to be achieved as is its conservation and enhancement. This approach supports the IUCN objective to provide a framework to underpin active involvement by the community in the management of valued landscapes or seascapes and the natural and cultural heritage that they contain

Virtually every facet of the Kent Downs has been shaped by thousands of years of human activity – in the fields and woods, tracks and lanes and villages and hamlets, an indelible memory of past times has been left to us. At the same time the extraordinary landscapes Kent Downs are particularly closely linked to the lives and inspirations of many of our greatest artists, scientists and leaders. While the landform and geology underlies its beauty, the Kent Downs AONB is very much a cultural landscape.

#### **8.2 Historic and cultural heritage - special characteristics**

There is a strong 'time depth' to the Kent Downs landscape and in its setting which adds to its distinctive, ancient feel. Glimpses of prehistory can be caught at various places across the AONB. Numerous Palaeolithic flints have been discovered in the AONB taking human activity back to the lower Palaeolithic period. Artefacts found on the higher land of the Kent Downs indicate the, probably occasional, presence of Mesolithic people. Notable traces of Neolithic culture are present in the lower Medway Valley in the form of megalithic burial monuments and structures which include Kit's Coty, Little Kit's Coty and the Coldrum Stones.

There are also earthen long barrows, particularly in the Medway and Stour Valleys. Bronze Age round barrows are dotted across the landscape and the Iron Age saw the development of massive hill-forts like that at Oldbury Hill near Ightham as well as widespread farmsteads and rural settlements.

Kent was probably the scene of the Roman invasion of Britain in AD43 and almost 400 years of Roman occupation have left their mark. The Roman road network, stretching in straight lines across the landscape is still represented by, for example, Stone Street which connected Canterbury with the port at Lympne and sections of Watling Street linking Dover, Canterbury, Rochester and London. Indeed throughout history Kent has been in the front line of exchange and conflict; this role has left an indelible prints on the landscape expressed in routeways and castles, trenches and docks.

The increasing sophistication and landscape impact of agriculture is recorded in the lynchets found throughout the Kent Downs. There is evidence that Roman and Iron Age field and settlement patterns have strongly influenced the landscape we see today.

Estate centres like Wye and Charing were established in the Anglo-Saxon period. From this time on the carving out of fields from woodland, known as assarting, and unenclosed wood pasture commons appeared in the Kent Downs landscape. Churches were also erected which formed the beginnings of the parochial structure that has continued to the present day. Drove ways, connecting estate centres with summer pastures in the Weald have left their mark in the particularly distinctive north-east to south-west orientation of the road network across much of the Downs which provides a 'grain' to the landscape.

The commons or 'minnises' of the high clay caps of the Kent Downs are believed to have been established by the Anglo-Saxon or early medieval period and form distinctive open areas of rough grass, bracken, heather and gorse. Many have now been enclosed but open minnises most notably Ewell Minnis near Dover and Stelling Minnis remain as important remnants of previously more widespread landscape features.

The Norman invasion saw the coming of the castle, varying in scale from that at Dover, the 'key' to England, to smaller structures of local lords, such as the ring-work and bailey at Thurnham. Villages grew into towns and churches were rebuilt in stone, ecclesiastical interest in the countryside is witnessed by monastic houses and the palaces of the Archbishop of Canterbury for example at Otford and Charing, both of which are located on the 'Pilgrims Way' or old road, itself an ancient route linking England to the continent. Local man John Kempe established the medieval college at Wye, in 1447 when he was Archbishop of York.

The character of the Kent Downs landscape was well established by the Tudor period. There were many nucleated villages or hamlets clustered around flint and brick churches and greens, as well as settlements along river valleys and routeways and spring line settlements at the base of the escarpment. Land was cultivated and grazed throughout the AONB and the many isolated farmsteads bear testimony to this agricultural history. It is believed that complex patterns of enclosure, particularly in the more fertile areas, have been created in part by the influence of the Kentish custom of 'Gavelkind' inheritance where property was divided equally rather than being allotted to the oldest heir, producing a multiplicity of holdings.

The selling off of church lands following the Reformation led to the growth of country estates with their parks and gardens which cover an important part of the AONB. Designed

landscapes in the Kent Downs include Godmersham and Chilham in the Stour Valley, Doddington and Belmont Parks in the mid Kent Downs and Bourne Park and Higham Park on the River Nailbourne.

Along the White Cliffs Heritage Coast, facing as it did potential attack from mainland Europe, there is a rich heritage of defence structures, including Dover Castle and the Western Heights, 19th century Martello towers and the concrete and brick remains of anti-invasion structures and colossal gun emplacements of the two World Wars. Valuable but non-designated 20<sup>th</sup> century defensive heritage exist across the Downs but away from the coast, examples include the numerous structures and features at Detling airfield. Other, more contemporary heritage features include the remains of, brick fields, railway arches, lime kilns, chalk pits ranging from small village pits to large sites associated with the Medway cement industry remind us of the various scales of industry found in but mostly around the landscape of the Kent Downs.

Aside from these grand and dominant historic sites and structures, the multitude of smaller cultural and historic features also help characterise the landscape of the AONB. These are the traces of ordinary people who have worked the land for centuries and have shaped its special character. Networks of ancient, often 'laid' hedgerows which still provide enclosure for livestock; wood and field banks which marked boundaries between different manors or estates, picked out with pollarded or 'stubbed' ancient trees; field patterns and lynchets revealing ploughing patterns from centuries ago; hollow ways and sunken lanes, now often byways, carved into the land by millennia of passing feet and hooves; and dene holes (deep excavations into the chalk) and borrow pits where rock and minerals were excavated by hand.

The Kent Downs has a rich tradition of half-timbered and weather-boarded buildings. There is also a legacy of locally distinctive architecture in locally derived building materials such as Ragstone, Flint and Chalk. Soft red bricks and peg-tiles lend colour and here and there long-straw thatching can be seen. The conservation and enhancement of these diverse buildings requires local sources of building materials, as well as skilled crafts workers who understand and respect the building traditions of the past and the architectural vernacular.

There is still much to discover, for example, the Kent Downs continually reveals archaeological surprises, often of national importance; the significance of the unknown historic heritage, as well as that which is undesignated is felt to be underplayed and more focus should be afforded to it.

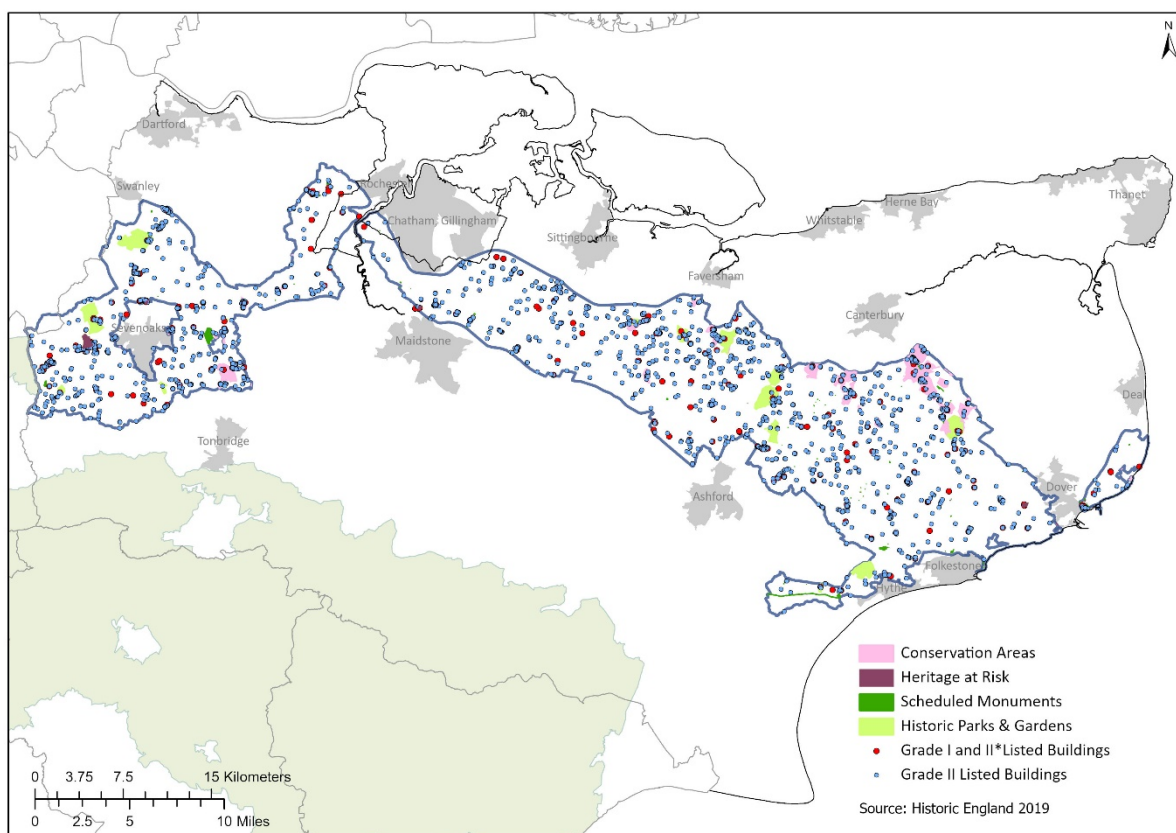


Figure 8.1 Heritage Features in the Kent Downs AONB

### 8.3 Historic Landscape Characterisation and Heritage Strategies

'Every place, like every person, has its distinctive character, in large measure determined by its inherited features such as streets, hedges, archaeological sites, buildings or place names. Understanding this character is one of the starting points for deciding a place's future, the first step in working out how places can be made better in the future' (Historic England).

Historic Landscape Characterisation describes landscape character based on historical attributes surviving in the present landscape. Kent was one of the first counties to prepare a historic landscape character map on a county wide basis. The mapping is intended to provide broad scale and overall assessment of historic character.

The Kent Downs AONB is made up mainly of a 'field pattern' historic landscape type, covering approximately 63% of the area. Whilst this historic landscape type is further defined into subcategories, there is no predominant field type. Woodland landscape types also feature heavily with some large tracts being present in the east of the AONB. Also notable are the presence of a large number of areas of parkland, indicating the importance of the managed estates within the landscape.

As part of this review of the Kent Downs AONB Management Plan the Landscape Character Assessment has been revised and updated; closer attention to historic landscape character has been incorporated.

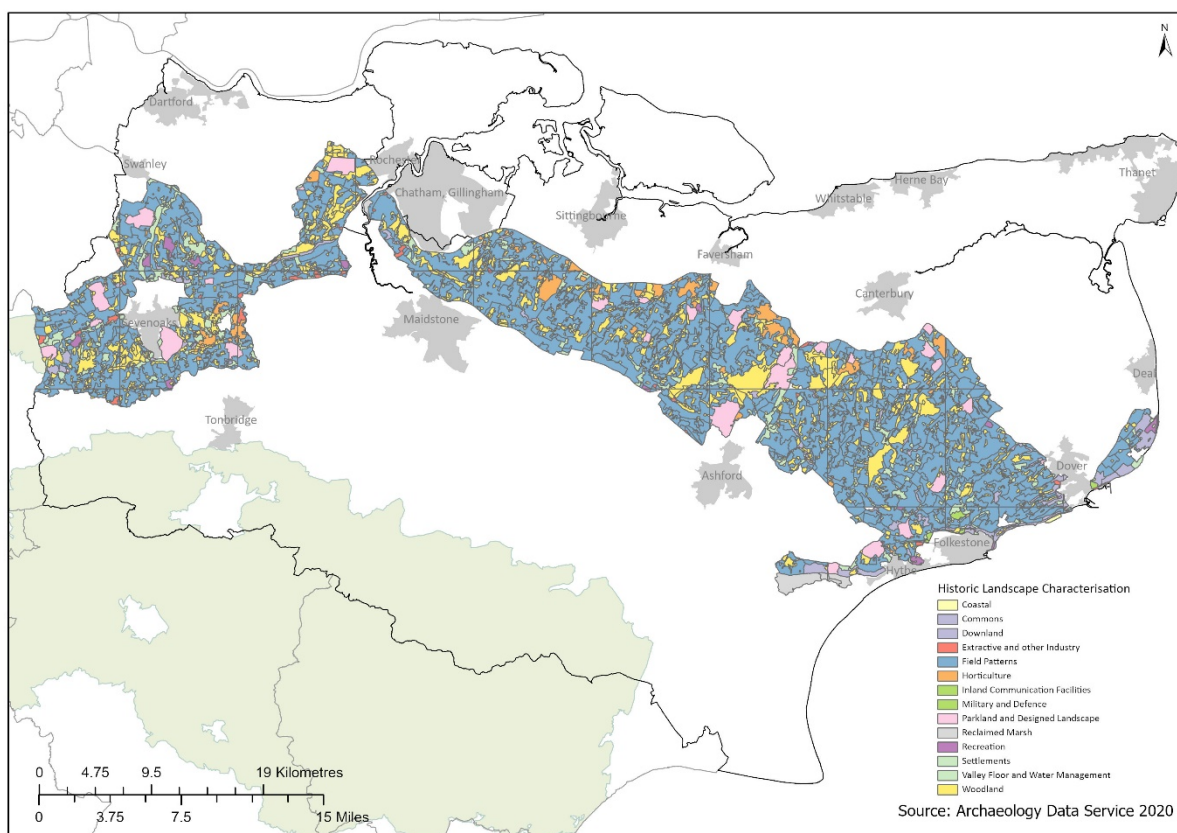


Figure 8.2 Historic Landscape Characterisation of the Kent Downs AONB

Several Local Authorities with land in the Kent Downs AONB have taken forward Heritage Strategies which contain comprehensive assessment of the heritage of the area and recommendations for its conservation and enhancement, such strategies cover the AONB and its wider setting. The NPPF states that plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect and decay. Heritage Strategies are an important source of evidence in support of the vision aims and principles of the AONB Management Plan.

It is recognised that there may be archaeological sites within the AONB that do not relate to the existing landscape. An example is Palaeolithic sites whose landscape of origin was very different from the landscape today. There will be times when the management of the modern landscape conflicts with the needs of such sites and it is important that they are not negatively impacted by modern landscape management needs.

## 8.4 Artistic, cultural and scientific importance

The extraordinary landscapes Kent Downs Area of Outstanding Natural Beauty are particularly closely linked to the lives and inspirations of many of our greatest artists, scientists and leaders.

When the nation voted in a BBC poll for our 'greatest Britons' the top vote was, perhaps unsurprisingly, for Sir Winston Churchill and 4<sup>th</sup> was Charles Darwin, both lived in and were inspired by the landscapes of the Kent Downs.

Churchill's early life is described as 'itinerant' but when he did decide to put down roots it was at Chartwell in the western part of the Kent Downs. It is said that the tranquillity of the place captivated him along with the views which stretch far across the Weald. Churchill apparently said that "I bought Chartwell for that view." It was, however, also only 25 miles from the House of Commons, despite this convenience, his view was that "a day away from Chartwell was a day wasted".

The characteristics of Chartwell which so inspired Churchill are also some of those which remain highly valued by people today; the views from the Downs were one of the most important 'targets' when the Kent Downs was designated an Area of Outstanding Natural Beauty and when we ask people what they most value about the Kent Downs today, it is the scenery and views which always come top. Along with this the tranquillity that the Downs afford in an increasingly busy county is much cherished.

Darwin lived and worked at Downe House just beyond the western edge of the Kent Downs, the chalk landscapes of the Downs were a crucial part of his studies. Dubbed 'Darwin's landscape laboratory' the downland landscape is of critical scientific importance and unique cultural significance as the place in which the theory of evolution by natural selection was developed. When Downe House and the surrounding landscape was placed on the tentative list for World Heritage Status it was the Chalk landscapes that 'provided unique insights into the scientific understanding of natural life and biodiversity. The ideas that were developed from daily observations and experiments at Downe have had a profound influence on the life sciences, medicine, agriculture, philosophy, the creative arts and general views of humankind's relation to other living creatures in the natural world.'

In the Canterbury Tales, Chaucer assembles a motley band of 29 pilgrims at the Tabbard Inn in Southwark. Together, they travel the old pilgrimage route to Canterbury Cathedral to visit the shrine of St Thomas. Famously Chaucer describes: *From every shire's end/Of England, to Canterbury they wend/The holy blissful martyr for to seek/That him hath helped when that they were sick*" There is no certain route that pilgrims followed but certainly the modern day North Downs Way and Pilgrims Way along with old routeways and churches which still punctuate the landscape of the Downs were features of pilgrimage.

Fine houses with their parks and gardens can be found across the Kent Downs, of these Godmersham frequently hosted Jane Austen 'who would spend weeks at a time with her brother Edward, his wife Elizabeth and their children, for whom she was a much loved aunt. Godmersham is believed by many to be the inspiration for her novel Mansfield Park (1814).

Charles Dickens had many connections with the Downs, including the village of Cobham where the Leather Bottle pub is known to many as Charles Dickens' favourite Ale House. According to the pub, 'the great man not only used the inn and often stayed; he also featured it in The Pickwick Papers, for it was here that the lovelorn Mr Tracy Tupman fled after being jilted by his sweetheart Rachel Wardle, where he drowned his sorrows in Mr Pickwick's company.'

Bishopsbourne was sometime home to novelist Joseph Conrad, Ian Fleming referenced the extraordinary views from the White Cliffs in *Moonraker* and much more recently Riddley Walker by Russell Hoban, a post-apocalyptic science fiction novel set in Kent where the Devil's Kneading Trough at Wye features as 'Mr Clevver's Roaling Place'.

Perhaps it is visual artists that draw most from landscape; in the Kent Downs the Darent Valley is especially notable as being 'indelibly associated with one of the greatest of English Romantic artists, Samuel Palmer. For a brief period, the landscape inspired some of the most intense paintings in the history of British art, so original that Palmer's contemporaries laughed; but they are now recognised as uniquely personal expressions of a vision of England much closer to that of William Blake than the more traditional views of J.M.W. Turner and John Constable.

'Few landscapes in England are so closely associated with a single artist. The only comparable example is the Stour Valley in East Anglia, where Constable, who was born at East Bergholt, captured the rivers and farmhouses, the gentle hills and varied vegetation, in a succession of naturalistic paintings from the beginning of his career to the late 1820s.... Palmer ..worked in a wholly individual manner, inspired by Blake's technique, by Old Master prints, and above all, by the possibility of experiencing in the Darent Valley the visions of ideal landscape, of paradise, that he had been seeking. For Palmer, like Blake, believed that the second coming of Christ would take place in England, not in the 'dark Satanic mills' of the north, but in the land of 'mountains green, 'pleasant pastures, and 'clouded hills'. In a sense, Palmer found in the Darent Valley the epitome of 'England's green and pleasant land' as described by Blake.' Colin Harrison Senior Curator of European Art Ashmolean Museum

More recently Thomas Sidney Cooper's painted in the Stour Valley and Henry Moore lived and worked in the Kent Downs at Kingston near Canterbury where again the landscapes of the Kent Downs were seminal in his work; 'It was this landscape that had a profound influence on Moore's work. His time there allowed him the space to carve in the open air and to indulge his life-long preference for a natural setting for his sculptures.'

Moore began filling this rural landscape with wood obtained from a Canterbury timber yard and blocks of Hopton Wood stone that came from Derbyshire. These were erected in the garden and surrounding countryside. He later wrote, "Living at Burcroft was what probably clinched my interest in trying to make sculpture and nature enhance each other."

Ideas for his sculptures were taken directly from natural forms such as stone, pebbles and pieces of wood. Sketchbooks from the 1930s show the artist's constant obsession with nature and the progression from natural forms to sculptural ideas; some of them providing source material for much later sculptures. "Space, distance, landscape, plants, pebbles, rocks, bones, all excite me and give me ideas" explained Moore.

There is strong contemporary interpretation and artistic celebration of the Kent Downs AONB landscapes. In Kings Wood near Ashford a collection of sculptures within the forest respond to the place and the Stour Valley Creative Partnership commissions new and young artists to respond to the beauty of the woods. Along the National Cycle Route 2, a series of commissions forms the Chalk and Channel Way; from sculpture to poetry, artists have been inspired by the dramatic coastline between Folkestone and Dover. Most recently a commission taken forward by the AONB Unit's Ash Project titled 'Ash to Ash' by Ackroyd and Harvey creates a dramatic and fitting artistic response to the urgent issue of Ash dieback.

The Kent Downs landscape continues to be influential and inspirational to contemporary

artists and cultural life, and this quality needs to be celebrated, engagement widened and made more diverse linked to culturally led regeneration activities and promoted more widely.

### 8.3 Historic and cultural heritage - main issues, opportunities and threats identified

- a. The need to increase understanding, engagement, awareness of, and inspiration from, the historic, artistic, built and cultural heritage of the Kent Downs; and to encourage greater opportunities for the historic and cultural heritage to inform contemporary decisions, landscape management, regeneration and place making.
- b. The need to conserve and protect the historic environment, both above and below ground, designated and non-designated. Issues include the effect of deep ploughing, the introduction of (deep rooting) energy crops and arable conversion on sites containing buried archaeological remains, heritage crime, and development affecting or in the setting of historic buildings.
- c. The gradual degradation of the landscape and its historic features caused by localised actions of land managers, permitted developments, infrastructure development, utilities, roads and railways. These might include new or widened accesses, hedgerow damage and vehicle movements.
- d. Climate change also offers an increasing threat to heritage assets through the drying and waterlogging of archaeological sites and the impact of more severe weather events on both archaeological sites and historic buildings.
- e. Recognition and reinforcement of special historic landscape character and the local distinctiveness of settlements, settlement patterns, farmsteads, ancient routeways, buildings and design in the Kent Downs landscape through the planning process as well as in, detailed historic characterisation, Heritage Strategies, Neighbourhood Plans, Village Design Statements and Conservation Area Appraisals.
- f. Dearth and loss of skills and local sustainably sourced materials for historic building conservation, informing new developments and sustaining traditional management approaches important to landscape character and qualities.
- g. The recognition of the importance of 20<sup>th</sup> Century heritage in the landscape.
- h. The opportunity to work collaboratively with the Arts Council, Heritage Fund and cultural regeneration programmes such as the Medway City of Culture bid to secure new artistic and cultural activity and an intelligent, innovative curatorial approach to celebrate, understand and interpret the complex landscape components of the Kent Downs, research the dynamics of human experience in the landscape and support rural and urban regeneration.

### 8.4 Historic and cultural heritage - aims

A landscape in which:

- 1 The principal special characteristics and qualities of the historic character of the Kent Downs landscape, the sites and features, field and settlement patterns, villages,

hedgerows, routeways, woodlands and parklands are recognised, valued, conserved and enhanced.

2. The historic environment helps shape new development in the AONB and its setting and contributes to a distinctive sense of place. This will be achieved by ensuring that the heritage is considered from the earliest stages of project development.
3. The economic and 'quality of life' benefits of living, working in and visiting an historically-rich, artistically and culturally inspiring environment is recognised and actively supported.
4. New developments respect and reinforce the traditions of the past, whilst integrating sustainable technologies and sensitive design.
5. The landscape context and setting of historic buildings, features and settlements is protected, conserved and enhanced.
6. Restoration and conversion of the built heritage and new developments reflect local character and will meet high environmental standards, using sustainably sourced, locally derived materials and skilled workers.
7. Communities are engaged and involved in the historic and cultural environment of the Kent Downs through methods such as conservation area management planning, village design, neighbourhood planning, place making and interpretation.
8. Vibrant and contemporary artistic and cultural celebration of the Kent Downs supports the conservation, interpretation, enjoyment, understanding and enhancement of the landscape and engages diverse publics.

## 8.5 Historic and cultural heritage - principles

- HCH1 The conservation and enhancement of the historic character and features of the Kent Downs AONB landscape will be pursued and heritage-led sustainable economic activity and tourism encouraged.
- HCH2 A wider understanding of the historic, cultural, scientific and artistic importance of the Kent Downs landscape and its historic character, including a review of the Historic Landscape Characterisation of the AONB, will be supported in part to inform the interpretation and management of the AONB.
- HCH3 In recognition of the emerging national relationship with the Arts Council and arts and cultural regeneration efforts in Kent an arts and cultural strategy for the Kent Downs will be pursued.
- HCH4 The preparation and use of best practice guidance, promotion of skill acquisition and sourcing suitable sustainable materials for conserving, enhancing and adapting the historic and cultural environment to climate change will be supported.
- HCH5 Opportunities to develop contemporary and innovative artistic, historic, cultural and scientific interpretation and celebration of the landscape and people of the Kent Downs will be pursued.

- HCH6 The application of high standards of design sympathetic to cultural heritage within the AONB, identified in guidance including the AONB Landscape Design Handbook, Kent Downs Farmstead Guidance and any relevant local policy or management plans will be pursued.
- HCH7 The protection, conservation, and enhancement of heritage features under threat will be pursued through policies, projects, training and partnerships.

## 9. The Heritage Coasts

### Our vision for the Heritage Coasts of the Kent Downs

#### AONB

In 2031... the special place that the White Cliffs of Dover have in the hearts and minds of millions of people is justified by the reality experienced on the ground. Collaborative effort continues to transform the management of the coasts which meets the needs of the landscape, natural and historic environment and communities, while supporting the Covid recovery and sustainable regeneration of the coastal economy including of the coastal towns.

#### 9.1 Overview

The magnificent chalk cliffs between Folkestone and Kingsdown form one of Britain's most evocative and best-known landmarks. For many they are the first sight of Britain while views to France hold a special appeal, where chalk and clay cliffs, also held in great national regard, mirror the landscape drama. The Dover Strait is one of the world's most important, recognised and busiest seascapes.

The Kent Downs has a special place in some of our most renowned literature, the White Cliffs, forever in the hearts and minds of our nation, appear in many well-known songs, stories and poems sometimes as a metaphor for the whole country; they are never so well described as in King Lear as Gloucester entreats Edgar (Tom) to take him to the Dover Cliffs – he describes that;

*'There is a cliff, whose high and bending head,  
Looks fearfully in the confinèd deep.  
Bring me but to the very brim of it,  
And I'll repair the misery thou dost bear  
With something rich about me. From that place  
I shall no leading need.'*

*Edgar describes the cliff;*

*'Come on, sir; here's the place: stand still. How fearful  
And dizzy 'tis, to cast one's eyes so low!  
The crows and choughs that wing the midway air  
Show scarce so gross as beetles: half way down  
Hangs one that gathers samphire, dreadful trade!  
Methinks he seems no bigger than his head:  
The fishermen, that walk upon the beach,  
Appear like mice; and yond tall anchoring bark,  
Diminish'd to her cock; her cock, a buoy  
Almost too small for sight: the murmuring surge,  
That on the unnumber'd idle pebbles chafes,  
Cannot be heard so high. I'll look no more;  
Lest my brain turn, and the deficient sight  
Topple down headlong.'*

Globally coastal Chalk is scarce, the UK holds 57% of Europe's resource, Kent holds 35% of the UK resource.

The impacts of global climate change, including sea level rise and the greater frequency and intensity of storms, is projected to have a significant effect on the Heritage Coast, making adaptation strategies an important priority for the future management of the coast.

This extraordinary natural and cultural resource can strongly assist the regeneration and recovery of Dover and Folkestone and has been identified as the basis to secure World Heritage Site status for the Dover Strait. Recreation pressure has increased significantly in the plan period with the National Trust reporting over 10% year on year increases in visitor numbers and visitor car parks are regularly closed on account of capacity constraints. Visitor pressure is unevenly spread with Langdon Cliffs recording over 500,000 visitors each year and areas of Lydden Spout (also in National Trust ownership) only 4000 visitor movements.

Defence and invasion is one of the themes of the Heritage Coast and forms an important reference in the landscape. Features in the Kent Downs include the magnificent Dover Castle described as 'the key to England', Napoleonic Martello towers, the 'listening ears' built between the wars and superseded by radar installations some of which are now listed. World War II frontline fortifications, defences, gun emplacements and anti-tank devices are peppered along the coast.

Communication and cultural exchange are important themes. In 1899 the first international wireless transmission was sent from Wimereux to the South Foreland lighthouse. Cross channel trade and cultural exchange continues apace – the Strait of Dover being one of the world's busiest shipping lanes. The close proximity of Dover Harbour and views of the Strait's central shipping channel means ferries and large cargo vessels are frequent features.

Arising both from conflict and seagoing exchange and transport there is an extraordinary and outstanding collection of wrecks comprising both air and water-craft, including the Dover Boat, the oldest sea-going boat in the world. Another example is the protected wreck of the Langdon Bay, located on the edge of Dover Harbour. It is thought to be the remains of a Middle Bronze Age vessel carrying a scrap metal cargo from France to Britain, indicating early cross-channel trade.

Navigation marks are often conspicuous in the landscape for example the National Trust-managed South Foreland lighthouse, which stands 21 metres high on the headland, and a white windmill (near to the lighthouse).

## **The Heritage Coasts**

England's 32 Heritage Coasts have been established in the best areas of undeveloped coast to:

- conserve, protect and enhance:
- the natural beauty of the coastline
- their terrestrial, coastal and marine flora and fauna
- their heritage features
- encourage and help the public to enjoy, understand and appreciate these areas

- maintain and improve the health of inshore waters affecting heritage coasts and their beaches through appropriate environmental management measures
- take account of the needs of agriculture, forestry and fishing and the economic and social needs of the small communities on these coasts

Natural England's Designation Strategy promotes AONB Management Plans incorporating policies for the management of Heritage Coasts at a strategic level. The National Planning Policy Framework (NPPF) recognises the importance of the special character of Heritage Coasts and advises that development should be consistent with that character.

The White Cliffs Countryside Partnership (WCCP) has a Heritage Coast management function as part of its purpose. In the previous management plan period, the Kent Downs AONB Unit worked in partnership to secure and then chaired the 'Up on the Downs' Landscape Partnership Scheme funded by the (then) Heritage Lottery Fund, the Scheme made significant and lasting investments in improving the condition of and partnership arrangements affecting the Heritage Coast and a wider inland area.

In the plan period of the last AONB Management Plan the National Trust has made important land purchases in the two Heritage Coasts and invested further in their conservation and enhancement, this new ownership arrangement, along with local partnership working has greatly increased the delivery of the Heritage Coast purposes. As a testament to the value placed by people on this area of coast, a National Trust appeal to purchase land reached its target of £1.2 m in just 19 days.

### **Seascape assessment of the Strait of Dover**

The description of seascape character, like landscape character describes what is distinctive, special and characteristic in an area of sea (and land in coastal areas). Seascape character assessment is a tool and spatial framework to help integrate management decisions. Completed in July 2015 a full seascape character assessment of the Strait of Dover represents an important management resource. The study provides evidence base to support marine planning and management as well as that of the coastal zone. The seascape character assessment has been used in support of the preparation of this Plan.

The assessment helped confirm the special characteristics and qualities of the Heritage Coasts and the priorities for management. The Strait is described as a cohesive seascape unified by geology, socio-economic functions, biodiversity, history, culture and intervisibility. The Strait is an area of multiple interests and values and the Assessment confirms the need for sensitive and integrated management which is clear in the vision, aims and principles of the plan.

The seascape character assessment has fed into the joint UK/ France Dover Strait Action Plan which while focusing on energy and climate change issues promotes several actions and activities which are coherent with the objectives of this Plan.

### **Marine Management Plans and Marine Conservation Zones.**

Marine plans guide those who use and regulate the marine area to encourage sustainable development while considering the environment, economy and society. As a result marine plan policy topics across environmental sectors, economic sectors and social sectors are

relevant to Kent Downs. Such policy topics can include Seascape, Biodiversity and Land-based infrastructure. AONBs are referenced in many numerous policies.

Heritage Coasts are included in Policy S-HER-1 (Heritage Assets) and Policy S-SCP-1 (Seascape) in the South Marine Plan. It is expected to be in similar policies in the South East Marine Plan.

The Heritage Coast east of Samphire Hoe will be covered by policies within the South East Inshore Marine Plan prepared by the Marine Management Organisation. The south east marine plan area includes tidal waters and extends to the mean high water springs mark. The Kent coast west of Samphire Hoe is covered by policies within the 2018 statutory South Marine Plan.

Described as ‘blue belt’ around the English Coast Marine Conservation Zones are areas designated by the Government to protect a range of nationally important, rare or threatened habitats and species. There are three designated MCZs close to or within the Kent Downs Heritage Coasts: Dover to Folkestone; Dover to Deal and the Folkestone Pomerania.

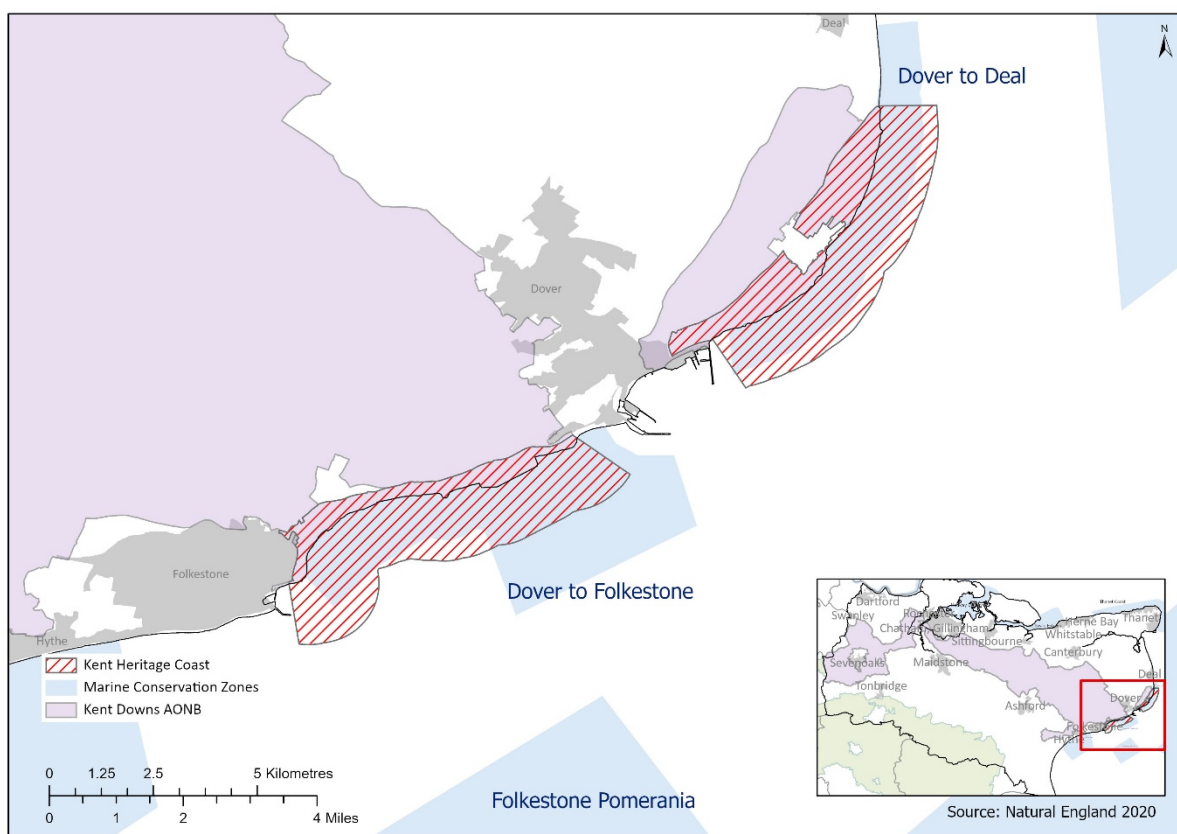


Figure 9.1 Kent Heritage Coast

## 9.2 The Heritage Coasts - special characteristics and qualities

The Heritage Coasts either side of Dover have been defined as some of the best undeveloped coast in England, they include the shoreline, cliffs and adjacent downland. The

White Cliffs form part of the UK's national identity; forming a soaring landscape with a seascape of vast horizons of sea and sky extending westwards to the subtle crumbling Greensand and Clay cliffs of Folkestone.

Behind the rearing cliffs is a landscape of windswept coastal chalk downs, with further undeveloped areas of salt-wind sculpted scrub, open downland, and farmland punctuated by the remnants of thousands of years of exchange and conflict. The Heritage Coasts are one of the few places in south east England which offer a true feeling of 'wildness'. The ever-changing chalk cliffs, foreshore and seabed platform are home to distinctive wildlife influenced by the sea, climate, geology and exposure.

The wildlife of the Heritage Coasts is internationally important, the clifftops consisting of nationally important chalk grassland and scrub, the cliff-faces supporting important breeding sea bird colonies including increasing numbers Fulmars, Rock Pipits, Lesser-black backed Gulls and Peregrines. Seabirds wheeling high in the sky connect the sea and sky.

The cliffs and grassland contain rare plants such as Hoary and Sea Stock, Rock Sea-Lavender, Sea Heath and Wild Cabbage. Most of the area is protected as SSSI, not just for the rich communities of birds, wildflowers but also seaweeds and particularly for the invertebrates. The Heritage Coasts are a vital landing point for migrating birds and insects and are home to many rare species. The proximity to mainland Europe places the Heritage Coasts in a key position as species migrate in response to climate change.

Marine habitats are a key part of the character and qualities of the two Heritage Coasts as is demonstrated by the two Marine Conservation Zones (MCZs) which cover broadly the same areas of the seaward extent.

Dover to Folkestone MCZ is an inshore site which includes the wave-cut intertidal chalk platforms that form an almost continuous reef between Kingsdown, Deal in the north east and Folkestone Warren in the south west.

This MCZ is a highly diverse area with a number of habitats and features of interest. The chalk communities on the seashore are one of the best examples in the region, supporting a range of seaweeds and the animals that associate with them. Rocky outcrops, ledges and boulders support intertidal under boulder communities, an important habitat, of which this example is considered to be one of the best examples in the region. Boulders create shaded areas that provide a refuge to sea squirts, sea mats, and sponges. The undersides of the boulder provide a habitat for animals like sea slugs, long-clawed porcelain crabs and brittlestars, which shelter and feed in the damp shaded conditions. Crabs, fish and young lobsters also scavenge for food and seek shelter amongst the boulders. On the seabed, mixed sediment is rich in mobile animals including brittlestars, squat lobsters, crabs, fish and molluscs, and wild native oysters are found scattered across the site.

Dover to Deal MCZ protects a number of habitats and species. The site helps to protect intertidal under boulder communities, where large boulders provide shaded, cave-like conditions for unusual algae to thrive, and mobile animals such as long-clawed porcelain crabs, sea slugs and brittlestars shelter amongst sponges. Crabs, fish and young lobsters also scavenge for food and seek shelter amongst the boulders. This site includes excellent examples of littoral chalk communities which are unique communities of seaweeds and the animals that associate with them. Areas of littoral chalk are small in range and such areas are limited within Britain. The area also includes the best example in the region of wave-cut platforms, flat areas at the base of a cliff formed by wave erosion. Below these platforms lie

gullies and rock pools, which support several types of seaweed. The chalk foreshore at St Margaret's Bay has one of the richest communities of algae in the south east. As well as Ross worm reefs subtidal off Kingsdown, there is a well-developed Ross worm reef between Dover and South Foreland, in the lower shore where sand fringes the edge of a chalk reef. The presence of Ross worm reefs on chalk reefs is extremely rare, and this reef is also thought to seed more vulnerable reefs offshore.

The geological exposures of the cliffs form an internationally important stratigraphic reference site for extensive and near-continuous exposures of Lower, Middle and Upper Chalk, historically important for their contribution to the sciences of geology and coastal geomorphology and are all designated as SSSI. The Chalk cliffs and to the west Gault Clay are rich in fossils. On the seashore at Copt Point the exposed Greensand forms a series of rock pools with important seaweed colonies. The Greensand was also the home of an active quern stone (corn grinding) industry dating to the first century BC.

Like the natural heritage, the historic and cultural heritage of the Heritage Coasts is of national and international significance, there are frequent cultural references in music, drama, literature, poetry and painting and the built heritage ranges from the magnificent Dover Castle to the underground scratches of graffiti in the chalk by a bored, or scared soldier from the Second World War.

The Heritage Coasts are a popular area for quiet countryside recreation; the cliff tops are crossed by the Saxon Shore Way Long Distance Path and the North Downs Way National Trail. The England Coast Path has been created along these sections of coast and there are several areas of open access land. Several areas offer extraordinary, panoramic views across to France. While access to the base of the cliffs can be difficult, it provides a feeling of remote wildness and relative tranquillity with exposure to the elements being a key feature.

### 9.3 The Heritage Coasts - main issues, opportunities and threats

- a. Cultivation and coastal erosion have reduced the botanically-rich chalk grassland and associated historic heritage on the cliff tops to a narrow strip, making management difficult and placing the habitat at risk, this has been addressed in several areas and there remains the opportunity to continue this important effort.
- b. High and rapidly increasing visitor pressure, particularly at the Dover to Kingsdown Heritage Coast and parts of the Folkestone Warren is degrading important habitats and placing the historic heritage at risk and reducing the valued sense of tranquillity as well as the visitor experience – key sites such as the National Trust Visitor Centre exceed their capacity for visitor parking on regular occasions.
- c. Arable agriculture can sit uncomfortably with the natural beauty and wild scenery of the cliff tops and can damage the historic heritage, a significant opportunity remains further to expand the valued coastal grassland, it is also thought to be causing diffuse pollution affecting the quality of the marine environment.
- d. Discordant development, for instance caravan parks, visitor resources, and unsympathetic screening attempts occur in the Heritage Coasts.
- e. The enthusiasm for the area brings an opportunity build on the collaborative

management activity and improve coordination and impact.

- f. Development pressure and traffic growth continues in and in the setting of the Heritage Coast.
- g. The need to increase understanding of the dynamic nature of the coast, accelerating coastal processes and the impacts of climate change.
- h. Despite improvements achieved through partnership management but there are remaining areas of inappropriate, antisocial and illegal activities, such as off-roading vehicles, disrespectful wild camping, fly-tipping and vandalism in parts of the Heritage Coasts.
- i. The safety, interpretation, conservation and potential sensitive re-purposing of remaining military and historic structures, many of which are un-designated is a new heritage priority.
- j. The very high quality, iconic natural and historic environment can be an important component of a programme to regenerate the coastal towns of Dover and Folkestone, but the Heritage Coasts are in themselves extremely sensitive to development and visitor pressure.
- k. Marine litter and air pollution are significant detractors from the character and qualities of the Heritage Coast.
- l. The opportunity identified and supported by Kent County Council and the Pas-de-Calais Department to secure World Heritage Site status for the Strait of Dover has yet to be realised. The UNESCO Sites Across the Channel (USAC) project offers an opportunity to help realise the ambition.
- m. Marine Conservation Zones identify nationally important areas of the marine environment and afford the opportunity to generate agreed management plans for each Zone.
- n. The Heritage Coasts are much loved, genuinely iconic national landscapes with partnerships in place to support their management.
- o. A new partnership has developed to promote the reintroduction of the chough to the Heritage Coasts; this distinctive and charismatic bird could be a trigger for further collaboration amongst land managers and wider improvements in the habitat of the Heritage Coasts. At the same time the once substantial Kittiwake Colony has disappeared, there is a general lack of trend data of the important wildlife features of the Heritage Coast.

## 9.4 The Heritage Coasts - aims

A landscape in which:

- 1. A wide, collaborative approach achieves careful, appropriate management of as well as respect and international recognition for the Heritage Coasts which reflects the

extremely high national esteem in which they are held.

2. The extreme importance and sensitivity of the Heritage Coasts are recognised publicly, through appropriate international status and in policy, projects and programmes.
3. The importance and value placed on these iconic landscapes delivers resources and partnerships to ensure their future management and which supports the regeneration of the nearby coastal towns.
4. Lost or damaged marine and coastal habitats and species are recovered and the wildness of our Heritage Coasts is protected and restored.

## 9.5 The Heritage Coasts - principles

- HC1 Coastal defence policies and approaches will respect the special character and qualities of the Heritage Coasts, allowing, where practicable, a naturally functioning coastline.
- HC2 The opportunity to support economic regeneration and recovery through the sustainable and integrated management of the Heritage Coasts in accordance with their defined purposes and those of the AONB will be pursued.
- HC3 Threats to the qualities and character of the Heritage Coasts will be resisted and managed.
- HC4 A collaborative approach, such as that employed by the WCCP and the Up on the Downs Landscape Partnership, will continue to be pursued to secure the objectives for Heritage Coast strategy and management and address the specific threats and opportunities identified.
- HC5 Achieving World Heritage Site status or other appropriate international recognition for the Strait of Dover will be supported.
- HC6 The conservation and enhancement of the special characteristics of the Heritage Coasts and Strait of Dover will be pursued through the Marine Plan making process, the development of new Heritage Coast Management Plans and the preparation of Marine Conservation Zone Management Plans.
- HC7 The England Coast Path National Trail will be managed in a manner that is sensitive to the landscape character and qualities and in partnership to meet and retain National Trail standards. The conservation and enhancement of the landscape of the corridor of the National Coastal Trail in the Heritage Coasts will be pursued.
- HC8 A collaborative strategic approach to manage visitor pressure to benefit the visitor experience, reduce impact, conserve the character and qualities of the area and support sustainable regeneration will be supported.
- HC9 New opportunities to secure 'protective ownership' of areas of the Heritage Coasts and partnerships to enhance management with existing private and public owners will

be supported.

- HC10 The extension of the definition of Heritage Coast/ AONB into the marine environment and inclusion of areas currently defined as Heritage Coast within the AONB will be supported.

# 10. Geology and Natural Resources

## Our vision for the geology and natural resources of the Kent Downs AONB

In 2031... great care is taken to conserve and manage the natural resources of the Kent Downs particularly soil, air, ground and river water. New and innovative ways to both reduce resource use and enhance the existing natural capital have been adopted which support landscape character and qualities, the economy and communities. The need to conserve and enhance natural beauty means mineral resource winning occurs away from the AONB, except in exceptional circumstances, and worked out quarry sites have been restored to enhance local landscape character.

### 10.1 Overview

The natural and cultural features that create the Kent Downs' sense of place and special character have in large part been governed by the physical environment. Kent Downs natural resources provide vital ecosystem services to the population of Kent and beyond and underpin the quality of the landscape. With significant changes predicted in the natural environment along with substantial new demands placed on our natural resources, positive action and management is an important priority for the conservation and enhancement of the Kent Downs.

### Natural Capital and the provision of ecosystem services

This plan is strongly informed by a 'natural capital' approach; natural capital includes the air, water, soil and ecosystems that support all forms of life, as this approach is overarching for the plan more details are included in section 3.

#### Geology

The AONB encompasses several geological layers each following the broad east-west sweep of Kent. The folded and undulating Chalk, Greensand, Gault Clay and Ragstone have intricate overlying layers of Clay with Flint, sand, river gravels and alluvium together these determine the nature and pattern of the land and soil, and the plants and animals they support.

The geology of the Kent Downs means that mineral winning has been a long run activity, from historic dene holes used to source chalk used to dress acid soils to sand and gravel extraction particularly on the northern edge of the Greensand. Some previous workings have revealed exposures which have been left uncovered and reveal strata of important rocks, minerals and fossils. The Kent Downs AONB and its setting contain important remaining resources of sharp sand, gravels and building sands, many of the less constrained sites across Kent containing these resources have been exploited in the past, are currently being worked or have been allocated in the Kent Mineral Sites Plan, meaning that pressure to exploit the resources in or in the setting of the Kent Downs is expected to potentially increase, where justified by policy, in the future.

The approach of the National Planning Policy Framework to mineral winning is reflected in the Kent Minerals and Waste Strategy Local Plan 2013-30 which in-turn recognises the importance and sensitivity of the landscapes of the AONB and its setting in its narrative and policies.

### *Soil*

Soil is an irreplaceable and often overlooked natural resource, a vital component of our natural capital and an ecology in its own right. The pattern and quality of soil is a key determinant of the AONB's natural vegetation and is fundamental to land uses choices. In semi-natural habitats, an undisturbed soil structure is a vital ecosystem component.

On cultivated land, careful soil management is a primary principle of good farming and carbon management but overall soil quality has been declining at a UK level. Soil erosion can occur on ploughed steeper slopes of the AONB and where crops are harvested in wet conditions, for instance maize, the soil eventually being washed into adjacent watercourses – adding to the flooding risk. Innovations in farming practice including minimal and zero tillage and regenerative farming provides opportunities to increase soil fertility, carbon storage and reduce emissions.

Pollution or contamination of soil can occur through pesticide and other chemical misuse, which can accumulate over time, and can leach into surface and groundwater supplies. Soil husbandry is increasingly understood to be important for carbon management. The UK Climate Risk Assessment has identified that drier summers leading to increased soil moisture deficits may result in the increased release of greenhouse gases such as carbon dioxide and methane. Heavy rainfall, especially following a dry period, may increase soil erosion. Improving and restoring soil health is a high priority in Governments 25 Year Environment Plan.

### *Water*

The quality and quantity of the ground water aquifer, surface, river and coastal water is determined in no small part by landscape management and other activities. The quantity and quality of ground and surface water is becoming a more critical issue as Kent is set to accommodate very significant population growth (see sections 2 and 3). Abstraction already occurs throughout the AONB and has been linked to low summer river flows particularly of the Rivers Darent and Little Stour. This situation will be exacerbated by the effects of climate change. Not only will these factors have a profound effect on Kent's potable water supply, but also may impact on the AONB's physical and ecological character over time.

Nutrients are a continued risk to our important groundwater sources and also to our surface water systems. The Environment Agency estimates that only about 50% of applied Nitrate is used by crops, of the rest, half goes into our aquifers and half goes into our air as Nitrous Oxide – a significant contributor to greenhouse gases. Nitrate can take over 40 years to penetrate our aquifers so we have a long-term legacy to deal with. Phosphate is often a reason that surface waters in the Kent Downs do not meet Water Framework Directive standards. Poor soil management can also result in increased silt in our chalk streams.

Water supply is at the forefront of issues being addressed by water companies through Water Resource Management Planning. There is an increasing coherence of interests between the needs of sustainable landscape management and water resource management providing the opportunity for collaboration between landscape and water resource managers.

The prevalence of fruit farming in Kent and the Kent Downs AONB, along with increasingly uncertain climatic conditions creates a strong demand for irrigation; this creates an additional significant pressure in an already stressed water environment. The creation of water storage reservoirs can be at odds to the character of the landscape of the Kent Downs AONB. Abstraction licence reforms are expected to help manage and mitigate the pressures on stressed water environments in the Kent Downs.

The Government is promoting locally focussed decision making and action at the heart of the debate about the future direction of improvements to the water environment. The Catchment Based Approach (CaBA) aims to generate more effective stakeholder engagement in order to tackle environmental problems at a more local scale. It is thought that this will particularly help tackle pollution from diffuse sources, by their diffuse nature, local. The collaborative ways of working to consider the needs of the water environment fit comfortably with the AONB management approach.

Within the Chalk and Greensand domes, percolated water forms the groundwater aquifer, which provides 75% of Kent's drinking water, there is an increasing concern about increased demand for ground-water, over-abstraction, levels of aquifer re-charge and the emergence of nitrates (applied historically) emerging in the aquifer-based water supply. Water quality and availability is one of the biggest issues facing the UK water sector with pressures on availability already evident, especially in southern and eastern England; there are particular pressures in Kent given the substantial growth trajectory and high levels of water usage.

The Kent Downs AONB partnership has led on developing new, landscape-based approaches to the management of flood and drought in a way that supports landscape character and qualities, particularly in the Darent Valley. At the same time, the PROWATER project will report during the plan period; this will provide new information covering the sustainable management of landscapes to support aquifer recharge and water quality in the AONB and elsewhere in Kent. Preliminary findings clearly show that climate changes are expected to decrease aquifer recharge in the coming years. At the same time the conservation-based landscape management highlighted in this plan (e.g. regenerative farming, creation of chalk grassland habitat, slowing overland flow, careful siting of woodland establishment sites and re-establishment of hedgerow patterns) not only increase landscape quality but can enhance aquifer recharge bringing positive co-benefits for the management of natural resources.

#### *The Water Framework Directive and Catchment Abstraction Management Strategies*

Currently the Management Plan operates within the context of the Water Framework Directive's (WFD), and it is expected that the provisions of the framework will remain in place for some time following the UK exit from the EU. The main objectives of the WFD are to protect and enhance the water environment and ensure sustainable water resource use for economic and social development.

The scope of the framework is wide, covering lakes, streams, rivers, groundwater, groundwater dependent ecosystems, estuaries and coastal waters out to one mile from the low-water mark. The Environment Agency is the lead authority for implementing the WFD. Whilst the Agency will focus on the appropriate application of regulations and using an evidence-based approach to ensure the most cost-effective actions are taken; improving the health of our natural water environment will require collaborative working across many sectors and making use of local knowledge.

Catchment Abstraction Management Strategies (CAMS) set out how catchment water resource management can contribute to WFD implementation. From the context of the AONB landscape it is essential that investments in achieving the WFD and (CAMS) and their successors are taken forward in ways that supports the conservation and enhancement of the special characteristics and qualities of the AONB landscape.

The Kent Downs AONB is covered by two River Basin Management Plans (RBMPs): the Thames and the South East. The RBMPs set out how organisations, stakeholders and communities will work together to improve the water environment. RBMPs are reviewed and revised every 6 years with the next RBMPs expected in 2021.

### *Air*

Clean air is one of the top priorities of the 25 Year Environment Plan and important to the health and well-being of us all as well as the ecosystems around us. It has become increasingly apparent that agriculture, transport and industry are important contributors to air pollution, agriculture being responsible for ammonia and nitrogen emissions as well as carbon dioxide. The Kent Downs is close geographically to several highly trafficked motorways, some pass through the AONB. The Office for National Statistics working with the Centre for Ecology and Hydrology researched the extent of removal of harmful pollutants; the findings show that the vegetation of Mid Kent is the 4<sup>th</sup> highest area in Britain in removing pollution; this particularly significant given the proximity of nearby urban (beneficiary) populations.

## **10.2 Geology and natural resources - special characteristics**

### **Geology**

The Kent Downs are valued as a place of spectacular views, dramatic scenery and landscape character and quality. The underlying geology is quite literally the foundation of this natural beauty; the quality pattern and hues of the landscape. The Chalk in particular is an ever-present component of much of the Kent Downs.

The AONB contains a number of special nationally and regionally important geological or physiographical features, eight of which have been designated as geological Sites of Special Scientific Interest (SSSIs) – including the full extent of the Chalk cliffs of the Heritage Coasts, where the exposures are of international significance. Where they are not statutorily designated, some sites have been selected as Regionally Important Geological Sites (RIGS) which are sometimes referred to as Local Geological Sites.

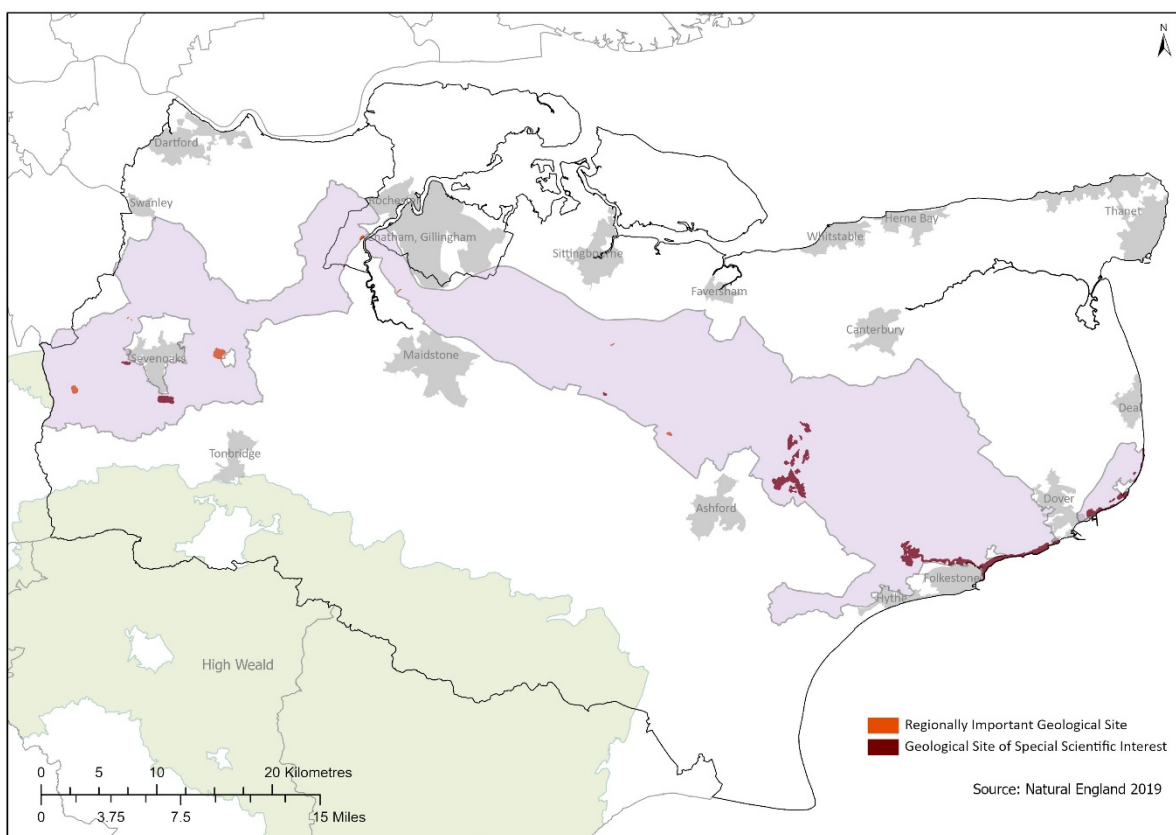


Figure 10.1 Important geological sites in the Kent Downs AONB

## Soil

The irreplaceable nature of soils, their colour, scents and texture as well as their connection with the pattern of natural vegetation, settlement and land use is a fundamental determinant of the character and qualities of the AONB. An undisturbed soil structure is a vital ecosystem component in woodlands and other semi-natural habitats and soil function is crucial in the Kent Downs AONB landscape contribution to biodiversity loss climate mitigation and adaptation.

## Water

Water helps define the landscape we see today, the pattern of settlement, landform, agriculture and wildlife are in part determined by the water environment. The Kent Downs AONB is a comparatively dry landscape; rainwater permeates easily through the porous Chalk and Greensand bedrock with generally few areas of standing water, except where Clay-lined dew ponds are present. Where the permeable Chalk and Greensand layers meet impermeable Gault Clay, water seeps out in spring lines. The lower scarp slopes are characterised by historic settlements that have developed around these water sources (e.g. Postling, Hollingbourne and Underriver). These springs flow into the main river catchments, flowing out of and sometimes through the AONB including in the three main river valleys of the Darent, Medway and Stour. Our chalk streams and rivers are of international importance because of their nature, beauty and rarity.

## Air

The Kent Downs offers the opportunity to experience the 'open air' clean, fresh air is an

important natural and perceptual quality of the Downs; it adds to the health and wellbeing that the AONB provides to residents and visitors. The landscape and vegetation pattern of the Kent Downs is particularly important in the air pollution reduction it achieves close to beneficiary populations.

### **10.3 Geology and natural resources - main issues, opportunities and threats**

#### **Geology**

- a. Lack of awareness about the importance of AONB geology and landform.
- b. There are important mineral resources in the Kent Downs and its setting which are expected to come under further pressure for development as less constrained sites are worked out and as a result of the UK leaving the EU. Future development will be decided within the framework of the NPPF and Kent Minerals and Waste Plan. Mineral workings can have a serious impact on landscape quality. Restoration plans may be affected by the deficit of inert materials which were once more easily obtainable.
- c. The importance of geological sites and features tends to be overlooked due to lack of information, interpretation, poor management, development, landfill and dumping.

#### **Soils**

- d. Soil erosion, especially on the steeper slopes and under 'open' arable crops, such as maize and potentially some biomass crops; climate change enhances this risk.
- e. Maintaining and improving soil quality is an important priority, for instance through minimal and zero tillage and regenerative agricultural methods, cover and spring crops (with winter stubble) and promoting the relationship between good soil management and climate change mitigation.

#### **Water**

- f. Pollution of rivers and springs from point sources, including public and private sewerage systems, agriculture and fish farms.
- g. Diffuse pollution from agricultural sources leading to nutrient enrichment, reduced water and elevated levels of silt and pesticides.
- h. The expected increase in water demand for public use and irrigation in already over abstracted catchments presents major challenges for water resource management and potentially the installation of significant new water infrastructure in or affecting the landscape.
- i. Predicted increase and volume of flooding and drought events. River flooding in the Kent Downs affects localised areas, there is an opportunity to adopt natural flood and drought management approaches which support landscape character and reduce risk.

- j. Need to understand the relationship between landscape management, aquifer recharge and water quality.
- k. The water companies' Water Resources Management Plans process provides an opportunity for collaborative working to secure a more resilient water supply at the same time as landscape management which supports landscape character.
- l. The opportunity to collaborate with the Catchment Based Approach to secure the conservation and enhancement of landscape character as well as delivery of Water Framework Directive (or its successors) objectives – and also ensuring that AONB principles and projects support the WFD.

### **Air**

- m. The important benefits of clean air are increasingly understood whereas the role of the Kent Downs landscape in providing these services is not well understood and at risk, for instance from tree disease.
- n. There is a need to reduce air pollution from transport and agriculture in the Kent Downs.

### **Ecosystems services and green infrastructure**

- o. The significant benefits of Kent Downs ecosystem services are insufficiently recognised and valued and the opportunities to secure payment for them is not yet developed.
- p. The need to establish and secure the Kent Downs as a vital component of Kent's green infrastructure provision.

## **10.4 Geology and natural resources - aims**

A landscape in which:

1. A safe, clean environment is protected, conserved and enhanced, where residents, visitors and nearby populations benefit from essential ecosystem services and increased well-being and quality of life.
2. Important geological sites and exposures of the Kent Downs are recognised, conserved and enhanced.
3. The natural capital resources of soil, water and air will be conserved, enhanced and managed in a way which enhances landscape character and quality as well as delivering co-benefits for carbon and nature management.
4. Local sources of pollution indigenous to the AONB are minimised, reduced or controlled.
5. The Kent Downs AONB landscape provides vital ecosystems services, functioning ecosystems and green infrastructure for Kent and the south east.

## **10.5 Geology and natural resources - principles**

GNR1 Activities designed to protect, conserve and enhance the important geological exposures of the Kent Downs will be encouraged. To recognise the importance of the

geology of the Kent Downs the opportunity to secure Geopark status for the Kent Downs will be explored.

GNR2 Careful management and sensitive restoration of existing minerals and waste sites in or affecting the Kent Downs will be pursued.

GNR3 In the light of potential planning for future mineral supplies a careful approach will be taken to reduce the likely pressure for new minerals sites in or affecting the Kent Downs AONB including promoting re-use and recycling and ensuring the support for the further provision and safeguarding of existing mineral importation wharfs and rail depots to enable alternative sources, from less sensitive areas, to be provided to meet identified needs in Kent.

GNR4 Advice to farmers and land managers which seeks integrated environmental land and natural resource management in the Kent Downs will be encouraged.

GNR5 A strategic collaborative Catchment Based Approach will be taken to the management of the water environment in the Kent Downs AONB to secure a more resilient water supply, achieve good ecological status in the water bodies, use natural solutions to mitigate flooding and secure the conservation and enhancement of the landscape.

GNR6 Additional water abstraction particularly in the Darent and Great Stour river catchments will be resisted unless it can be demonstrated that there will not be any harmful impacts upon the special character and qualities of the Kent Downs. Support for Water Resource Management Planning which seeks to secure the conservation and enhancement of the Kent Downs AONB landscape will be pursued through collaboration with water companies, authorities and regulators.

GNR7 A collaborative approach will be pursued to secure the provision of appropriate ecosystems services and green infrastructure, which supports the special character and qualities of the Kent Downs, for the benefit of the community and economy, effort will be pursued to secure new Payments for Ecosystems Services (PES) that might benefit the conservation and enhancement of the Kent Downs AONB.

GNR 8 Ensure that projects, proposals and plans as well as future public agricultural payments recognise and seek to protect, conserve enhance the extent, quality and functions of the soil.

GNR 9 Ensure that landscape management practice, plans and policies seek to enhance the clean air benefits that the Kent Downs AONB offers recipient populations.

# 11. Quality of Life and Vibrant Communities

## Quality of life

### Secondary purposes of AONB designation

The landscape comes first. The primary purpose of AONB designation is to 'conserve and enhance the natural beauty of the landscape'; this is the focus of the Management Plan.

The secondary purposes of AONB designation are to take account of the needs of land-based and rural industries and of the economic and social needs of local communities. The demand for recreation should be met in a way that is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses. These needs came into clear focus during the Covid pandemic are expected to come into ever greater focus in the lifetime of this management plan.

The following sections set out how the secondary purposes of AONB designation will be addressed, it recognises that, without the support of a wide range of people the conservation and enhancement of the natural beauty of the landscape will not be achievable. A principal consideration is how secondary purposes relate back to the primary purpose of designation. The challenge for this Management Plan is to find ways in which social and economic well-being, inclusion, public understanding and enjoyment, can be complementary to, and can further support, the primary purpose of conserving and enhancing natural beauty.

## 11. Vibrant communities

*'Any attempt to create a division between what visitors need and what locals want will always be arbitrary: lots of people who live in national landscapes love their natural beauty, and lots of people who visit want to be in places which are real communities. It is a shared interest.'*  
Government's Landscape Review 2019

### Our vision for quality of life and community benefit afforded by the Kent Downs AONB

In 2031... a wide diversity of people and communities are central to the conservation, enhancement and enjoyment of the Kent Downs; they value this special place and feel welcome and are able to enjoy, experience and benefit from the AONB. People and communities have a strong, positive influence over change through being engaged and active participants. Communities' work and voluntary activity marries social and economic well-being with landscape conservation and enhancement. Individuals and organisations choose to buy goods and services that in themselves benefit the Kent Downs landscape and economy.

The health and well-being benefits of contact with nature and beauty for all have become central to the purposes and management of the landscape and the Kent Downs partnership.

## 11.1 Overview

The Kent Downs AONB is a 'living part of modern England, not isolated from the forces which shape the rest of society' the beautiful Downs are located close to millions of people. One aim of this Management Plan must be to find ways of achieving thriving, vibrant communities and a sustainable and prosperous local economy that conserves and enhances this nationally important area. This is why the IUCN Category V definition (see section 2) is so important and why combining both people and nature is a particular challenge for this plan.

While an AONB Management Plan is not the primary means for tackling social and economic needs, without the right social and economic conditions, it is difficult to conserve and enhance the valued landscape. In recognition of the importance of vibrant communities to supporting the purposes of the AONBs the Landscape Review has recommended a new purpose for AONBs and National Parks which would be to 'Foster the economic and community vitality of their area in support of the first two purposes'.

## 11.2 Vibrant communities

"Rural communities and the economies in them have been ignored and underrated for too long. We must act now to reverse this trend, but we can no longer allow the clear inequalities between the urban and rural to continue unchecked. A rural strategy would address challenges and realise potential in struggling and under-performing areas and allow vibrant and thriving areas to develop further. Doing nothing is not an option." Lord Foster of Bath – Chair of the House of Lords Select Committee for the Rural Economy.

The findings of the House of Lords Select Committee (April 2019) for the rural economy and the context, issues and opportunities identified in this plan are largely coherent, but the plan also looks to the important communities beyond the boundary of the AONB seeking a welcoming and inclusive approach.

The population of the Kent Downs AONB in 2011 (most recent census information) is estimated to be approx. 96,000 or around 5.5% of Kent's population.

Social and economic information is difficult to establish at an AONB level but the most recent information available shows an AONB population which is generally older, with fewer minority ethnic groups than the rest of the county. This is supported by information provided to the independent Landscape Review. The population of the Kent Downs has more white-collar and professional workers than the county as a whole, with higher owner-occupancy and car ownership per household. A higher percentage of people are self-employed, probably resulting in more home-working and indicative of an increasing knowledge-based economy within the AONB, a trend that is thought likely to be accelerated by the Covid-19 pandemic.

The ease of access to main urban areas, including Greater London, and the attractiveness of the villages and countryside places great demand on most parts of the AONB as a place to live and work and from which to commute. House prices are high and the percentage increase has been higher than the regional average.

There is a lack of affordable and/or rented housing within or adjacent to the AONB particularly for young people and families, and people on lower incomes (including public sector workers and those employed in the land-based industries). This creates 'hidden households' where young adults continue to live with parents rather than establishing themselves independently.

Incomes are higher than the regional average and are around the average for people living in a protected landscape.

Not surprisingly, the percentage of people employed in land-based economic activities is double that for the county as a whole, although this figure is a small part of the overall AONB workforce (3.8%). However AONB residents from other industry sectors are in similar proportion to the county as a whole; hotels and restaurants have been important employers in the Kent Downs AONB but the hospitality industry has been very severely affected by the Covid-19 pandemic.

The Kent Rural Delivery Framework evidence base described Kent's rural communities as active and entrepreneurial; they are a considerable asset which can be harnessed to secure the future of the AONB. Rural poverty and exclusion is regarded as a hidden but real issue in a number of communities particularly for isolated elderly people, people with disabilities, migrant workers and some young families. While lower than the regional average the Index of Multiple Deprivation is higher than for other South East National Landscapes. Added to this, there are five wards on or immediately adjacent to the AONB boundary with high social and economic needs.

The importance of traditional land-based economic activities to the AONB's rural income is small and declining. However, a number of other employment sectors and industries (such as transportation, distribution, tourism and retail) depend on land-based activities and landscape to some extent. The diversification of the employment base in a way which supports the landscape character and special characteristics of the AONB needs to be encouraged and developed. The community heritage knowledge which resides with older generations of residents is a valuable resource for the celebration of the landscape and community vibrancy.

Some of the challenges for communities of the Kent Downs are to maintain balance and diversity given limited housing availability and high house prices, an aging population and sometimes difficult access to services. The provision of affordable local needs housing which is of sensitive design and location is a high priority identified by Action with Communities in Rural Kent (ACRK) through their community engagement, and this has been supported by the Landscapes Review evidence.

Evidence from the Kent Downs partnership and other Protected Landscapes shows that to be 'thriving and vibrant' communities need good access to services, social and community links, places to meet and interact, places for recreation and work, links beyond the immediate community, access to jobs, good digital connectivity and community activities and engagement. Rural deprivation issues also require close attention and support. In the context of a protected landscape these community needs should be met in ways which support the qualities and characteristics of the landscape; indeed landscape and environmental conservation and design can be a good focus for community development.

The Kent Downs AONB has benefitted from substantial investment supporting sustainable

rural development through various EU programmes including Interreg and LEADER. The exit from the EU places these at risk and there is concern that the Shared Prosperity Fund may not provide a comparable or improved replacement.

*'One thing stood out, talking to people in the course of this review and examining the responses to our call for evidence. They worry that longstanding communities feel under great pressure, and point in particular to house prices and jobs.'* Government's Landscape Review 2019

### **Community, parish planning and neighbourhood plans**

There has been long running support for community and parish planning in the Kent Downs AONB. Community engagement in understanding the built and cultural heritage can be important to community identity and activity. There are a variety of community planning approaches including Village Design Statements, Parish Plans; neighbourhood planning and Conservation Plans.

The Localism Act introduced the neighbourhood planning system, Neighbourhood planning gives communities the opportunity to develop a shared vision for their neighbourhood and help shape the development and growth of their local area. Neighbourhood plans can influence where communities propose new homes, shops and offices are built, have their say on what those new buildings should look like and what infrastructure should be provided. Neighbourhood Plans have to be in conformity with relevant development plans.

### **Community services and enterprises**

There has been long run concern about the decline in community and village services such as village shops, post offices, churches and pubs and a fear that the Covid Pandemic will accelerate this. Consequently the loss of such assets can trigger the creation of community run enterprises which in themselves are a community development catalyst and can be a vehicle to support a sustainable local economy which supports landscape character there are several examples across the AONB of successful community run facilities working alongside more 'traditional' businesses.

### **Volunteering**

There is already a strong voluntary ethic in and around the Kent Downs; Parish Councils, conservation volunteers, charities, tree and river wardens, footpath volunteers, walks leaders, religious groups, village and community enterprises and the Countryside Partnerships all rely on voluntary efforts and often this supports landscape conservation and the enhancement of communities. Participating in volunteering can provide healthy exercise and social interaction and is known to benefit health and well-being; even life expectancy is greater for those who participate in volunteering. Given the wide and established volunteer groups the AONB Partnership has deliberately sought not to 'compete' with existing volunteer organisations but to support them.

The Government's Landscape Review strongly promotes expanding volunteering in our national landscapes through the support of a National Landscape Service, as this emerges the Kent Downs AONB response should be positive but should not undermine but strengthen existing volunteer groups.

Much of the volunteer 'force' benefiting the Kent Downs AONB is made up of actively retired individuals; there is a concern that as work and life patterns change this resource may reduce substantively.

## Our neighbours

The Kent Downs AONB is in a unique position of being so close to major urban and growth areas and London. There are well over 1 million people living within one kilometre of the Kent Downs AONB boundary, many are areas of high social and economic need and the growth trajectory for Kent is unprecedented (see sections 2). The AONB offers a place for recreation, health and well-being to these communities, but the relationship needs to be carefully developed so that all benefit and landscape qualities and community life are not compromised. We know from the Landscape Review and Kent Downs AONB led research that there are considerable barriers to many people and communities to accessing and enjoying the Kent Downs landscape, these are covered in more detail in section 12.

## Sustainable rural leisure and tourism

Sustainable rural leisure and tourism has been identified as a key way to support the socio-economic well-being of rural areas. Providing jobs and supporting community services, sustainable rural tourism of itself can be a catalyst for community development.

Sustainable tourism has been defined as “Tourism that takes full account of its current and future economic, social and environmental impacts, addressing the needs of visitors, the industry, and the environment and host communities.” Making Tourism More Sustainable – A Guide for Policy Makers, UNEP World Tourism Organization.

Perception research taken forward by Visit Kent in 2017 show that the main perceptions of Kent are to do with the coast, scenic countryside, the culture, gardens and historic buildings, food and festivals. The countryside is referred to frequently. In particular there are mentions of a variety of scenery, ‘quiet countryside’, the garden of England, orchards, hops, oast houses. Kent sustains a leadership position when it comes to tourist perceptions. Even amongst those who have never visited Kent, the region is seen more positively than its neighbours on the most motivating imagery dimensions including, Coastal, Rural, Historic, Nature, Food & Drink and Seaside.’ Visit Kent 2018 Many of these features are provided ‘in spades’ by the landscapes of the Kent Downs

As part of the evidence gathering for this Management Plan review it became clear that ‘over visiting’ has rapidly become an issue across the AONB particularly on countryside with heritage sites. Visitor site car parks are often full by mid-morning on a sunny weekend and the visitor experience at risk of declining, along with erosion to paths, damage to the historic, natural and cultural heritage as well as loss of tranquillity. Making tourism and recreation more sustainable is not just about controlling and managing the negative impacts, tourism and recreation are in a special position to benefit local communities economically and socially, and to raise awareness and support for environmental conservation.

In recognising the importance of sustainable rural tourism, the Kent Downs AONB Unit has taken a lead, the EXPERIENCE project a £3m E.U. funded project which seeks to improve facilities to promote off season visiting, encourage sustainable tourism and promote new sites and visitor resources so reducing pressure on ‘honey pots’. In support the Kent Downs AONB, Visit Kent and Produced in Kent have agreed a Joint Statement and Action Plan.

*‘There are lots of benefits to communities from designation – pubs and village shops are kept busy, and more visitors means more people who might support bus services. Studies, which are largely based on surveys of businesses in national landscapes, provide strong evidence that environmental quality in general, and in national landscapes in particular, help to support a significant proportion of local economic activity.’* Government Landscape Review

## **Community health and well-being**

The evidence is clear that there are multiple physical and mental health benefits from access and contact with beautiful places; these range from just feeling enlivened after a walk in the open air to significant therapeutic interventions with those with dementia, have experienced trauma or, for instance, suffer from cardio-vascular disease. The desire to visit the countryside was made incredibly apparent after the first national 'Lock Down' during the Covid-19 pandemic. The NHS recruitment of link workers along with local authority and primary care social prescribers to boost social prescribing demonstrates that the evidence has effected change in practice. The AONB landscape and partnership has a significant opportunity to collaborate with local authorities, charities, Public Health and the NHS to support social prescribing and to develop partnership projects and strategic programmes that can change lives including for seriously affected families and individuals.

The Government's Landscape Review promotes a new statutory duty for AONBs and National Parks; one of the 27 proposals specifically supports the landscapes catering for and improving the nation's health and wellbeing and promotes a new statutory purpose, to: 'actively connect all parts of society with these special places to support understanding, enjoyment and the nation's health and wellbeing'. The Kent Downs AONB partnership strongly supports this ambition.

## **11.3 Vibrant communities - main issues, opportunities and threats identified**

### **Social exclusion, deprivation and access to services**

- a. A number of areas and wards around and within the AONB have high levels of social deprivation, health inequality and communities experience substantial barriers to experiencing and benefiting from the AONB. Within the AONB community diversity is low, rural poverty, social exclusion and isolation can be 'hidden' and is an issue for some elderly people, minority ethnic groups, migrant workers, people with disabilities and those on low incomes.
- b. Retaining and improving access to, and provision of, local services and facilities including super-fast and gigabit capable broadband, post offices, village shops, public houses and community infrastructure.
- c. Community facilities and services, such as schools, libraries, public transport, social care and doctors' surgeries, are unevenly available and accessible.
- d. There is limited up-to-date specific data on the social and economic profile of the Kent Downs.

### **The availability of affordable housing**

- e. Housing prices have continued to rise, in some parts, well above and faster than the national average.
- f. Considerable demand for affordable and local needs housing in many parishes in the AONB

## **Maintaining and diversifying the employment base**

- g. Decline in farming and forestry employment, although both industries are still important economically in terms of maintaining Kent Downs character.
- h. Skills gap for some local employers, such as locally based skilled forestry and farm workers as well as heritage skills.
- i. There are opportunities to widen the employment base in ways that can support the purposes of the AONB which should be pursued as part of the 'green recovery'.

## **Sense of community and belonging**

- j. The need to attach people to place and landscape heritage where an increasing proportion of the population are not directly involved in landscape management.
- k. The need to overcome barriers to accessing and enjoying the landscape for a more diverse range of people
- l. The need to improve community recognition and value of the special characteristics of the AONB to secure its future conservation and enhancement.
- m. The need for support to achieve greater and a more diverse community capacity and involvement in decisions affecting the AONB.

## **Sustainable leisure and tourism**

- n. There is an opportunity and demonstrable need to sustainably manage the numbers, impact and income from visitors to benefit local people, local services and support the conservation and enhancement of the AONB landscape.
- o. Some areas within the AONB suffer either from over capacity or overuse, leading to a detrimental impact on both the landscape character and qualities, visitor experience and host communities, the advent of E.L.M. funding provides an opportunity to invest in better provision
- p. The departure of the UK from the EU raises concerns about how sustainable rural development will be supported.

## **11.4 Vibrant communities - aims**

A landscape in which:

- 1. Thriving, diverse, vibrant, welcoming communities understand, recognise and value the special qualities of the AONB and play an active role in its conservation and enhancement while reducing their environmental impact.
- 2. A strong and sustainable rural economy supports the special characteristics and qualities of the AONB and is supported by residents and visitors, who value and use

sustainable local produce and services.

3. There is well designed, sustainable and affordable housing, particularly for workers employed in the land-based economy and conservation of the AONB's landscape, social and economic vitality.
4. Accessible, affordable local services and facilities are available to all and are well-used throughout the AONB.
5. The high quality environment and landscape of the AONB is seen as an asset to local businesses, which in turn contribute to the conservation of the landscape through the use of local sustainable goods and labour and through active conservation and enhancement.
6. The area is recognised by both local communities and visitors as a premier sustainable tourism destination.
7. The environmental impact of AONB communities is stabilised and reduced.
8. The health and wellbeing benefits offered to communities and individuals are actively pursued.
9. Barriers to more and more diverse communities benefitting from the inspiration and beauty afforded by the landscapes of the AONB are overcome.

## 11.5 Vibrant communities - principles

- VC1 Community and business initiatives that improve the recognition, engagement in and conservation of the Kent Downs AONB and encourage community life will be pursued.
- VC2 Positive and sustainable links between the Kent Downs AONB (landscape, communities and partnership) and nearby communities, particularly from excluded groups and from neighbouring deprived areas will be pursued.
- VC3 Initiatives which are in line with existing policies of the Local Planning Authority that increase and improve the supply of affordable housing for (i) those with proven local needs, and (ii) workers whose activities directly contribute to the purposes of the AONB designation, will be supported where it is demonstrated that the proposals are suitably located, of high-quality design, limited quantity and scale and are built to the best current environmental standards.
- VC4 The retention and development of local services, facilities and employment opportunities in order to conserve and enhance the natural beauty of the Kent Downs AONB and reduce the need to travel by car and maintain viable rural communities will be supported.
- VC5 Skills training and business development assistance will be encouraged where they contribute to the viability of communities and meet the purposes and principles of the AONB designation and partnership.

- VC6 The development of sustainable visitor and tourism facilities will be pursued where they enhance people's enjoyment and understanding of the AONB without detracting from its special characteristics and qualities. The Kent Downs AONB partnership will pursue sustainable tourism zone status.
  
- VC7 Tourism and leisure businesses in the Kent Downs AONB will be encouraged to adopt the principles of sustainable tourism and to demonstrate their commitment to sustainability.
  
- VC8 Local communities will be encouraged to prepare and promote Village Design Statements, Parish Plans and Neighbourhood Plans (in conformity with relevant development plans) as appropriate to assist in the conservation and enhancement of local distinctiveness as settlements evolve.
  
- VC9 Opportunities to better understand the social and economic profile of the Kent Downs AONB will be pursued.
  
- VC10 Support will be given to groups that encourage volunteering in the Kent Downs. In the event of the recommendations of the Landscapes Review regarding AONBs roles in volunteering being supported by Government an approach with continues to support local groups will be established.
  
- VC 11 Opportunities to enhance the health and wellbeing of communities and individuals both within and around the Kent Downs AONB will be actively pursued to increase provision and better bring together and coordinate provision of health and wellbeing 'assets' in local settings within the AONB.

# 12. Access, Enjoyment and Understanding

## Our vision for access, enjoyment and understanding in the Kent Downs AONB

In 2031... the Kent Downs AONB is a place of natural beauty with opportunity and access for all people; they feel welcome to participate in quiet recreation for health, relaxation, enjoyment and for cultural and artistic expression.

Improved management ensures that the Public Rights of Way and much of the highway network is safe, quiet and convenient for walkers, cyclists and horse riders and public transport along with active travel is an attractive option to reach and enjoy the landscape. Maintenance and enhancement of the Public Rights of Way and highway network is sympathetic to biodiversity and landscape character.

The Kent Downs AONB is recognised, valued and celebrated by residents, visitors and by those who simply delight in the fact that it is there.

### 12.1 Overview and context

The Kent Downs AONB offers some of England's most captivating and accessible countryside. The AONB has a resident population of over 96,000 people, however a further in excess of one million live within one kilometre and over 2 million within 10km of the boundary.

The AONB has 1876km/1166miles of Public Rights of Way network which is four times the density of the national average. The Kent Downs accommodates 40% of Kent's bridleways and 50% of Kent's byways on 23% of the county land area. For this important resource to be used there is clear evidence from the Public Rights of Way improvement plan evidence base that its maintenance, connection and promotion are key.

The AONB is crossed by or adjacent to four motorways, many trunk and 'A' roads, and hundreds of smaller roads. It is served by five railway lines with 27 railway stations and numerous bus routes and services. The Port of Dover, the UK's busiest ferry terminal, as well as the Channel Tunnel terminal are both immediately adjacent to the AONB. Ashford and Ebbsfleet International stations are in easy reach.

While there is often concern about the impact of recreation, carefully managed access to attractive countryside, particularly walking, cycling and horse riding can bring physical and mental health benefits, enable people to enjoy a great landscape, reconnect with nature and provide support to the local economy. The review of payments for land management which will follow the UK's exit from the EU provides a major opportunity to invest in new, well managed access which enables and encourages a diversity of users to access the landscape as part of a package Environmental Land Management (E.L.M.) payments which will use 'public money for public good'.

## Managing access in the Kent Downs

Under the Countryside and Rights of Way (CROW) Act (2000), Countryside Access Forums for Kent as well as Medway have been established. The role of the Forums is to advise on the improvement of public access to land within Kent for the purpose of open-air recreation and enjoyment. The Countryside Access Forums also responds to Government consultations, contributes to the Kent Countryside Access Improvement Plan and steer and monitor access and recreation policy in Kent and Medway.

## The Kent and Medway Rights of Way Improvement Plans

Under the Countryside and Rights of Way Act (2000), Highway Authorities have a duty to develop a Rights of Way Improvement Plan (ROWIP). Kent's ROWIP was adopted as county policy in 2018 its vision is *"To provide a high quality, well-maintained Public Rights of Way network, that is well used and enjoyed. The use of the network will support the Kent economy, encourage active lifestyles and sustainable travel choices that support health and wellbeing, and contribute to making Kent a great place to live, work and visit"*.

The Kent ROWIP identified 6 key priorities for action; to encourage active lifestyles and utilisation of the Rights of Way for all of the many benefits these bring people, to evolve the network to meet future demand, to have good knowledge of use of the network and barriers to the use, to ensure a well maintained network of public Rights of Way, ensure that statutory responsibilities are taken forward and stator compliance is delivered and to work efficiently and enhanced our understanding of when and why people use the Rights of Way network and what the barriers are to use. In Medway a revised ROWIP was adopted in April 2020, the plan sets out priorities and actions to improve Medway's public rights of way over a 10 year period. The actions, focused around four themes, target the provision of a high quality, well maintained public rights of way network which is aimed to should then help everyone to have the chance to visit Medway's outstanding countryside, including the Kent Downs. The plan is also intended to help people make active lifestyles and sustainable travel choices.

## Open access land

Under the Countryside and Rights of Way Act around 0.6% of Kent and Medway has been dedicated for open access; the majority of this is chalk downland, along with registered common land and parkland within the AONB. 46% of open access land in Kent is within the Kent Downs AONB (23% of the County). Open access land is managed by Kent County Council as the Access Authority, additionally the Forestry Commission and the Woodland Trust has dedicated their land for open access. In many cases access land was already available through time limited agreements. However where large tracts of land have been mapped, for instance around Dover, there are significant access opportunities.

## Coastal access

The Marine and Coastal Access Act 2009 placed a duty on Natural England to improve access to the English coast through the creation of a continuous long-distance walking route, the 'England Coast Path National Trail'. The England Coast Path has been defined along the two Heritage Coasts of the Kent Downs AONB. The path provides a Coastal Access Margin on the seaward side of the new path, similar to open access land, providing significantly more access than the path itself. The North Downs Way National Trail and the new England Coast Path National Trail are increasingly building partnership working arrangements to share experience and enhance the potential benefits of the Coast Path.

## Visitors to the Kent Downs

Limited visitor information is available for the AONB as a whole; Visit Kent's research (2019) shows 66.5 million visitors for Kent, generating a total tourism value of £4.1 billion (up 7.3% compared to 2017) and supporting more than 81,000 jobs. It is also clear from Visit Kent research that visits to the countryside and heritage sites are important motivators for many visits to Kent. The current estimates for Kent Downs AONB visitor numbers is approximately 20 million visits a year, which is similar to the Cotswolds AONB.

Evidence from the Landscapes Review shows that there are around 100m visits to National Parks each year; and around 170m visits to AONBs but the benefit is not shared amongst all sections of society.

The Landscape Review states that 'statistics show certain groups especially disconnected. Most visits are made by the same (better off, less diverse) people repeatedly, and those who miss out are the older, the young – especially adolescents – and those from lower socio-economic groups and black, Asian and minority ethnic communities:

- 13% of children (under 16) and 5% of young people (aged 16-24) typically never visit the natural environment or even spend any of their leisure time outdoors.
- Children are spending less time unsupervised outside and children from black, Asian and minority ethnic, and low income, communities are even less likely to do so.
- 18% of children living in the most deprived areas never visit the natural environment at all.
- 20% fewer Visibly Minority Ethnic (VME) children go out into green spaces weekly compared to white, middleclass children.
- Children from deprived backgrounds visit 10% more than VME children.
- The numbers of children going on school visits to the countryside is shockingly low at just 6-7%.
- The groups which visit the countryside least are those aged 65 and over, members of the black, Asian and minority ethnic population and residents living in the most deprived areas of England.'

In 2020 the Kent Downs AONB Unit conducted research into the barriers to making access to the landscape more inclusive and diverse, with a particular focus on the opportunities presented by post EU agricultural support – Environmental Land Management. While detailed and considering all of the protected characteristics of the Equalities Act the findings presented some clear messages:

- There are many barriers to access including physical, economic, societal and perceptual barriers. Some of the barriers to greater diversity and inclusion are built into the language, systems and governance of National Landscapes and countryside management; they are institutional and this should be recognised in order to effect change.
- Investments in new access need to be intelligently targeted to where they will achieve real benefit
- There is an opportunity to think differently about paying to provide access, this will include improving the physical infrastructure of access but must also include non-typical investments such as paying for community engagement champions, facilitators, transport and training.
- Investment in enhancing access should not only be for areas of land or length of path but for the intensity of benefit to the recipients, for instance small areas of land can provide transformational benefit for very troubled or traumatised people. In other areas simple changes (like short connections between public rights of way) can have a high level of benefit for low investment.
- Recipients or intended beneficiaries should be involved in the design of new access schemes.

- Investments need to be long term, it can be more damaging to have short run 'projects' that achieve some benefit then drop away; this is as true for farmers and land managers as it is for those experiencing new access.
- Providing new access should not be mandatory for farmers and land managers – it should be taken up where it makes sense to do so and farmers and land managers are willing to engage. Advisors and convenors should encourage farmers and land managers to become involved in target areas.
- Improving access can be good for everyone –farmers and land managers might benefit at least equally to those enjoying the access this might be through new payments, diversification opportunities, overcoming problematic access and overcoming social exclusion are examples.
- Land management plans should include opportunities to divert access from ecologically sensitive sites. This could be either by providing alternative routes or improving the quality of surfacing to encourage footfall along certain less sensitive routes
- Better recognition, connection and management of the public rights of way network is an important priority – which links to the findings of the ROWIPs

While it is clear that there are many people who are not benefiting from access to the beautiful landscapes of the Kent Downs, evidence from the engagement stage of this Management Plan review shows clearly that many visitor sites are now experiencing 'over visiting' such that parking facilities are often overwhelmed at weekends and the visitor experience can be harmed as well as the landscape character and qualities of the areas that people are seeking to visit.

While visitor numbers are already growing rapidly the population of Kent is destined to grow at an unprecedented pace; in the period to 2031 the population of Kent is expected to increase by about 1/4 placing increasing pressure on already pressurised sites.

Investing in new sustainable and inclusive access arrangements is an important, indeed vital priority.

## Walking

There is strong policy support at a national and local level to promote walking and cycling, this ranges from the National Planning Policy Framework to the Kent Active Travel Plan. The density of Public Rights of Way in the Kent Downs is four times higher than the national average. This is an invaluable asset and enables access to and enjoyment of virtually all parts of the AONB and can provide good links between the Downs and local towns and villages. The use of footpaths in the AONB is unevenly distributed with greater usage in the west and around 'honey pot' attractions.

The evidence base for the Kent Rights of Way improvement Plan identifies key priorities for the improvement and enhancement of the network which would support better use, a common theme is the enhancement of the quality of paths and bridleways including better surfaces, fewer barriers, clear signing and more accessible information. The need for clear signing is supported by research by Cycling UK as well as the Kent Downs Test and Trial.

Of national importance is the North Downs Way National Trail which starts at Farnham in Surrey and follows the North Downs through Surrey and Kent to Dover with a loop via Canterbury. Of the 153 mile trail, 70 miles lie within the AONB. Based on data from people counters on the Trail management estimates 550,000 users on the trail in 2016 based on a 5% year on year rise in use over the last 10 years which included a 14% increase in 2015.

National Trails are promoted as long-distance routes, although user surveys show that the majority of use on the North Downs Way tends to be for shorter walks. The opportunity to upgrade appropriate sections of the North Downs Way to include cyclists and horse riders is being considered and is supported. Two regional routes, the Saxon Shore Way and Greensand Way also pass through the Kent Downs, and there are a number of county recreational routes.

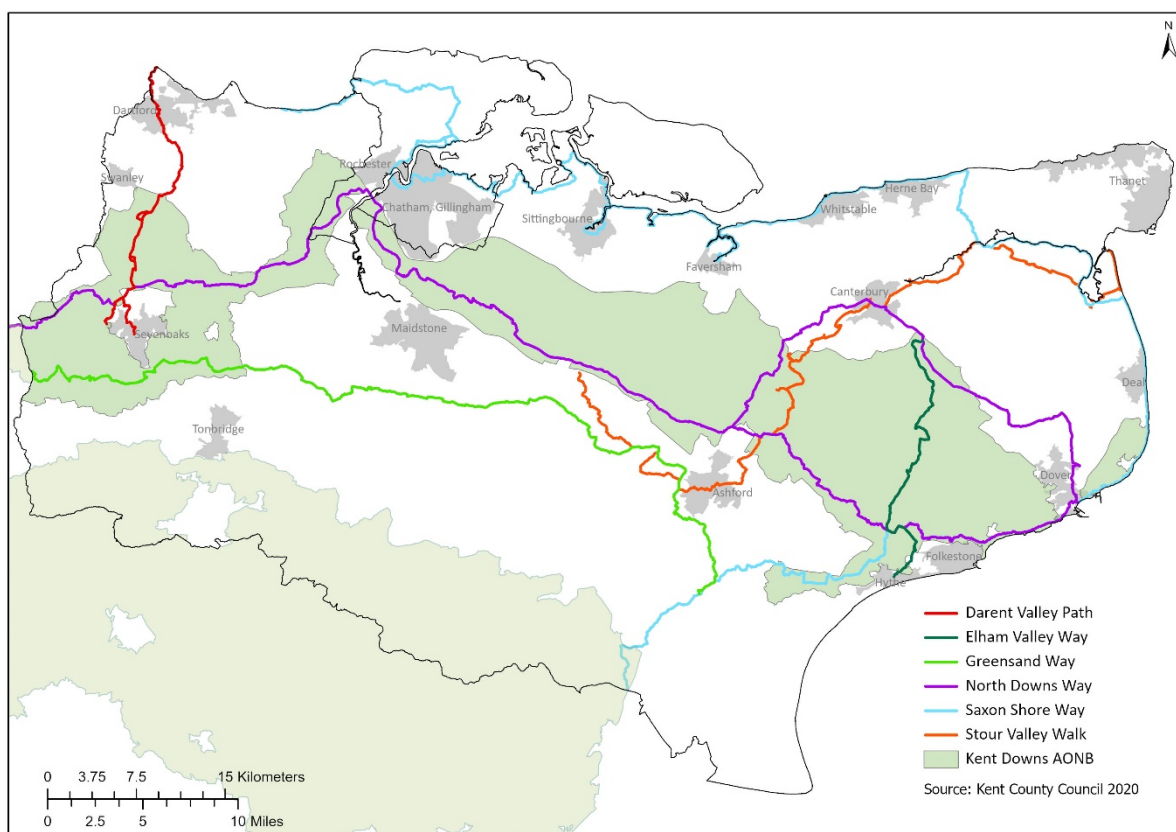


Figure 12.1 Promoted walking routes in Kent

## Cycling

Cycling is increasingly popular and can be a sustainable means of transport and recreation and is generally a quiet activity with low impact on the countryside. The increased prevalence of e-cycles makes the sometimes very steep hills of the Kent Downs now much more accessible to a greater number of people on cycles. Opportunities for off-road cycling in the AONB have been developed by Sustrans and Cycle UK however in certain circumstances the increasing popularity of off road cycling is putting pressure on the Public Rights of Way network, at the same time some cyclists and other users stray from permitted routes and cause damage to paths, farmland and sensitive habitats or historic sites. Sections of two National Cycle Routes and two regional routes pass through the AONB and the Pilgrims Cycle Trail, from Rochester to Canterbury, provides an arterial route through the Kent Downs. There are also a number of locally promoted on and off-road cycle routes. Dedicated cycling routes are proposed as an effective and low impact link between the Kent Downs and nearby urban and growth areas.

Following a significant increase in requests for cycling information along the North Downs Way, a partnership with Cycling UK and Sustrans has been established to create a linear multi user route to allow cyclists, horse riders and mobility vehicles to explore the Trail and AONB. A combination of proximity to large urban populations, the advance of cycle technology (mountain bikes/ e-bikes) and the rapid rise of cycling is driving the need to provide infrastructure and information for these purposes.

### **Horse riding and driving**

Although the network is limited, 40% of Kent's bridleways are in the AONB, making the Kent Downs a significant area for horse riding in Kent. The latest information (provided for the previous AONB Management Plan) estimates 100,000 riders in Kent, 50,000 regular riders, and horse numbers between 30 and 40,000 (Land Use Consultants/KCC). Evidence from the British Horse Society (BHS) and the Public Rights of Way teams (from maintenance spend) indicates that the increasing use of bridleways is damaging the route fabric. The BHS in Kent estimates a population of 90 horses per kilometre of bridleway, creating significant pressure on the network. Horse riding, driving and equine events provide important opportunities for access, exercise, health and wellbeing and can provide access opportunities for those with disabilities and mental health therapeutic needs.

Horse riding, like cycling and walking is increasingly difficult and dangerous on rural roads because of the volume and speed of traffic and the bridleway network in Kent is limited.

Other opportunities for informal countryside recreation are generally provided on the many open access sites, picnic sites and facilities across the AONB. These include 12 Country Parks and picnic sites, 44 Village Greens (44.9ha) and 48 areas of Registered Common Land (442.7ha). Access for informal recreation is also available at a number of National Trust properties concentrated on the Greensand Ridge south of Sevenoaks, parts of the White Cliffs Heritage Coast, Forestry Commission-owned woodland and sites owned and managed by Kent Wildlife Trust and the Woodland Trust.

### **Organised events**

The continued strong growth in organised events for a range of outdoor activities including cycling sportives on-road and trail (cross-country), running, duathlons, triathlons, sponsored walks, orienteering and geocaching has increased substantively. Events are led by a range of organisations including charitable bodies, sports clubs, and increasingly local events companies specialising in running and cycling events, such as Nice Work based in East Sussex which operate several events in and around Kent. Local running clubs are also active in this area, such as Istead and Ifield Harriers (North Downs Run) and Centurion Running (North Downs 50 and 100). In 2017 Pilgrims Hospice ran a walking challenge from Wye to Dover. In its second year of running in 2019 the event attracted 500 walkers with plans to develop this further. The North Downs Way alone sees over 10,000 people/ year take part in these events with new events appearing at around 4 new events each year. Inevitably this leads to an increase in users training for these events and training for other similar events in other locations. Transport connections to large populations make the landscape and trail attractive assets for event organisers.

### **Access for Artistic and Cultural expression**

The Kent Downs has long provided an important location for the creation and research of many creative projects. In recent years this activity has increased with artists and cultural practitioners focussed on outcomes that are more sustainable and connect to environmental concerns. There are several areas of the AONB where people can access and enjoy great

art; there is an opportunity for the partnership to provide infrastructure and partnerships that can support this work. New opportunities arise from the National Association for AONBs Arts Strategy and the bid for a Medway City of Culture in 2025.

### **Field sports**

The Kent Downs landscape lends itself to pheasant shooting and hunting with extensive areas of woodland and tree cover and arable and mixed farm use. It is estimated that game bird shooting generates at least £10 million per annum for the local economy and is one of the most economically important uses for Kent Downs woodlands. However, conflicts arise because of overstocking with pheasants; woodland management for game birds; the impact of the stocked bird populations on wild plant and animal communities and the landscape impact of game bird cover crops. A collaborative project with the Game Conservancy Trust has produced best practice guidance for game bird management in the Kent Downs.

Fishing is also popular although the Kent Downs offers limited scope for coarse and freshwater fishing, such as along the river and gravel pits of the Great Stour valley. Sea fishing is also popular off parts of the Heritage Coast, such as St Margaret's Bay and Samphire Hoe where national competitions are held.

### **Country motor sports**

Country motor sports are growing in popularity and are of special relevance in the AONB as the Kent Downs (23% of Kent's land area) accommodates 53% of the byways. Activities include events on public roads such as car tours, treasure hunts and road rallies along with green-laneing and trail riding on byways. While responsible users promote good practice and respect for others, the use of byways and unmetalled roads by 4x4 vehicles and motorbikes, although legal, can lead to significant conflicts with other users because of disturbance, safety issues and damage to the Rights of Way surface. There remains illegal use of footpaths and bridleways by motorised vehicles, and the use of byways to access the wider landscape. These and other recreational activities can negatively affect the tranquillity of the AONB which is a much-valued component of natural beauty.

### **Road users**

The rural road network of the Kent Downs is often of ancient origin and its pattern is an important part of the special character and qualities of the landscape. The Kent Growth and Infrastructure Framework identifies traffic growth and congestion as an important issue in Kent and the Kent Downs is not immune; the roads of the Kent Downs provide well used north south links through the county and are also used as an important way to access the landscape and the main UK Europe transport routes pass partly through or very close by the AONB. A series of major infrastructure and development proposals, such as the Lower Thames Crossing, London Resort and 'garden' towns outside the AONB have the potential of increasing traffic through the AONB. Greater reliance on the car is partly thought to be because people perceive roads to be dangerous to walk or cycle. The KCC road safety rural campaign states that rural roads account for 3/5 of road fatalities, which are focused on roads to and from urban areas.

The historic and ancient routeways and paths are susceptible to damage by modern vehicular use, detracting from the enjoyment of the area by walkers and cyclists and damaging the fabric of the lane.

### Access for people with restricted mobility

Greater recognition of the needs of socially excluded groups, and legislation including the Disability Discrimination Acts 1995 and 2005, and subsequently the Equalities Act are leading to enhanced efforts to meet the needs of all, including people with disabilities, on low incomes or without access to private transport.

Research from the Kent Countryside Access Improvement Plan has shown that 18% of people with a disability never visit the natural environment, compared with 8% of the non-disabled population. Research found that disabled people visited the countryside to enjoy views, the landscape and to relax and they perceived the countryside as inherently rewarding and beneficial to the same degree as the wider population, especially for the psychological benefits. In addition, accessing the natural environment gave people with disabilities a sense of continuity between their disabled and non-disabled selves, and a sense of achievement.

For people with mobility restrictions there are a growing number of promoted routes and sites and user groups are taking active and welcome steps to support wider access for all.

### Health and well-being

There is compelling evidence for the health and well-being benefits of contact with nature and access to the countryside. With a rapidly increasing urban population in Kent and London along with the impacts of the Covid-19 pandemic, there is a special focus on the role of the Kent Downs landscape in providing these significant multiple benefits. The evidence base for the Rights of Way Improvement plan added to this saying *'Our research showed that the clear majority of PROW users experienced only positive feelings relating to vitality and happiness when using the network, showing how valuable the network is in improving people's quality of life through health and wellbeing benefits.'* This evidence base is being recognised in the NHS and in the early years of the plan the NHS will be recruiting 'link workers' to connect prescribers with local agencies which can provide support for a wide range of people for instance with long-term conditions, need support with their mental health, are lonely or isolated or have complex social needs which affect their wellbeing.

### Education and children

Over the next 20 years, today's children and young people will become tomorrow's decision makers. If we are to secure a future for this precious landscape, and our environment more generally, we should actively encourage understanding and education for young people. The close proximity of substantial urban areas to the Kent Downs AONB offers a special opportunity to promote exciting and engaging activities for schools and families. The disconnection between children and the natural environment has been described as 'Nature Deficit Disorder' and its consequences and the opportunities to address it have been documented in a National Trust report. One of the 'stand out' recommendations of the Government's Landscape Review was to offer all children a night under the stars.

There are many opportunities to reconnect children with nature (and dark night skies), link education activities to the national curriculum and to strengthen the understanding, enjoyment and celebration of the AONB landscape.

### Information and interpretation

At the heart of enjoyable countryside recreation is high quality accessible information that

helps visitors plan their use of the Kent Downs and increases the understanding and satisfaction of their experience. Information is currently available in a variety of forms but tends not to be coordinated and may display unconscious bias. The Landscape Review as well as the Rights of Way Improvement Plan have identified the need for better information and clearer signing as a priority for the future management of National Landscapes to benefit visitors and local people alike.

No specific AONB visitor centres exist, although many of the existing centres do provide information about the Kent Downs.

## **12.2 Access, enjoyment and understanding - main issues, opportunities and threats**

- a. There is a structural inequality in the access and enjoyment of the beauty of the Kent Downs, a variety of groups and individuals experience significant barriers to enjoying the landscape, research has shown many ways to help overcome these barriers.
- b. The very rapid growth trajectory for Kent will generate new opportunities for and pressures from access for enjoyment, health and well-being.
- c. There is a need to identify how the CRow Act open access sites can bring wider benefits and links to education and information provision.
- d. Differences in requirements and uses between rightful PRow users (horse riders, cyclists, motorbikes, 4x4s and walkers, those with dogs) can result in conflicts.
- e. Conflicts between rightful PRow users and illegal users, fly-tipping, dumping and path obstruction.
- f. The increasing popularity of horse riding and off road cycling which is focused particularly on the AONB, putting pressure on the rights of way network farm land and wildlife sites. The need to enhance, extend, connect and improve fragmented Public Rights of Way network and secure higher rights on PRow without harming the characteristics and qualities of the AONB.
- g. Estimated day visitor numbers are high and increasing and peaked during the Covid pandemic. Pressure on the special characteristics and qualities of the AONB as well as particular countryside routes, sites and areas can be very high but unevenly distributed, concern about 'over visiting' has been reported by farmers and land managers, managers of wildlife sites and managers of visitor attractions.
- h. Need to ensure that the PRow network is accessible and welcoming, well signposted, way-marked, connected and maintained using materials and equipment appropriate in design and sustainably sourced.
- i. Improving the rural road network for its landscape quality, connectedness and safety in order to promote active travel and quiet countryside recreation is an important opportunity.
- j. Need to increase and enhance people's understanding of and access opportunities to the AONB, its landscape and countryside practices and to provide coordinated

support and information in a number of formats appropriate to their setting.

- k. Need to maximise coastal access opportunities through the newly defined England Coast Path National Trail and support the enhanced management of the coastal corridor.
- l. Need to promote exciting and engaging education and interpretation schemes for children and young people both in and out of the school context.
- m. The opportunity to promote the availability and use of safe non-car based countryside transport and recreation opportunities and seek integrated public transport initiatives.
- n. The opportunity to secure health and well-being benefits through diverse and inclusive social and green prescribing in the Kent Downs.

### **12.3 Access, enjoyment and understanding - aims**

A landscape that provides:

- 1. Sustainable opportunities and facilities to enable everyone to safely and sustainably enjoy and understand the AONB countryside without detracting from it; where structural, perceptual and physical barriers to access are removed and minimised.
- 2. A legally defined, well maintained, connected and promoted Rights of Way and permissive path network that provides safe, welcoming, well designed connected and satisfying routes for walkers, cyclists and horse riders where conflicts between rightful uses are minimised.
- 3. New, safe and attractive routes and connections between public rights of way and a highway network which is increasingly available and safe for walkers, cyclists and horse riders.
- 4. Access where illegal or damaging recreational activities are actively controlled.
- 5. Special places, events, media and appropriate support available throughout the year for people of all ages and backgrounds to learn about their environment, enjoy and benefit from the AONB landscape, know they are there and celebrate its diversity and richness.
- 6. Innovative and stimulating opportunities for all people to be involved artistically and culturally and to exercise and improve their health and well-being, in tranquil and inspiring surroundings.

### **12.5 Access, enjoyment and understanding - principles**

- AEU1 Co-ordinated investment in making access more diverse and inclusive for recreation, access, education, and health and well-being across the Kent Downs AONB will be pursued.
- AEU2 Investment to secure sustainable, high quality, low impact and easy access, multi-user routes, safer highways and high-quality public transport options from towns and

growth areas to the Kent Downs AONB will be pursued.

- AEU3 Diversions and stopping up of PRowWs will be resisted unless it can be demonstrated that they will not have a detrimental impact on opportunities for access and quiet enjoyment of the Kent Downs AONB landscape and historic character.
- AEU4 The sustainable and enhanced management and promotion of Public Rights of Way, permissive paths and open access sites will be pursued.
- AEU5 Mechanisms will be supported to resolve conflicts between rightful users of Public Rights of Way. Where there are irreconcilable conflicts from legal but damaging activities, quiet recreation will be supported above other activities.
- AEU6 Robust mechanisms to resist and overcome illegal use and poor maintenance which harm the opportunity to explore and enjoy the Kent Downs AONB will be pursued where design is in accordance with the Landscape Design Handbook.
- AEU7 Improvements to the Rights of Way Network to overcome barriers provide and improve countryside access, health and well-being opportunities, including, connecting with NHS social prescribing, enhanced way-marking, signposting and maintenance, new routes and establishment of higher rights which conforms with Kent Downs AONB policies and design guidance, will be pursued. Support for investment in access from the new Environmental Land Management payments will be pursued.
- AEU8 High standards of landscape and recreational management including the management of 'over visiting', provision of accessible visitor facilities, new accessible access opportunities and increased opportunities for learning and health enhancement, artistic and cultural expression through a coordinated strategy and programme of training, community support, events, guided walks, cycle rides and gateway routes and sites will be pursued.
- AEU9 Initiatives for children, schools and youth groups which encourage interest in and learning about the AONB and reconnection with nature will be pursued.
- AEU10 Support will be given to the North Downs Way and England Coast Path National Trails as the main promoted routes in the Kent Downs, the establishment of a North Downs Way multiuser route will be supported.
- AEU11 A reduction in the need to travel by car will be supported through new and improved measures to provide integrated, attractive and affordable public transport and through promoting and supporting safe active travel to and within the Kent Downs. New business, community and other initiatives in support of the vision, aims and policies of the Management Plan will seek to relate to existing public transport and active travel links.
- AEU12 Sustainable solutions to problems of rural traffic will be supported, particularly in rural settlements or where there is a conflict with landscape quality or walkers, cyclists and horse riders.
- AEU13 A strategic approach to the use of road signage, furniture, design and maintenance that conserves and enhances the local character and distinctiveness and encourages

non-motorised access will be pursued through the adoption and implementation of the Kent Downs AONB Rural Streets and Lanes Design Handbook.

AEU 14 Proposals which detract from the amenity and enjoyment of users of the Public Rights of Way network will be resisted.

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**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**PLANNING and TRANSPORTATION ADVISORY BOARD**

**29 June 2021**

**Report of the Director of Planning, Housing and Environmental Services**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)**

**1 TUNBRIDGE WELLS LOCAL PLAN STATEMENT OF COMMON GROUND**

**This report summarises the Statement of Common Ground between Tunbridge Wells and Tonbridge and Malling and seeks approval in order that the Statement can be returned to Tunbridge Wells to accompany their Local Plan at submission to the Secretary of State.**

**1.1 Introduction**

1.1.1 The 2019 National Planning Policy Framework (NPPF) requires Local Planning Authorities to prepare Statements of Common Ground with neighbouring Authorities to supplement their Duty to Cooperate Compliance Statements.

1.1.2 National Planning Policy Guidance describes Statements of Common Ground as:

“..a written record of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It documents where effective co-operation is and is not happening throughout the plan-making process, and is a way of demonstrating at examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries. In the case of local planning authorities, it also forms part of the evidence required to demonstrate that they have complied with the duty to cooperate.”

1.1.3 Members will be aware that Tunbridge Wells Borough Council is preparing a Local Plan for submission to the Secretary of State this July and has requested signed Statements of Common Ground with all of their neighbouring Authorities and Kent County Council to form part of their submission documents.

1.1.4 Although the Council's Regulation 19 consultation response in respect of the Tunbridge Wells Local Plan raised a number of concerns relating to the locations of strategic sites in proximity to the Borough, the evidence to support these and mitigation of any impacts, the Statement of Common Ground is a process tool intended to demonstrate that strategic cross boundary issues have been properly

identified and that there is evidence of effective cooperation in support of the Duty to Cooperate.

## **1.2 Statement of Common Ground between Tunbridge Wells Borough Council and Tonbridge and Malling Borough Council**

- 1.2.1 The proposed Statement of Common Ground can be found at **Annex 1** to this report. The Statement relates to the Local Plans produced and being produced by TMBC and TWBC. It covers strategic cross-boundary matters, such as housing need (including unmet need), housing provisions, gypsy and traveller provisions, employment and retail needs, natural environment and infrastructure. It demonstrates commitment by TMBC and TWBC to engage and be active on an on-going basis in relation to Duty to Cooperate matters in the preparation of their respective local plans, and future local plans.
- 1.2.2 Members are invited to consider the content of the Statement and subject to any further changes approve the recommendation that the Statement be signed by the Portfolio Holder for Strategic Planning and Infrastructure and returned to Tunbridge Wells Borough Council in due course.

## **1.3 Legal Implications**

- 1.3.1 Local Planning Authorities are required to prepare Statements of Common Ground with neighbouring strategic authorities to demonstrate that they have met the Duty to Cooperate.

## **1.4 Financial and Value for Money Considerations**

- 1.4.1 There are no financial implications arising from this report.

## **1.5 Risk Assessment**

- 1.5.1 Failure to secure a signed Statement of Common Ground may put at risk the Tunbridge Wells Local Plan when the legal compliance tests are examined by an independent Inspector.

## **1.6 Recommendations**

- 1.6.1 That the content of the report be **NOTED** and that subject to any further amendments that the Statement of Common Ground with Tunbridge Wells Borough Council is **APPROVED**.

The Director of Planning, Housing and Environmental services confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

Nil

contact: Ian Bailey  
Planning Policy Manager

Eleanor Hoyle  
Director of Planning, Housing and Environmental Services

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Tonbridge & Malling Borough Council  
and

Tunbridge Wells Borough Council

# **Statement of Common Ground**

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June 2021



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# 1.0 Introduction

- 1.1 This Statement of Common Ground (SoCG) has been prepared by Tonbridge & Malling Borough Council (TMBC) and Tunbridge Wells Borough Council (TWBC). It sets out the position and understanding with respect to key relevant duty to cooperate (DtC) matters, and the shared position of the two authorities, as at June 2021. The relevant DtC matters included in this SoCG are ongoing and subject to review, as set out below. This shared position between TMBC and TWBC sets out the position in relation to the two Local Plans (the TMBC Local Plan (submitted 23 January 2019) which covers the period up to 2031, and the TWBC Pre-Submission version of the Local Plan 2020-2038), and will inform future policies and work on respective forthcoming Local Plans. This SoCG is not binding on any party but sets out a clear and positive direction to inform ongoing strategy and plan-making.

## Development Plans – current position

### TMBC

- 1.2 The current development plan for TMBC consists of the Tonbridge & Malling Core Strategy 2007, the Tonbridge & Malling Development Land Allocations Development Plan Document (DPD) April 2008, the Tonbridge Central Area Action Plan April 2008, the Managing Development and the Environment DPD April 2010 and the Compendium of Saved Policies April 2010. The Kent Minerals and Waste Local Plan also forms part of the development plan for all Kent Districts. There are no ‘made’ Neighbourhood Plans, but three parishes have been designated as Neighbourhood Areas (Ditton, West Malling and Hildenborough).
- 1.3 TMBC commenced work on a new Local Plan in 2012. Regulation 18 consultation was undertaken on an Issues and Options document “The Way Forward” from 30<sup>th</sup> September – 25<sup>th</sup> November 2016, and Regulation 19 Pre-Submission consultation on the Local Plan between 1<sup>st</sup> October 2018 - 19<sup>th</sup> November 2018. The Local Plan was submitted on 23<sup>rd</sup> January 2019. This was within the transitional period for the revised NPPF (July 2018) which concluded on 24<sup>th</sup> January 2019, and meant that the Plan itself is examined against the requirements of the 2012 version of the NPPF and the versions of the Government’s Planning Practice Guidance that pre-date the changes in July 2018. The Local Plan covers the period 2011 to 2031.
- 1.4 Hearing sessions were held on 6<sup>th</sup> – 8<sup>th</sup> October 2020. On 22<sup>nd</sup> October 2020 the Planning Inspectors examining the TMBC Local Plan wrote to TMBC setting out significant concerns regarding legal compliance of the TMBC plan. This was followed by a letter on 15<sup>th</sup> December 2020 from the Inspectors providing the details of these concerns. TMBC provided a detailed response to this letter on 29<sup>th</sup> January.
- 1.5 The Inspector’s final decision was received on 2<sup>nd</sup> March 2021, confirming their provisional decision that there had been a failure of the Duty to Cooperate on the matter of housing need, and specifically unmet housing need from SDC. TMBC is

considering whether to challenge this decision. TMBC responded to PINS on 11<sup>th</sup> March setting out that it would not be withdrawing the plan and inviting PINS to prepare the final report. The Inspector's final report was received on 8<sup>th</sup> June 2021.

## **TWBC**

- 1.6 The development plan for TWBC consists of the Core Strategy 2010, the Site Allocations Local Plan 2016 and saved policies in the Borough Local Plan 2006. There is one 'made' Neighbourhood Plan - Hawkhurst - with a further ten at varying stages of production.
- 1.7 TWBC is currently in the process of replacing these documents with a new Local Plan. The new Local Plan will cover the period 2020 - 2038. Regulation 18 consultations on an Issues and Options took place in 2017, and on a Draft Local Plan from September - November 2019.
- 1.8 TWBC has published an updated Local Development Scheme (dated March 2021). This sets out that the Pre-Submission version of the Local Plan is due to undergo its Regulation 19 consultation in March - April 2021. TWBC Full Council, on 3<sup>rd</sup> February 2021, approved the Regulation 19 Local Plan and agreed that consultation should be undertaken with a target submission in July. Regulation 19 consultation duly began on 26<sup>th</sup> March, running until 4<sup>th</sup> June.

## **This SoCG and the duty to cooperate**

- 1.9 This SoCG relates to the Local Plans produced and being produced by TMBC and TWBC. It covers strategic cross-boundary matters, such as housing need (including unmet need), housing provisions, gypsy and traveller provisions, employment and retail needs, natural environment and infrastructure. It demonstrates commitment by TMBC and TWBC to engage and be active on an on-going basis in relation to DtC matters in the preparation of their respective local plans, and future local plans.
- 1.10 Under Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended by section 110 of the Localism Act 2011) and in accordance with the National Planning Policy Framework (NPPF) (February 2019), it is a requirement under the DtC for local planning authorities, county councils and other named bodies to engage constructively, actively and on an on-going basis in the preparation of development plan and other relevant planning documents.
- 1.11 Paragraph 27 of the NPPF (February, 2019) states that in order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more SoCG, documenting the cross-boundary matters being addressed and progress in cooperating to address these. This notes that such SoCGs should be produced using the approach set out in the national

planning guidance and be made publicly available throughout the plan-making process to ensure transparency.

- 1.12 The Planning Practice Guidance (PPG) ([see Paragraph: 010 Reference ID: 61-010-20190315](#)) confirms that a SoCG is a written record of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It states that the SoCG should document where effective co-operation is and is not happening throughout the plan-making process, and is a way of demonstrating at Examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries.
- 1.13 The TMBC Local Plan was produced under the transitional provisions of the NPPF 2018, meaning that SoCG were not required for the TMBC Local Plan. A Memorandum of Understanding between TMBC and TWBC was signed in January 2020.
- 1.14 The administrative areas that are set out in **Appendix A** show that TMBC and TWBC share a common administrative boundary along their southern, and north eastern boundaries respectively. The plan at **Appendix A** shows that the administrative boundary between TMBC and TWBC lies to the north of Southborough, Five Oak Green and Paddock Wood in Tunbridge Wells, and to the south of Tonbridge in Tonbridge and Malling. The A21, a trunk road managed by Highways England, runs through both Councils' areas: it runs through the south western corner of Tonbridge and Malling borough, before entering Tunbridge Wells borough just to the south of Tonbridge. The Ashford (via Paddock Wood) to London railway line, and the Hasting to London railway line, both pass through Tonbridge.
- 1.15 TMBC and TWBC are in agreement about the range of issues to be covered by this SoCG, and the need for full and frank deliberation.
- 1.16 The extent of joint working between TMBC and TWBC has been discussed. Both agree that the most appropriate approach is one of continuing the regular liaison on cross-boundary matters, even if the DtC is abolished under national planning reforms.
- 1.17 Liaison between the Councils reflect the nature of the strategic matters set out below. Responsibilities for agreement of this and future SoCG are set out under 'Governance Arrangements' and 'Actions and Review Timetable' in sections 7 and 8 respectively below.

## Structure of the SoCG

- 1.18 The remainder of the SoCG is structured as follows:
- **Section 2** – This section relates to housing provision for both local authorities and specifically housing needs (including unmet housing need), the Housing

Market Areas (HMAs) for each respective area, and housing provision and gypsy and traveller provision;

- **Section 3** – This relates to the employment needs of each respective local authority area;
- **Section 4** – This relates to cross-boundary infrastructure requirements for both local authorities including potential/proposed developments on or near the LPA's common boundary;
- **Section 5** – This section relates to the natural environment and specifically the High Weald AONB, which overlays parts of both authorities, to biodiversity and the nearby Ashdown Forest.
- **Section 6** – This outlines the agreed actions between TMBC and TWBC going forward with respect to their Local Plans and future plan-making.

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# 2.0 Housing

## Housing Market Area (HMA)

- 2.1 A Housing Market Area (HMA) is defined in the PPG as a geographical area determined by household demand and preferences for all types of housing, reflecting the key functional linkages between places where people live and work ([see Paragraph: 018 Reference ID: 61-018-20190315](#)). These can be broadly defined by analysing:
- The relationship between housing demand and supply across different locations, using house prices and rates of change in house prices. This should identify areas which have clearly different price levels compared to surrounding areas;
  - Migration flow and housing search patterns. This can help identify the extent to which people move house within an area, in particular where a relatively high proportion of short household moves are contained (due to connections to families, jobs, and schools);
  - Contextual data such as travel to work areas, retail and school catchment areas. These can provide information about the areas within which people move without changing other aspects of their lives (e.g. work or service use).

### West Kent HMA

- 2.2 The Sevenoaks and Tunbridge Wells Strategic Housing Market Assessment (SHMA) published in 2015 identified that Sevenoaks district, part of Tonbridge & Malling borough and Tunbridge Wells borough all fall within the West Kent HMA and this extends to include Crowborough, Hawkhurst and Heathfield, essentially as the 2011 Travel to Work Area (TTWA).
- 2.3 In terms the relationship to local authority boundaries, the TTWA covers most of Sevenoaks district, with the western part of Tonbridge & Malling borough, focused on Tonbridge itself, providing a key linkage.
- 2.4 The central and eastern part of Tonbridge & Malling borough is part of the Maidstone HMA.
- 2.5 The Sevenoaks and Tunbridge Wells SHMA states that *“the principal cross-boundary issue of relevance relates to any potential issues regarding unmet housing needs. If an unmet housing need arises from either of the commissioning authorities, it would be appropriate for them to approach other authorities with which they share an HMA to consider if needs can be met in these areas. The principal adjoining authorities with a strong relationship would be Tonbridge & Malling, Wealden and Rother. Equally the commissioning authorities would need to engage*

*with these authorities in respect of any unmet housing needs arising from these other authorities' areas...."*

- 2.6 Given the evidence above, both Councils agree that they share the same HMA, although TM borough also falls into part of another housing market area. This has, and will be, taken into account when cooperating on strategic cross-boundary matters, such as housing, through the DtC process.

## Housing requirements

- 2.7 The housing need figures for both TMBC and TWBC in the respective plans, in dwellings per annum (dpa), are set out in the following table.

**Table 1: housing need figures for TMBC and TWBC in dwellings per annum**

Housing Target Source	TMBC	TWBC
Statutory Development Plan	425 dpa under TMBC Core Strategy (2007)	300 dpa under TWBC Core Strategy (2010)
Local Plan	696 OAN (see Housing Topic paper) <sup>1</sup>	678 dpa (capped figure) February 2021. 'Standard Methodology' under NPPF (Feb. 2019)

- 2.8 As above, it should be noted that the TMBC Local Plan was prepared against the requirements of the NPPF 2012: the Objectively Assessed Need for housing was determined to be 696 dwellings per year. The Standard Method under the NPPF for Tonbridge & Malling borough would be 839 dpa. TWBC is using the Standard Method as set out in the NPPF (2019) as amended by the changes to the Planning Practice Guidance (December 2020). However, this will be kept under review including having regard to more recent projections, as well as to any revisions to Government policy or Guidance.
- 2.9 Throughout the period of plan making, since 2012, there have discussions under the DtC between TMBC, TWBC and Sevenoaks District Council (SDC) (i.e. neighbouring authorities in the HMA – please see above and below) in relation to the ability or otherwise to meet housing need. This includes discussing significant constraints which could restrict any possible assistance with any unmet need if required.
- 2.10 On 11<sup>th</sup> April 2019 SDC formally requested TWBC and TMBC whether either could accommodate any of SDC's unmet housing need (1,900 houses). The following sets out a summary of events in relation to the SDC plan, prior to April 2019:

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<sup>1</sup> [https://www.tmbc.gov.uk/\\_data/assets/pdf\\_file/0005/695462/Housing\\_Topic\\_Paper\\_Jan2019.pdf](https://www.tmbc.gov.uk/_data/assets/pdf_file/0005/695462/Housing_Topic_Paper_Jan2019.pdf)

- Regulation 18 consultation on the SDC Draft Local Plan closed on 10<sup>th</sup> September 2018. Although the SDC Draft Local Plan identified a shortfall of at least 600 houses, as this was consultation under Regulation 18 there remained the potential that further suitable sites may have been submitted to SDC, or representations made which meant that SDC could, in its consideration of the strategy of the Pre-Submission version of the Local Plan, have met its need in full;
  - o Regulation 19 consultation on the TMBC Local Plan took place from 1st October 2018 - 19th November 2018;
- The SDC Pre-Submission version of the Local Plan was finalised in late 2018, with Regulation 19 consultation starting on 18<sup>th</sup> December 2018 and concluding on 3<sup>rd</sup> February 2019. The SDC (full) Council decision to submit the plan was made on 26<sup>th</sup> March 2019, with submission taking place on 30<sup>th</sup> April 2019;
  - o Prior to the conclusion of the SDC Regulation 19 consultation, TMBC submitted its Local Plan (on 23<sup>rd</sup> January 2019);
- Hearing sessions were held between 24<sup>th</sup> – 26<sup>th</sup> September 2019, and 1<sup>st</sup> – 3<sup>rd</sup> October 2019 on the SDC Local Plan. The Inspector wrote to SDC on 14<sup>th</sup> October 2019, and there then followed a period of correspondence culminating in the provision of the Inspector's report on 3<sup>rd</sup> March 2020. This included correspondence where the Inspector indicated concerns about the soundness of the SDC Local Plan in relation to a number of matters;
- In April 2020 SDC began judicial review (JR) proceedings, and the application for a JR was granted on 2nd June 2020. The JR was heard in the High Court on 2nd and 3rd September, and the decision was published on Friday 13th November 2020.
- While the High Court dismissed the challenge, an application was made by SDC to the Court of Appeal on 4th December 2020. This was dismissed on 5<sup>th</sup> April 2021.
- SDC has confirmed in communication to TWBC that it wrote (on 28<sup>th</sup> May) to Christopher Pincher – Minister of State for Housing - requesting a meeting with him, Simon Gallagher (MHCLG) and Stephen Davies (PINS) to agree 'next steps and the broad parameters of a procedural road map.' TWBC has been advised that the letter also sets out that 'The Council (SDC) is currently progressing updates to evidence on housing and infrastructure delivery, which indicate further potential to accommodate additional new homes in existing settlements and opportunities to make better use of land on proposed site allocations.' SDC advise that this letter has been acknowledged and SDC is waiting for a comprehensive reply. A further update will be provided at the meeting of the SDC Development & Conservation Advisory Committee on 6 July.

- 2.11 Given the dismissal of the SDC application to the Court of Appeal TMBC and TWBC are in the process of discussing with SDC the formal withdrawal of its requests to TMBC and TWBC to meet some or all of its unmet housing need, as it will not be known until SDC progresses through its plan making process whether there will be any unmet need.
- 2.12 The TMBC Local Plan makes provision to fully meet its OAN for housing until 2031 (13,920 dwellings), and to provide for a buffer of 972 dwellings. This would involve the release of land from the Green Belt to achieve this. As set out in para 1.5 above, the Inspectors' final decision was received by TMBC on 2nd March 2021, confirming their provisional decision that there had been a failure of the Duty to Cooperate. TMBC will be challenging this.
- 2.13 TWBC's approach to producing its Local Plan has been to assess sites, and consider a spatial strategy, unconstrained by an upper housing limit. Assessment through the Sustainable Appraisal (for the Draft Local Plan and Pre-Submission Local Plan) has included assessment of options which include meeting TWBC's uncapped need (741 dpa as compared to 678), accommodating SDC's unmet need, and meeting TWBC's uncapped need and SDC's unmet need (853 dpa).
- 2.14 Between 2015 and early 2019 TWBC, whilst flagging the constraints in TW borough which may make accommodating its own need (or unmet need from neighbouring authorities) problematic, was only in a position (through the progression of work on its own Plan) to provide more definitive comments regarding the ability or otherwise to accommodate unmet need in early 2019, as work on the spatial strategy for the Draft Local Plan progressed. The considerations set out in DtC discussions in spring 2019, and the SoCG between SDC and TWBC - signed in May 2019 - that TWBC could not assist in accommodating unmet need, and the reasons for this, were reflective of the progressing work on the TWBC Local Plan.
- 2.15 Notwithstanding these comments, TWBC has continued throughout 2019 and 2020 to consider whether there is scope to accommodate SDC's unmet need, including through the assessment of additional sites submitted in the Regulation 18 consultation on the Draft Local Plan in autumn 2019 and beyond well into 2020, and through the Sustainability Appraisal of the Pre-Submission Local Plan (PSLP). If, through the considerations of the PSLP, TWBC considered that there was scope to accommodate any or all of the SDC unmet need, then TWBC would have advised SDC (and TMBC) of this.
- 2.16 The TWBC Pre-Submission Local Plan makes provision to meet its own Local Housing Need (678 dpa). There is, additionally, a buffer of approximately 1,050 houses.
- 2.17 At the time of writing, both TMBC and TWBC have received requests from Elmbridge Borough Council to help meet its housing need. Neither TMBC or TWBC expect to be able to assist, aside from it being in a well-removed housing market

area. Both authorities have not had any other requests to meet unmet need at this point.

- 2.18 It became evident through the plan-making process that TWBC is reliant upon the release of land from the Green Belt, including for a new garden village settlement on land currently in the Green Belt and doubling the size of Paddock Wood, part of which is in the Green Belt, as well as the allocation of sites for major development within the High Weald AONB, if TWBC were to meet its own housing needs.
- 2.19 Given that the NPPF (paragraph 137) requires LPAs to look beyond the Green Belt first before releasing such land for development, as well as limiting major developments in the AONB to where there are exceptional circumstances and in the public interest (paragraph 172). TWBC raised this issue with its neighbouring LPAs, including TMBC, and formally wrote in early October 2020 to ask what capacity they may have to assist, ahead of further consideration of these options in preparing the Pre-Submission version of the Local Plan.
- 2.20 In response, TMBC set out that it would not be able to assist due there being insufficient sites within the part of Tonbridge & Malling borough that falls within the West Kent HMA to meet the borough's needs without removing the Green Belt designation: i.e. as established through the DtC there are no less constrained areas in the West Kent HMA in Tonbridge and Malling. As set out in para 1.5 above, the Inspectors for the TMBC Local Plan consider that TMBC should have gone further in its actions with SDC on this matter, and therefore have concluded that TMBC has failed the DtC.
- 2.21 Both TMBC and TWBC recognise that housing needs (and whether there is a future binding housing requirement, as suggested in the Planning for the Future White Paper), HMAs and constraints to development may change over time. Given the above, both TMBC and TWBC will continually consider their positions on capacity to meet housing needs as they progress. The actions below will, of course, be dependent on the outcome of the final report from the TMBC Inspectors for its Local Plan, and TMBC's request to the Secretary of State, but reflect the current and likely future positions in respect of plan making.

### **Actions**

TMBC and TWBC to continue to engage with each other and through wider engagement with other neighbouring authorities in relation to strategic housing matters, including capacity to meet local and unmet needs. This will include consideration of any future requests from London authorities, if received.

# Gypsy, Traveller and Travelling Showpeople

## TMBC

- 2.22 TMBC's need for permanent Gypsy and Traveller (G&T) pitches is identified through an assessment of the accommodation needs of Travellers and Travelling Showpeople (February 2018) which identified a need of 16 pitches for G&T and an additional two plots for Travelling Showpeople until 2030/31, plus a transit site for 6-10 pitches.
- 2.23 The TMBC Local Plan identifies six G&T sites to be safeguarded, with the potential for them to be used more intensively recognised in the relevant policy, as well as two sites for Travelling Showpeople to be safeguarded. The Local Plan sets out that TMBC is committed to meeting the identified need.

## TWBC

- 2.24 TWBC published its Gypsy and Traveller Accommodation Assessment (GTAA) in January 2018 in support of its Draft Local Plan and in line with the revised definition for Gypsies and Travellers in the Planning Policy on Traveller Sites (PTTS) (August 2015) document. This identified a requirement for 32 permanent residential pitches for Gypsies and Travellers over a 20-year period between 2017 and 2037.
- 2.25 TWBC's Housing Supply and Trajectory Paper (September 2019) states that following a review of its pitch completions and planning permissions, that there is an outstanding need for 28 residential pitches as of 1 April 2019.
- 2.26 TWBC considers that, based on its understanding of existing sites and the nature of demand, the most appropriate way of meeting the identified need should largely be through the intensification and/or expansion of existing sites. TWBC considers that there is potential at existing sites to meet the large majority of outstanding need for additional pitches over the plan period, which will be supplemented by two new sites. The locations of these are identified in the Pre-Submission version of the Local Plan.
- 2.27 The GTAA for TWBC does not identify a need for a transit site, having regard to the level of unauthorised encampments, but discussions are ongoing with other Kent authorities regarding the provision of a transit site(s) in the county.
- 2.28 The actions below will, of course, be dependent on the outcome of TMBC's response to the Inspectors for its Local Plan, and request to the Secretary of State, but reflect the current and likely future positions in respect of plan making.

### **Actions**

- Both Councils will continue to seek to meet their own needs for permanent pitches (TMBC in relation to G&T and Travelling Showpeople, and TWBC in relation to G&T). There have been no requests in relation to unmet needs at this time.
- Discussions are continuing within the wider Kent authorities regarding the provision of a transit site(s) in the county, being led by Ashford borough.
- Both Councils will continue dialogue on matters relating to Gypsy, Traveller and Travelling Showpeople accommodation.

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# 3.0 Economy

## Functional Economic Market Area (FEMA)

- 3.1 In terms of a Functional Economic Market Area (FEMA), the PPG ([see Paragraph 019 Reference ID 61-019-20190315](#)) states that patterns of economic activity vary from place to place and that there is no standard approach to defining a functional economic market area, although it is possible to define them taking account of factors including:
- Extent of any Local Enterprise Partnership within the area;
  - Travel to work areas;
  - Housing market area;
  - Flows of goods, services and information within the local economy;
  - Service market for consumers;
  - Administrative area;
  - Catchment areas of facilities providing cultural and social well-being; and
  - Transport network.
- 3.2 It is agreed that Tunbridge Wells and Tonbridge and Malling form part of a wider regional economy, within which many areas share important economic relationships with London. There is also a more localised geography that has historically functioned as a sub-regional economy and which shares similar economic characteristics. It is considered that Sevenoaks district, Tunbridge Wells and Tonbridge and Malling boroughs share a functional economic market area. This reflects evidence of commuting flows and has become defined as a sub-regional economy through the West Kent Partnership.
- 3.3 TWBC commissioned Turleys to undertake an Economic Needs Study (2016) with SDC in order to inform their respective Local Plans taking into account the recognised functional economic relationships. TMBC undertook an Employment Land Review Update (2017), also undertaken by Turleys. Additionally, TWBC has carried out Retail and Leisure studies (with TWBC's most recent being undertaken in 2020) which seek to identify the retail, leisure, town centre needs over the Plan period. This includes recognising the functional catchment areas for retail and leisure patterns across the wider sub-region.

## Employment land needs and provision

- 3.4 The TMBC Employment Land Review identifies a net need for 46.8 hectares of employment land that the Local Plan needs to address. Sites have been identified for approximately 38.5 hectares of additional employment land at a number of sites across the borough, with the balance to be delivered through the intensification of existing sites.
- 3.5 The Economic Needs Study was undertaken for TWBC (and SDC) by Turley, in association with Colliers. For TWBC it identified a need for at least 14 hectares of additional employment floorspace. TWBC is seeking to meet its identified employment land needs in full through the retention, intensification and extension of the existing defined Key Employment Areas, in particular a strategic expansion into the Green Belt and AONB at land at Kingstanding Way, Royal Tunbridge Wells (and on a smaller scale at Paddock Wood and Hawkhurst). This covers the range of site requirements.
- 3.6 As part of the considerations of the allocation of land at Kingstanding Way, and given that the NPPF (paragraph 137) requires LPAs to look beyond the Green Belt first before releasing such land for development, as well as limiting major developments in the AONB to where there are exceptional circumstances and in the public interest (paragraph 172), TWBC raised this issue with its neighbouring LPAs, including TMBC. In early October 2020 TWBC formally wrote to TMBC to ask what capacity it may have to assist in terms of meeting employment need, ahead of further consideration of these options in preparing the Pre-Submission version of the Local Plan. In response, TMBC set out that as there were not surplus sites to meet its own employment needs (i.e. it was requiring a combination of new allocations and intensification of existing sites), it cannot consider meeting unmet needs from neighbouring authorities.
- 3.7 Given that both authorities are looking to meet their own employment needs, the actions relate mainly to continue to discuss opportunities for continuing joint working, and through wider discussions with those authorities outside the FEMA.
- 3.8 The actions below will, of course, be dependent on the outcome of TMBC's response to the Inspectors for its Local Plan, and request to the Secretary of State, but reflect the current and likely future positions in respect of plan making.

### **Actions**

- TWBC and TMBC to engage through the wider Duty to Cooperate forum with other neighbouring authorities outside the functional economic market area in relation to economic related matters, including employment land and retail and town centre development.
- Opportunities for continuing joint working arrangements will be explored where appropriate/advantageous.

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## 4.0 Retailing

- 4.1 For TWBC, the Retail and Leisure Study (April 2017) carried out by consultants Nexus used the study area of previous retail studies for the borough. It covers the Tunbridge Wells borough area as well as surrounding areas within Sevenoaks, Tandridge, Mid Sussex, Lewes, Wealden, Rother, Ashford, Maidstone and Tonbridge & Malling where shoppers may be attracted to Tunbridge Wells retail and leisure offer.
- 4.2 Nexus also undertook a Tunbridge Wells Retail, Leisure and Town Centre Uses Study Update (2020). This has identified that the retail economy has changed significantly over recent years and the trends which were emerging have accelerated exponentially as a result of the 2020/2021 Covid-19 pandemic. It is also expected that the increased movement towards home working and different times of working, hastened as a result of the Covid-19 'lockdown' periods, will structurally change the need, make up, and use of office space (including shared and flexible accommodation), and through this the operation of those town centre retailers which previously were linked to footfall associated with office employment.
- 4.3 The TWBC Pre-Submission Local Plan therefore proposes a Town Centre Area Plan for Royal Tunbridge Wells (which the updated LDS will set out will be prepared and adopted by 2025), together with the revitalisation of Paddock Wood Town Centre.
- 4.4 For TMBC, there has been considerable public realm and highway work undertaken in Tonbridge town centre in recent years. The Local Plan sets out that it will maintain and enhance the role of the wide range of centres offering a diverse range of shopping and service facilities. It includes a policy for Tonbridge town, including the town centre.
- 4.5 As the TMBC focus is on maintenance and enhancement of the existing centres, and TWBC will be producing a Town Centre Area Plan for RTW, the main actions therefore relate to ensuring that discussions continue through the forthcoming period, including as TWBC progresses the Town Centre Area Plan.
- 4.6 The actions below will, of course, be dependent on the outcome of TMBC's response to the Inspectors for its Local Plan, and request to the Secretary of State, but reflect the current and likely future positions in respect of plan making.

### Actions

TMBC and TWBC will continue to liaise on retailing matters of both areas, having particular regard to likely changes to town centres and the retailing context post pandemic. This will include through the production of the RTW Town Centre Area Plan.

## 5.0 Cross-boundary Infrastructure Issues

- 5.1 In terms of cross boundary infrastructure, both TMBC and TWBC are in two tier authority areas, where both education and highways are managed by Kent County Council (KCC). Given this, it is noted that both education provision and highway matters may require input from KCC, and if relevant given the route of the A21, Highways England.
- 5.2 TWBC and TMBC in the drafting of their Local Plans have liaised with their respective County Councils on matters relating to education provision and highways infrastructure, together with Highways England in respect of the A21.
- 5.3 In the TMBC Local Plan, there is development proposed at the eastern side of Tonbridge, at Little Postern, Postern Lane, Tonbridge for 10.8 hectares of B2 and B8 uses.
- 5.4 Within TWBC, the following allocations could have strategic cross boundary implications in terms of highway, transport, education, water and health matters:
- the garden settlement at Tudeley village;
  - the transformational expansion of Paddock Wood;
  - employment land at Kingstanding Way, and;
  - a hotel allocation at Mabledon House.
- 5.5 Representations were made by TMBC in 2019 to the Draft Local Plan on these sites, and in terms of Tudeley and proposals for the A228 in particular set out TMBC's concerns at the cross boundary implications of these. Concern was also expressed about a further allocation located at Mabledon Farm, which is not proposed for allocation in the TWBC Pre-Submission version of the Local Plan. TMBC subsequently provided a representation to the Regulation 19 consultation on 3<sup>rd</sup> June 2021/ Further commentary on these matters are provided below.
- 5.6 TWBC and TMBC have engaged under the DtC, and further officer working on these sites, particularly in relation to Tudeley village and Paddock Wood.

### Tudeley village and Paddock Wood

- 5.7 TMBC (and Maidstone Borough Council) officers have attended and are active participants in the monthly TWBC "Strategic Sites Working Group" (SSWG) which

comprises developers, infrastructure providers, consultees and relevant parish and town councils and their neighbourhood plan groups. TMBC officers and members also attended and were active participants in the autumn 2020 workshops held as part of the masterplanning work undertaken by TWBC's consultant team (David Lock Associates, and sub-consultants) as part of the masterplanning of Paddock Wood and consideration of infrastructure provision. This is demonstrative that TMBC and TWBC have and will continue to work in collaborative partnership on future infrastructure planning and masterplanning of the allocations.

- 5.8 The SSWG, and the masterplanning work, has actively involved health providers (the Kent and Medway Clinical Commission Group), KCC Education, KCC Highways and Transportation, Highways England and Network Rail, ensuring that relevant strategic cross boundary matters (including those raised by TMBC) have and will continue to be addressed:
- The position of the secondary school shown in the TWBC Draft Local Plan (between Tudeley and Tonbridge), has been moved in the Pre-Submission Local Plan to that of TMBC's preferred position at Tudeley (on the south eastern side, closer to Paddock Wood);
  - Assessment of impacts on highways junctions has included that outside the boundaries of Tunbridge Wells borough (including in Tonbridge and along the A228): costs for relevant mitigation measures have been included in the viability assessment work undertaken for the strategic sites (indicating that these can be delivered and are viable). Through the masterplanning work mechanisms to ensure that all developments make the necessary contributions to fund this infrastructure are being developed, and TMBC will be involved in this;
  - Work has taken place on active travel routes between the strategic sites and Tonbridge, including through direct liaison between the consultants instructed for both authorities;
  - Provision for sufficient health care has been made within Paddock Wood/Tudeley, and has been subject to viability testing. This is enshrined in policy in the Pre-Submission version of the Local Plan to ensure that this is delivered on-site. TWBC will continue to discuss with the Clinical Commission Group seeking on-site provision within Tudeley;
  - Discussions have been held with Network Rail in relation to both capacity on the railway line and facilities at Tonbridge Station, and Network Rail attend and are active participants of the SSWG. Network Rail has confirmed that the proposed growth in Tunbridge Wells borough does not require specific rail capacity interventions, and that it is expected that there will be long term changes to commuting habits as a result of increased home working/different commuting times.

- 5.9 TMBC set out in its Regulation 19 response that:

- it “welcomes the amendments made to the Regulation 18 draft of the Local Plan in response to the comments by this Council (TMBC) made in October 2019 and recognises the ongoing and pragmatic engagement in respect of the Duty to Cooperate to address the relevant cross-boundary issues and the continuing contributions to the infrastructure planning and master planning of the two strategic allocations at Tudeley and Paddock Wood”
- “the (TWBC) Local Plan has been prepared in accordance with the requirements of national policy as set out in the National Planning Policy Framework (2019) and Section 33A of the Planning and Compulsory Purchase Act 2004 in respect of the Duty to Cooperate”

5.10 However, it also raised serious concerns relating to:

- The evidence base in relation to transport;
- The transport impact on Tonbridge and other settlements and communities in the Tonbridge and Malling Borough from the strategic sites;
- The impact on flooding from the strategic sites;
- The timing of the delivery of infrastructure, including education, and the impact of this on services in Tonbridge and Malling borough from housing coming forward before the delivery of the infrastructure.

5.11 Concerns were also raised around the landscape evidence base, although these have been relayed through further discussion.

5.12 Both authorities will continue the discussions and collaborative working on the strategic cross boundary implications of the proposed growth at Tudeley and Paddock Wood, noting the TMBC concerns, and working to address these including where necessary key infrastructure providers and statutory consultees.

## Kingstanding Way

5.13 A planning application has been considered for this development. Highways England and KCC Highways and Transportation have considered the impact of the development, including on potential cross boundary implications, and support the application. TMBC provided comments on this application, and did not raise objection. Outline planning permission for this development has been granted.

## Mabledon House

5.14 This proposal (200 bedroom hotel) is of a considerably smaller scale than the strategic sites and Kingstanding Way. Both authorities commit to working together

on detailed proposals for this site, including through any pre-application discussions and with KCC and Highways England in relation to vehicular access arrangements.

## **Mabledon Farm**

- 5.15 For the avoidance of doubt, the proposed allocation at Mabledon Farm indicated in the Regulation 18 Draft Local Plan for housing, between Southborough and the borough boundary, has not been carried forward into the SALP.

## **Leigh flood storage expansion and Hildenborough embankment scheme**

- 5.16 The Leigh flood storage expansion and Hildenborough embankment scheme, being led by the Environment Agency, is such an example where both authorities, through their individual actions and participation in the Medway Flood Action Plan, are working to deliver such infrastructure improvements.
- 5.17 Both authorities have considered, and support, the raising of the storage level.

## **(Non strategic sites related ) active travel provision**

- 5.18 The A26 runs from Tonbridge, through Southborough, into Royal Tunbridge Wells. TWBC has a costed scheme for significant improvements to cycling provision along the A26. Both authorities will work together in developing this scheme.

## **Potential/proposed developments on or near the LPAs' common boundary**

- 5.19 In the future, if there is further substantial development, particularly on or close to the administrative boundary of TMBC and TWBC whether through the plan making or planning application process, then there will be a need to liaise over and coordinate the delivery of infrastructure improvements including the securing of any necessary funding.
- 5.20 It should be noted that TWBC and TMBC work with a number of infrastructure providers that seek to address matters relating to healthcare facilities, water supply, sewerage treatment works, gas and power networks and public transport provision, amongst other issues. Where cross boundary issues do arise on such matters (e.g.

as has with the Leigh/Hildenborough flood storage scheme) TWBC and TMBC will seek to agree the delivery of such infrastructure improvements, including the securing of any necessary funding.

- 5.21 Both TMBC and TWBC will continue to engage on highway and transport matters, including in relation to the A21 through ongoing discussions with Highways England and the operation of the Hastings to London and Ashford to London railway lines with Network Rail.

### **Actions**

- TWBC will continue to invite TMBC to the Strategic Sites Working Group, and TMBC officers will continue to attend and actively participate.
- TWBC and TMBC will, over the course of 2021 and onwards, have continued discussion and liaison with each other and relevant infrastructure providers, working in collaborative partnership, on the cross boundary implications of the proposed strategic allocations at Tudeley village and Paddock Wood.
- TMBC and TWBC will continue to engage on other cross-boundary infrastructure and planning issues, including in terms of further (including pre-application) discussions for proposals at Mabledon House.
- Both Councils will, through membership and participation in the Medway Flood Area Plan, continue to liaise on the Leigh flood storage expansion and Hildenborough embankment scheme.

## 6.0 Natural Environment

### Ashdown Forest European Site

- 6.1 Ashdown Forest is a European Site and is designated as a Special Area of Conservation (SAC) for its heathland habitat and a Special Protection Area (SPA) for the bird species Dartford warbler and nightjar during their breeding seasons.
- 6.2 Cross boundary strategic matters have been identified in relation to air quality and visitor pressure.

### Ashdown Forest Special Area of Conservation (SAC) – Air Quality

- 6.3 TWBC is an active member and attends regular meetings of the Ashdown Forest SAC Working Group, and TMBC is a corresponding member.
- 6.4 Both TWBC and TMBC will continue to participate in the Ashdown Forest SAC Working Group, with TMBC's involvement being as relevant/necessary, given the distance of Tonbridge & Malling from the Forest.
- 6.5 All future work in relation to air quality at Ashdown Forest will be developed in discussion with the Ashdown Forest SAC Working Group agreeing where possible on methodology and to cost sharing where appropriate.

### Ashdown Forest Special Protection Area (SPA) – Recreational Disturbance

- 6.6 This is not considered to be a cross boundary matter between TWBC and TMBC, largely as all of TMBC lies well outside the 7km zone of influence, which is the extent agreed by all partner local authorities and Natural England, based on technical evidence from the Ashdown Forest Visitor Survey which the Strategic Access Management and Monitoring (SAMM) Strategy partnership jointly commissioned.

### Actions

That both authorities continue to work as part of the Ashdown Forest Working Group, with TWBC as an active member and TMBC as a corresponding member, in order to secure a common understanding and agreement on effects, mitigation and monitoring and where possible to agree and cost-share future studies or surveys.

## High Weald Area of Outstanding Natural Beauty (AONB)

- 6.7 As stated in the High Weald AONB Management Plan (2019-2024) ([see the High Weald AONB Management Plan](#)), both administrative areas of TWBC and TMBC contain proportions of the High Weald AONB. In the case of TWBC, the High Weald AONB covers just under 69% of the borough. It should be noted that Royal Tunbridge Wells is excluded from this designation, but is wholly surrounded by it. In the case of TMBC, only a very small part of the borough falls within the High Weald AONB to the south of Tonbridge, with a further 27% in the Kent Downs AONB to the north.
- 6.8 Both authorities are members of the Joint Advisory Committee (JAC) and Officer Steering Group for the High Weald AONB.
- 6.9 The High Weald AONB Management Plan 2019-2024 was agreed by the Joint Advisory Committee in November 2018, after public consultation and with input from both authorities. The Management Plan sets out the key characteristics of the High Weald AONB in terms of natural beauty and is an important guidance document for development within the AONB. The High Weald AONB Management Plan 2019-2024 was adopted by TWBC and TMBC in March 2019.
- 6.10 Both authorities are committed to continue to work together in partnership, with the aim of ensuring that the objectives and actions set out in the High Weald AONB Management Plan are delivered in a timely manner.
- 6.11 Paragraph 172 of the NPPF (2019) sets out the national planning policy for major development in AONBs. For TWBC, following representations received in relation to its Regulation 18 consultation, full LVIAs have been undertaken to assess the landscape impact of major development sites in the AONB. TWBC is engaging with Natural England and the High Weald AONB Unit (notwithstanding that both are taking a position of objecting to major developments in principle).
- 6.12 TWBC's reading of the NPPF is that it has to apply the tests in paragraph 172 in order to come to a conclusion in relation to individual sites. In this context, although not explicit in relation to opportunities outside its own area, paragraph 172(b) may be interpreted as expecting the 'scope for developing outside the designated area' to

extend to neighbouring LPAs as part of the consideration of exceptional circumstances.

- 6.13 TWBC has therefore asked TMBC whether (October 2020) it has scope to accept any housing need from TWBC, as set out at paragraph 2.19 above, that would comprise major development in the AONB. TMBC consider that there are no less constrained areas in the West Kent HMA in Tonbridge and Malling.
- 6.14 This has been factored into TWBC's considerations as part of the preparation of the Pre-Submission version of the Local Plan. It is acknowledged that, following the further evidence undertaken on landscape and visual impact, the amount of housing proposed as major development in the AONB has decreased significantly between the Draft Local Plan and the Pre-Submission version of the TWBC Local Plan.

### **Actions**

Both authorities will continue to liaise on cross-boundary matters relating to the implementation of the High Weald AONB Management Plan (2019 -2024) and to liaise with each other on developments that are sited close to or straddle the administrative boundary between the two authorities and are located in or affect the setting of the High Weald AONB, and on other national planning policy requirements related to major development in the AONB.

## **Biodiversity**

- 6.15 Under both paragraphs 170 and 174 of the NPPF, it has been stated that Local Plans should seek to promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Both authorities have policies for Green infrastructure which have taken account of cross boundary proposals.
- 6.16 Both authorities also have policies in the (TMBC Local Plan and TWBC Pre-Submission version of the Local Plan) which require actions in conjunction with their respective and relevant county stakeholder groups such as Wildlife Trusts. Cooperation on cross boundary biodiversity net gain between all Kent LPAs is already occurring through engagement with the Kent Nature Partnership and, for the High Weald AONB the 'net gain sub group' of the High Weald AONB Officer Steering Group, chaired by TWBC, to ensure a common approach and cooperation across the county and the High Weald AONB with particular regard for biodiversity offsetting and strategic biodiversity objectives.

### **Actions**

TMBC and TWBC will continue to engage with Kent Nature Partnership and the High Weald AONB Unit to ensure a common and cooperative approach to biodiversity and offsetting proposals across Kent with special consideration to the High Weald AONB.

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## 7.0 Governance arrangements

- 7.1 It is noted under the PPG (see [Paragraph: 011 Reference ID: 61-011-20190315](#)) that a SoCG is expected to outline governance arrangements for the cooperation process, including how the statement will be maintained and kept up to date.
- 7.2 The main officers from each Council to be engaged on a regular basis in relation to cross-boundary cooperation are the respective Local Plan managers or designated lead officers. They will be responsible for drafting and maintaining an up-to-date SoCG between the Councils.
- 7.3 Service Heads (or in their absence, relevant senior officer/deputy) will be responsible for making any formal requests, and providing responses, in relation to unmet (or potentially unmet) development needs.
- 7.4 Signing of the SoCG, and any subsequent reviews, will be at the elected member level, normally the Portfolio Holder whose responsibilities cover strategic planning.
- 7.5 Liaison in relation to the SoCG and the wider DtC will be on a regular basis between relevant officers and, where appropriate elected members. It will be for the respective lead officer to keep their Service Head and Portfolio Holder briefed on activities in relation to the DtC and the SoCG, as appropriate.

# 8.0 Actions and Review Timetable

8.1 The agreed actions in this SoCG are reproduced below. This SoCG is an iterative document. Progress on the actions will be detailed in the next version of this SoCG.

**Table 2: Agreed key issues and agreed actions**

Key Issue	Agreed Actions
Housing	TMBC and TWBC to continue to engage with each other and through wider engagement with other neighbouring authorities in relation to strategic housing matters, including capacity to meet local and unmet needs. This will include consideration of any future requests from London authorities, if received.
Gypsy, Traveller and Travelling Showpeople	<ul style="list-style-type: none"> <li>- Both Councils will continue to seek to meet their own needs for permanent pitches (TMBC in relation to G&amp;T and Travelling Showpeople, and TWBC in relation to G&amp;T). There have been no requests in relation to unmet needs at this time.</li> <li>- Discussions are continuing within the wider Kent authorities regarding the provision of a transit site(s) in the county, being led by Ashford borough.</li> <li>- Both Councils will continue dialogue on matters relating to Gypsy, Traveller and Travelling Showpeople accommodation.</li> </ul>
Employment	<ul style="list-style-type: none"> <li>- TWBC and TMBC to engage through the wider Duty to Cooperate forum with other neighbouring authorities outside the functional economic market area in relation to economic related matters, including employment land and retail and town centre development.</li> <li>- Opportunities for continuing joint working arrangements will be explored where appropriate/advantageous.</li> </ul>
Retail	TMBC and TWBC will continue to liaise on retailing matters of both areas, having particular regard to likely changes to town centres and the retailing context post pandemic. This will include through the production of the RTW Town Centre Area Plan.
Cross Boundary Infrastructure	<ul style="list-style-type: none"> <li>- TWBC will continue to invite TMBC to the Strategic Sites Working Group, and TMBC officers will continue to attend and actively participate.</li> <li>- TWBC and TMBC will, over the course of 2021 and onwards, have continued discussion and liaison with each other and relevant infrastructure providers, working in collaborative partnership, on the cross boundary implications of the proposed strategic allocations at Tudeley village and Paddock Wood.</li> </ul>

Key Issue	Agreed Actions
	<ul style="list-style-type: none"> <li>- TMBC and TWBC will continue to engage on other cross-boundary infrastructure and planning issues, including in terms of further (including pre-application) discussions for proposals at Mabledon House.</li> <li>- Both Councils will, through membership and participation in the Medway Flood Area Plan, continue to liaise on the Leigh flood storage expansion and Hildenborough embankment scheme.</li> </ul>
Natural Environment	<ul style="list-style-type: none"> <li>- That both authorities continue to work as part of the Ashdown Forest Working Group, with TWBC as an active member and TMBC as a corresponding member, in order to secure a common understanding and agreement on effects, mitigation and monitoring and where possible to agree and cost-share future studies or surveys.</li> <li>- Both authorities will continue to liaise on cross-boundary matters relating to the implementation of the High Weald AONB Management Plan (2019 -2024) and to liaise with each other on developments that are sited close to or straddle the administrative boundary between the two authorities and are located in or affect the setting of the High Weald AONB, and on other national planning policy requirements related to major development in the AONB.</li> <li>- TMBC and TWBC will continue to engage with Kent Nature Partnership and the High Weald AONB Unit to ensure a common and cooperative approach to biodiversity and offsetting proposals across Kent with special consideration to the High Weald AONB.</li> </ul>

- 8.2 This SoCG will be updated to reflect the latest iteration of the respective Local Plans.
- 8.3 The Councils will work jointly to ensure that there is a SoCG in place ahead of the formal consultations on any Local Plan published by either Council (i.e. under Regulation 18 or 19).
- 8.4 Based on current Local Plan programmes, it is currently anticipated that this SoCG will be prepared and updated in accordance with the following timetable:

Document	Target Sign-Off Date	Reasoning
SCG v1	June 2021	Ahead of TWBC Regulation 19 Local Plan
v2	October 2021	Ahead of TWBC Examination

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- 8.5 It may be that further updates may be appropriate if substantive new evidence becomes available or decisions are made. This will be kept under review.
- 8.6 The Councils will keep each other notified of proposals to publish the SoCG and any updates to it.

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## 9.0 Signatories/Declaration

<b>Signed on behalf of Tonbridge &amp; Malling Borough (Councillor)</b>	<b>Signed on behalf of Tonbridge &amp; Malling Borough Council (Chief Executive)</b>
<b>Position:</b>	<b>Position:</b>
<b>Date:</b>	<b>Date:</b>

<b>Signed on behalf of Tunbridge Wells Borough Council (Councillor)</b>	<b>Signed on behalf of Tunbridge Wells Borough Council (Chief Executive)</b>
<b>Position:</b>	<b>Position:</b>
<b>Date:</b>	<b>Date:</b>

# Appendix A: The Administrative Areas of Tonbridge & Malling borough and Tunbridge Wells borough



**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**PLANNING and TRANSPORTATION ADVISORY BOARD**

**29 June 2021**

**Report of the Director of Planning, Housing and Environmental Health**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)**

**1     HOUSING DELIVERY TEST ACTION PLAN**

**This report explains what the Housing Delivery Test is and why an Action Plan has been prepared. The Action Plan includes the profile of housing supply in the borough and actions that can be taken to help boost delivery. Stakeholders involved in housing delivery will be engaged on the actions. Members are requested to endorse the draft Action Plan in Annex 1.**

**1.1   Housing Delivery Test**

- 1.1.1 The Government's Housing Delivery Test (HDT) is an annual measurement of housing delivery at the local level.
- 1.1.2 The HDT covers the previous three financial years. In the case of the 2020 measurement, the years are 2017/18, 2018/19 and 2019/20. The HDT compares the net homes delivered over three years to the homes required over the same period.
- 1.1.3 For Tonbridge & Malling, the requirement for the first year (2017/18) was the housing requirement generated by the Household Projections available at that time and for the subsequent two years (2018/19 and 2019/20) the housing requirement was the number generated by the Government's standard method for assessing housing need.
- 1.1.4 The 2020 measurement was published on 19 January 2021. For Tonbridge & Malling the outcome was a measurement of 91%, i.e. the supply of new homes (net) during the three-year period 2017/18 to 2019/20 fell short of the homes required by 9%.

**1.2   HDT Action Plan - Introduction**

- 1.2.1 As a consequence of achieving a HDT measurement below 95%, the Council is required to prepare an Action Plan. The intentions of an Action Plan are to understand the issues affecting housing supply locally with a view of identifying actions to help boost the delivery of new homes.

- 1.2.2 In response, a draft Action Plan has been prepared. This is set out in **Annex 1** to this report. The preparation of the Plan has been informed by the Government's planning practice guidance on HDT Action Plans as well as a review of existing plans produced by other authorities.
- 1.2.3 The Action Plan first sets the scene with a profile of the borough, highlighting the character, local housing markets, assets and constraints. These are important to understand because they have a bearing on supply. This is followed by a summary of the position on the Council's development plan, highlighting that the current plan (the Local Development Framework) is reaching the end of its time horizon and that the process for the emerging Local Plan has stalled. Again, this is an important factor that has a bearing on supply, particularly in the context of existing constraints.
- 1.2.4 The Plan then features an analysis of the supply of new homes, identifying the location, size and nature of sites across the borough. Much of the supply is being delivered on sites beyond the outer edge of the Green Belt where there are fewer constraints. This is unsurprising, given the absence of an up-to-date Local Plan that includes a range of allocations across the borough. In addition, the Action Plan analyses the record of the Council on decision-taking on major (10+ homes) and minor (fewer than 10 homes) applications for new dwellings. This analysis is set within local (neighbouring districts), regional (South East) and national (England) contexts. Generally the Council's record is good compared with the contextual data.

### **1.3 HDT Action Plan – Actions**

- 1.3.1 Having considered this analysis, a set of actions is proposed in section 7 of the Plan. The purpose of these actions is to boost housing supply locally to help the Council meet the housing requirements set by the Government.
- 1.3.2 The actions address the root-cause factors for the under-supply of new homes. The most significant factor is the absence of an up-to-date Local Plan. It is only the Local Plan that can make available a range of sites across the borough to address the assessed housing needs in full where they are broadly generated. Many of the other actions are focussed on Development Management, including how proposals for housing are brought forward and how the delivery of new homes can be secured in a timely fashion. There are additional actions on monitoring, including the development of a more sophisticated database that can provide up-to-date reports on-demand on the status of sites. This will benefit the Council's preparation for future planning appeals. This is being taken forward with support from IT.

### **1.4 HDT Action Plan - Engagement**

- 1.4.1 The Action Plan in **Annex 1** is a draft. As part of the preparation process the Council will be engaging with relevant stakeholders, including house builders and land promoters, on the Plan, in particular the actions set out in Table 6. This is an

expectation of the Government because these stakeholders are involved in housing delivery locally and they are in the prime position to help boost supply. This will primarily be done through a letter from the Cabinet Member **[Annex 2]** following this meeting, alerting them to the production of the Action Plan and asking for their comments. The specific actions in Table 6 may also be discussed with relevant stakeholders as part of ongoing engagement relating to sites in the borough.

- 1.4.2 It is important to bear in mind that the Government's guidance states that "*...local planning authorities will need to publish an action plan within 6 months of publication of the Housing Delivery Test measurement.*" The 2020 HDT measurement was published on 19 January 2021, meaning that the Government expects the Action Plan to be published by 19 July 2021. A draft version will be put onto the website following this meeting, with the final version being uploaded following engagement with stakeholders.

## **1.5 HDT Action Plan – Role in Decision-taking**

- 1.5.1 The Action Plan can be a useful tool for Development Management, in particular the process of taking and defending decisions on planning applications, providing the actions are implemented. The positive nature of the actions, which are designed to boost housing supply, can help the position of the Council in supporting sustainable development, where it is considered appropriate, in the context of national policy. This is particularly important in the absence of an up-to-date adopted Local Plan.

## **1.6 Legal Implications**

- 1.6.1 There are no legal implications arising from the production of the HDT Action Plan. The expectations to produce a Plan feature in national policy (the National Planning Policy Framework (NPPF)) and Government guidance; there is no requirement within current legislation.

## **1.7 Financial and Value for Money Considerations**

- 1.7.1 There are no direct financial and value for money considerations associated with the production of the HDT Action Plan. Many of the actions involve utilising existing resources. There are likely to be financial considerations associated with progressing the Local Plan to adoption, which is the primary action that will make the most significant difference in terms of boosting housing supply.

## **1.8 Risk Assessment**

- 1.8.1 There is a risk that if the actions in the Plan are not agreed and implemented the Council's next HDT measurement may be worse. If future housing delivery falls below 85% of the housing requirement, the Council would be required to add a 20% buffer to the 5-year housing land supply calculation; currently the buffer is only 5%. If future housing delivery falls below 75% of the housing requirement,

the presumption in favour of sustainable development set out in the NPPF would apply to decision-taking on applications involving the provision of housing.

- 1.8.2 There is also the risk that without the Action Plan the Council's position on certain development proposals which do not accord with existing and emerging spatial strategies may not be as robust, given the absence of an up-to-date adopted Local Plan.

## 1.9 Recommendations

- 1.9.1 That the draft Housing Delivery Test Action Plan in **Annex 1** to this report is **ENDORSED**, and the final version, following engagement with relevant stakeholders, is **AGREED** by the Director for Planning, Housing and Environmental Health in consultation with the Cabinet Member for Strategic Planning and Infrastructure and the Chair of the Planning and Transportation Advisory Board.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation, if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

Housing Delivery Test: 2020 Measurement – Technical Note  
Housing Delivery Test Action Plans – Planning Practice Guidance

contact: Nigel De Wit  
Principal Planning Officer

Eleanor Hoyle  
Director of Planning, Housing and Environmental Health



# **Tonbridge & Malling Borough Council**

## **Housing Delivery Test**

### **Action Plan**

**June 2021**

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# **Tonbridge & Malling Borough Council**

## **Housing Delivery Test – Action Plan**

### **June 2021**

## **1. Introduction**

1.1 The purposes of this Housing Delivery Test Action Plan are twofold:

- i. To understand the issues affecting housing supply in T&M, and
- ii. Identify actions to help boost the delivery of new homes

## **2. Background – Why is an Action Plan needed?**

2.1 The Government has an objective of significantly boosting the supply of homes<sup>1</sup>.

### **Housing Delivery Test**

2.2 To measure how local planning authorities are performing on housing delivery, the Government has established the Housing Delivery Test (HDT)<sup>2</sup>. The HDT is an annual measurement of housing delivery within the area of a plan-making authority, such as Tonbridge & Malling. The latest set of results (2020) provide a measure based on the preceding three financial years, i.e., 2017/18, 2018/19 and 2019/20.

2.3 For Tonbridge & Malling, the measure for 2017/18 was the annual average household growth over ten years based on the household projections available at that time, whilst the measure for years 2018/19 and 2019/20 was the Government's standard method for calculating housing need<sup>3</sup>.

2.4 The outcome for Tonbridge & Malling was a HDT 2020 measurement of **91%**. During the three years that were monitored, 2,036 homes were delivered, which compares to the HDT requirement of 2,240 homes. Whilst this is an impressive performance, particularly when you consider the high-level constraints in the borough of the Green Belt and two Areas of Outstanding Natural Beauty, it marginally falls below the threshold the Government has set for the preparation of an Action Plan (95%). As a result, the Council has prepared this Action Plan to identify and understand the

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<sup>1</sup> National Planning Policy Framework (2019), para.59:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

<sup>2</sup> <https://www.gov.uk/government/collections/housing-delivery-test>

<sup>3</sup> <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>

issues that are having a bearing on housing delivery with the objective of finding actions to help boost supply.

### 3. Local context – What is the profile of Tonbridge & Malling Borough?

- 3.1 Before focussing on specific issues, it is important to take stock of the local context, including a profile of the borough and the position of the Council's Development Plan. The local context can help our understanding of the issues affecting housing supply and highlight possible actions that need to be taken to help boost the delivery of new homes.

#### Profile of the borough

- 3.2 A spatial portrait is summarised in table 1 (below).

**Table 1: Spatial Portrait**

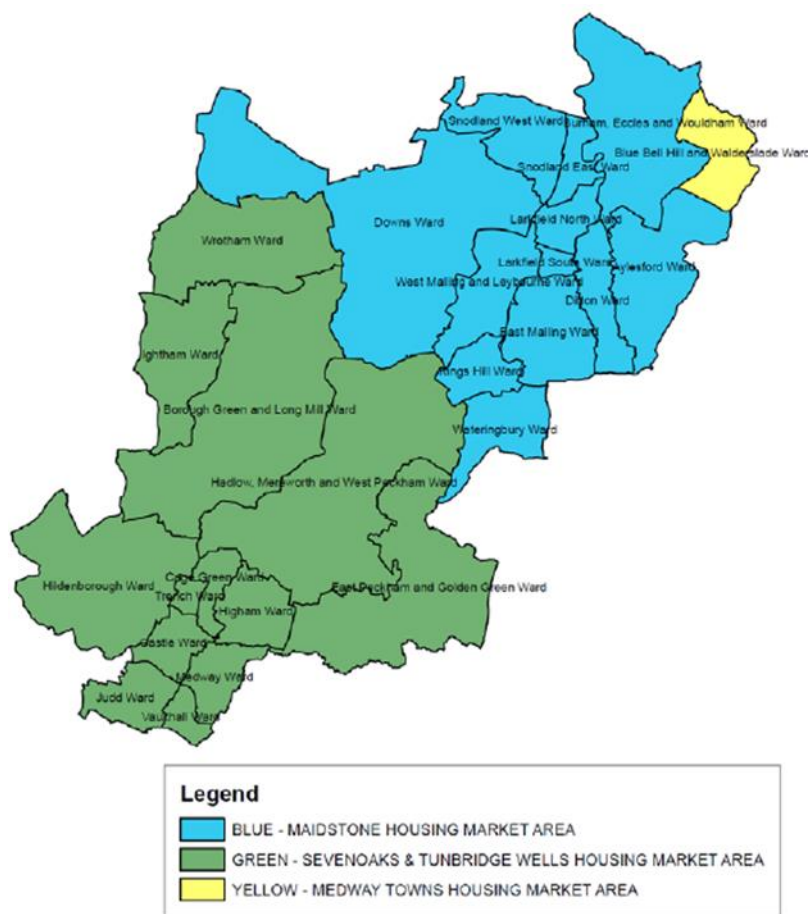
<b>Area:</b>	<b>24, 013 ha</b>
<b>Strategic Location:</b>	West Kent.  Bordered by: Sevenoaks District (to the west); Tunbridge Wells Borough (south); Maidstone Borough (east); Medway (north); Gravesham Borough (north-west).
<b>Transportation links:</b>	Three motorways (M20, M26 and M2) cross the borough in the north. The A21 trunk road passes by the south and west of Tonbridge.  Three train lines providing links to London and the north Kent line.  Channel Tunnel Rail Link (channelled under the Kent Downs, no stations).  High Speed 1 services stop at Snodland station
<b>Population:</b>	Total: 132,153 (mid-2019 estimate)  Aged 0-15: 20.5%  Aged 16-64: 60.7%  Aged 65+: 18.8%
<b>Urban/Rural Split:</b>	Most of the borough is rural in character.  Largest rural settlements are West Malling, Borough Green, Hadlow, Hildenborough and East Peckham.  Principal town: Tonbridge, located in the south-west of the borough.

	Other built-up urban areas: Kings Hill, Snodland, Aylesford/Ditton/Larkfield/Leybourne (known as the Medway Gap) and Walderslade (part) located in the north-east of the borough.
<b>Assets &amp; Constraints:</b>	<p>Special Areas of Conservation: North Downs Woodland; Peter's Pit (3.54% of the borough)</p> <p>Sites of Special Scientific Interest (SSSIs): 28 (1.32% of the borough)</p> <p>Areas of Outstanding Natural Beauty: Kent Downs and High Weald (26.84% of the borough)</p> <p>Ancient Woodland: 2,621 ha (11% of the borough)</p> <p>Conservation Areas: 60</p> <p>Scheduled Ancient Monuments: 25</p> <p>Listed Buildings: Approx. 1,400 listed buildings or structures</p> <p>Green Belt: Approx. 70% coverage of the borough</p>
<b>Dwelling Stock:</b>	<p>Total: 55,184 (as at 1 April 2019)</p> <p>Private sector: 46,389</p> <p>Private registered provider: 8,437</p> <p>Other public sector: 352</p> <p>Local Authority: 0</p>

- 3.3 As highlighted by this spatial portrait, Tonbridge & Malling is predominantly rural in character with significant high-level constraints, including the Metropolitan Green Belt and two Areas of Outstanding Natural Beauty washing across the majority of the borough.

### Housing Market Areas

- 3.4 A Housing Market Area (HMA) defines a geographical area within which there is a significant amount of self-containment in terms of the movement of people and activity, e.g., commuting to and from work, travelling to services and shops and buying and selling homes. Within Tonbridge & Malling there are principally two Housing Market Areas (HMAs) that exert an influence across the borough: the Sevenoaks/Tonbridge/Tunbridge Wells HMA; and the Maidstone HMA. The HMA boundaries are illustrated in Figure 1 (see below).
- 3.5 According to the Strategic Housing Market Area (SHMA) report published in September 2016, the household split across the two HMAs is broadly even: 51% in the Maidstone HMA; 49% in the Sevenoaks, Tonbridge, Tunbridge Wells HMA.

**Figure 1: Housing Market Areas**

### Housing Affordability

- 3.6 The ratio of house prices to workplace earnings is a good indicator of housing affordability and housing pressures. The larger the number, the bigger the gap between house prices and workplace earnings.
- 3.7 For Tonbridge & Malling, the median housing affordability ratio in 2020 was **11.79**<sup>4</sup>. This means that median house prices were 11.79 time more than median workplace earnings.
- 3.8 To put this into context, the median housing affordability ratio for England in 2020 was 7.84 and for the South East region it was 9.92. This is an indicator that Tonbridge and Malling is a desirable place to live with a strong housing market.

### Development Plan – Local Development Framework

<sup>4</sup> Office for National Statistics:

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoworkplacebasedearningslowerquartileandmedian>

3.9 The Council has an adopted suite of Development Plan Documents (DPDs) that make up the Local Development Framework (LDF). These comprise:

- Core Strategy (2007)
- Development Land Allocations DPD (2008)
- Tonbridge Central Area Action Plan (2008)
- Managing Development and the Environment DPD (2010)

3.10 In addition, the Council has some saved policies from the Tonbridge and Malling Borough Local Plan.

3.11 The base date of the LDF is 2006 and the time horizon is 2021. Given that the Development Plan is more than five years old, the housing requirement contained within the Plan is no longer considered up-to-date. Current assessments of housing supply performance are based upon the housing need generated by the Government's standard method.

#### **Development Plan – Local Plan (emerging)**

3.12 The Council has prepared a Local Plan to replace the LDF. This has a base date of 2011 and a time horizon of 2031. This makes sufficient provision to address the assessed needs for housing plus some flexibility to adapt to rapid change.

3.13 The Local Plan was submitted for Examination in January 2019. This was within the transitional arrangements for the updated National Planning Policy Framework, which meant the assessment of housing need was based upon the Household Projections.

3.14 The Inspectors, in their final report, have concluded that the Council has failed to meet the Duty to Cooperate in respect of addressing unmet need arising from plan-making in Sevenoaks District Council. The Council needs to consider the options for the Local Plan in terms of moving forward.

#### **Housing Land Supply**

3.15 The latest published position has a base date of 31 March 2020. As of that date, the Council can demonstrate **2.93 years** of housing land supply, as measured against the housing need generated by the standard method (**843 dwellings per annum** (dpa)). This position does not factor in any of the allocations in the submitted Local Plan because these have yet to be examined.

### **4. Housing delivery in Tonbridge & Malling – What are the characteristics of supply?**

4.1 To understand the issues affecting housing delivery and help identify possible actions to boost supply, it is important to drill down and understand how housing is, and will be, delivered locally.

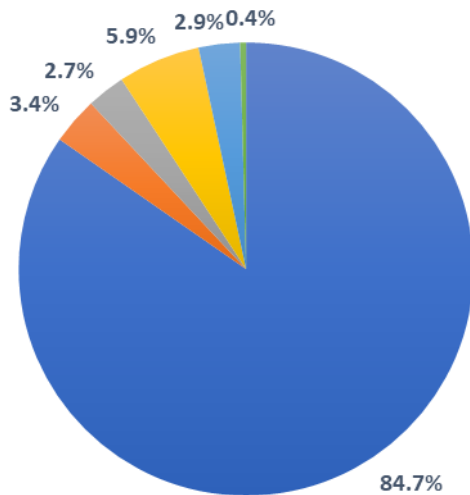
- 4.2 This part of the Action Plan analyses recent completions (2019/20) and extant permissions (as at 31 March 2020), focussing on the distribution of new homes across the borough and the size and nature of sites coming forward.
- 4.3 In terms of distribution, the analysis examines the distribution of housing across the wards in broad geographical areas. These broad geographical areas are:
- i. **North-East** (Aylesford South, Aylesford North & Walderslade, Ditton, Larkfield South, Larkfield North, East Malling, King Hill, West Malling & Leybourne, Snodland East and Ham Hill, Snodland West & Holborough Lakes and Burham & Wouldham)
  - ii. **North-West** (Borough Green & Long Mill and Wrotham, Ightham and Stansted)
  - iii. **Central** (Downs & Mereworth)
  - iv. **South-West** (Cage Green, Trench, Higham, Castle, Medway, Judd, Vauxhall and Hildenborough)
  - v. **South-East** (Hadlow & East Peckham)
  - vi. **East** (Wateringbury)
- 4.4 It should be noted that those wards located in the North-East are beyond the outer edge of the Metropolitan Green Belt designation. Some have the outer edge abutting a western or southern boundary, e.g., West Malling & Leybourne. This part of the borough includes the urban areas of the Medway Gap, Kings Hill, Snodland and Walderslade as well as the rural service centre of West Malling.
- 4.5 The remaining geographical areas lie within that part of the borough covered by the Metropolitan Green Belt. They include the urban area of Tonbridge and the rural service centres of Borough Green, Hadlow, East Peckham and Hildenborough. None of these settlements are washed over by the Green Belt; they have clearly defined boundaries beyond which lies the designation.

#### **Completions (2019/20)**

- 4.6 The distribution of completions across the borough is highlighted in Chart 1 (below). The numerical values are set out in Table 2.

**Chart 1: Housing Completions (net) 2019/20**

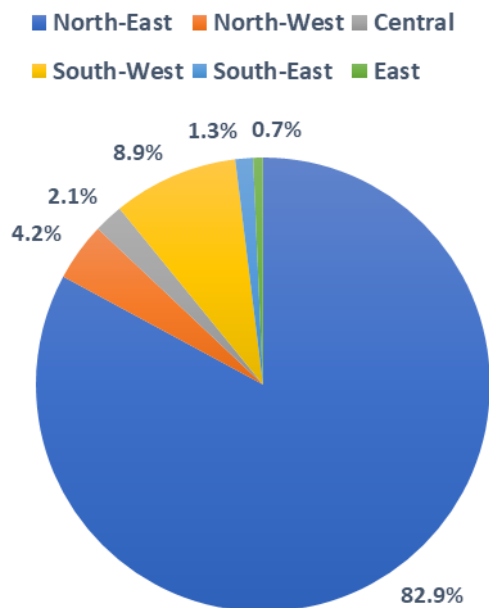
■ North-East 
 ■ North-West 
 ■ Central  
■ South-West 
 ■ South-East 
 ■ East

**Table 2: Housing Completions (net) by Area 2019/20**

Area	Completions (units)
North-East	404
North-West	16
Central	13
South-West	28
South-East	14
East	2

**Extant Housing Permissions as at 31 March 2020**

- 4.7 As at 31 March 2020, there were **2,454 units** with extant planning permission.
- 4.8 The distribution of extant permissions across the borough is highlighted in Chart 2 (below). The numerical values are set out in Table 3.

**Chart 2: Extant Housing Permissions (net) as at 31 March 2020****Table 3: Extant Housing Permissions (net) by Area as at 31 March 2020**

Area	Permissions (units)
North-East	2,034
North-West	102
Central	51
South-West	219
South-East	31
East	17

- 4.9 It is evident that the vast majority of new homes (over 80%) have and will continue to be delivered within the North-East part of the borough. This is largely a reflection of the fact that this part of the borough lies beyond the significant constraint of the Green Belt. However, this is not necessarily the sole reason, given that the majority of those settlements within that part of the borough covered by the Green Belt are not washed over by the designation.

#### **Size of developments**

- 4.10 It is also helpful to understand the size of sites that are coming forward for housing development. This is an important consideration for identifying appropriate actions to

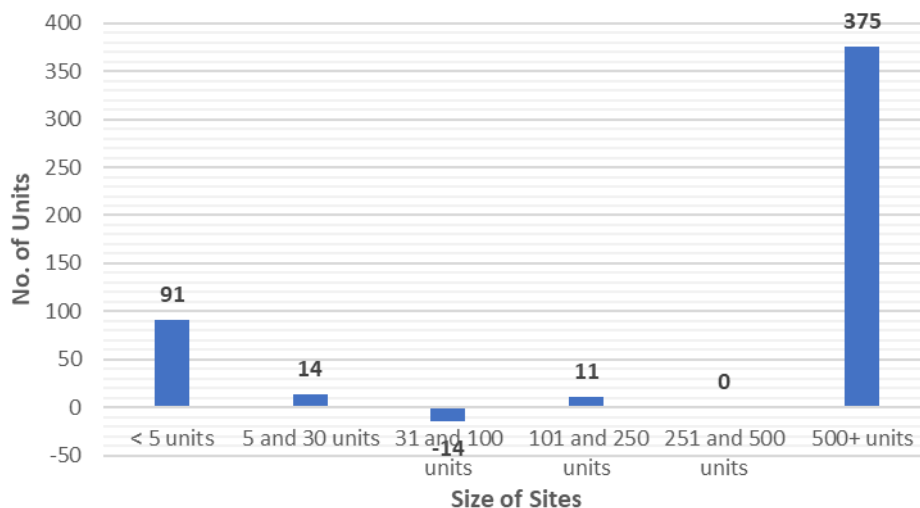
facilitate participation in the local housing markets by a range of builders, big and small.

4.11 Charts 3 and 4 (below) illustrate the distribution of housing supply across the following groups of sites:

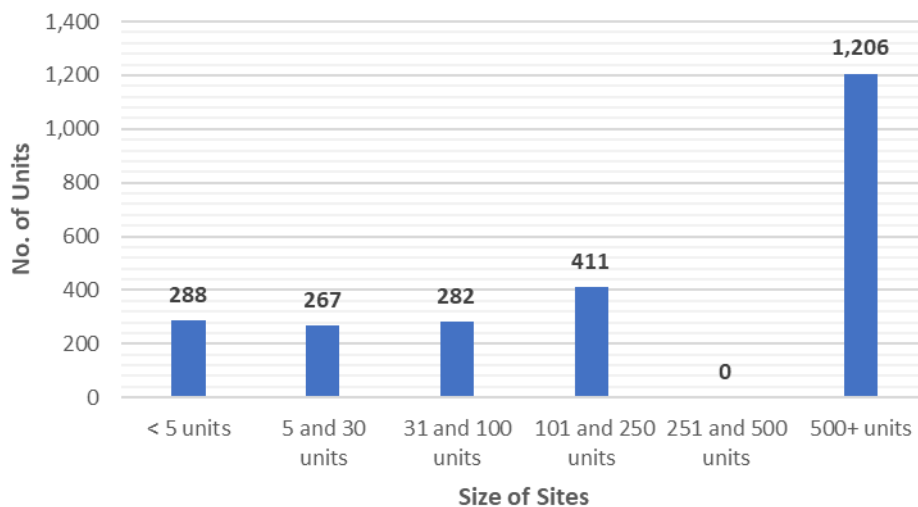
- i. Sites of fewer than 5 units
- ii. Sites of between 5 and 30 units
- iii. Sites of between 31 and 100 units
- iv. Sites of between 101 and 250 units
- v. Sites of between 250 and 500 units
- vi. Sites of more than 500 units.

4.12 The yield for each site reflects either the number in the outline planning permission (for larger sites) or the number in the full planning permission (for smaller sites).

**Chart 3: Housing Completions (net) by Size of Site 2019/20**



4.13 Over three-quarters (78.6%) of housing completions during 2019/20 took place on sites of 500+ units, including Peters Village and Kings Hill (Phase 3). Approximately 3% of the additional housing was delivered on sites of between 5 and 30 units.

**Chart 4: Extant Housing Permissions (net) by Size of Site as at 31 March 2020**

4.14 Approximately a half (49.1%) of new homes that are in the pipeline are expected to come forward on sites of 500+ units in total. Just over one-fifth (22.4%) are expected to come forward on sites of between 5 and 100 units.

#### **Previously-Developed Land**

4.15 As well as distribution and size, the nature of sites coming forward for development for housing is an important element of profiling. In particular, the proportion of housing coming forward on previously-developed and greenfield land. This can help inform decisions on whether further actions exploring additional opportunities to make the most of previously-developed land within existing settlements is needed.

4.16 For the purposes of this analysis, the Council has applied the Government's definition of previously-developed land set out in the NPPF, Annex 2<sup>5</sup>:

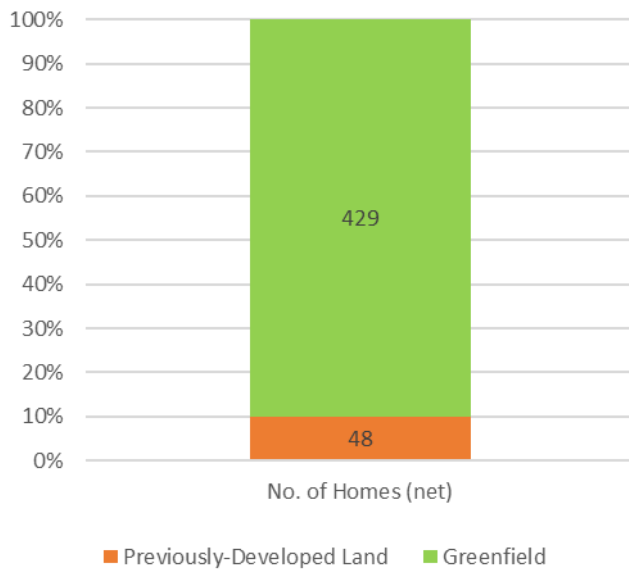
***Previously developed land:*** Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

<sup>5</sup> NPPF, Annex 2:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

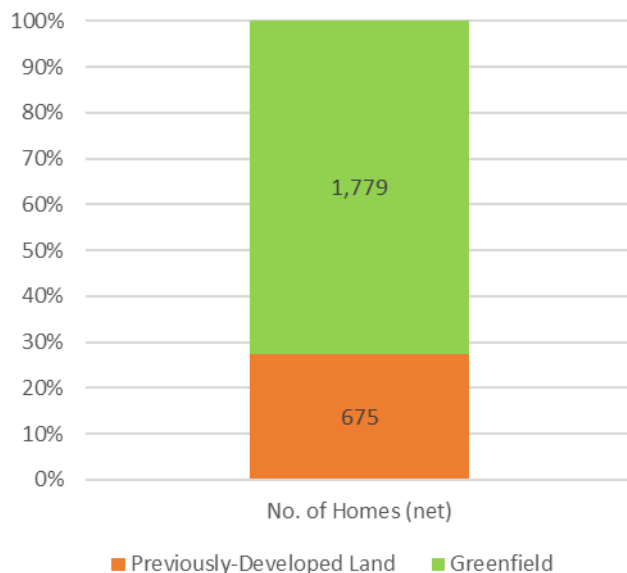
4.17 The outcomes of this analysis are highlighted in Charts 5 and 6 below.

**Chart 5: Completions (net) by Nature of Site 2019/20**



4.18 Approximately 90% (89.9%) of housing completions during 2019/20 took place on greenfield sites. This is largely a reflection of the supply from the Peters Village and Kings Hill (Phase 3) and the former Holborough Quarry sites.

**Chart 6: Extant Planning Permissions (net) by Nature of Site as at 31 March 2020**



4.19 Nearly three-quarters (72.5%) of homes in the pipeline are expected to come forward on greenfield sites.

## 5. Decision-taking on housing – What is the Council’s record?

- 5.1 Understanding how the Council performs in respect of determining planning applications for dwellings is important contextual information that can help inform decisions on the necessary actions to help boost future housing supply.
- 5.2 An analysis of the Council’s record should provide an indication of whether or not the issue of insufficient housing supply is a consequence of decision-taking.

### Planning Application Statistics – Major (Dwellings)

- 5.3 The source of this data is the Government’s ‘Live tables on planning application statistics’<sup>6</sup>, in particular the interactive dashboard for district planning applications. This information has been collated from the PS2 forms provided by local planning authorities.
- 5.4 For the purposes of this analysis, a time frame of two years has been applied, starting from 1 April 2018 (2018, Q2) to 31 March 2020 (2020, Q1). The analysis has focussed on major applications for dwellings (10 or more homes). It compares the statistics for Tonbridge & Malling with those at the local (neighbouring authorities), regional (South East) and national (England) levels.

**Table 4: Major Planning Applications (Dwellings) – 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2020**

	Total decisions (all)	Total granted (all)	% granted (all)	Total decided in time (all)	% decided in time (all)
<b>TMBC</b>	29	16	55%	21	72%
<b>Sevenoaks</b>	19	14	74%	17	89%
<b>T.Wells</b>	61	42	69%	57	93%
<b>Maidstone</b>	92	76	83%	88	96%
<b>South-East</b>	2,784	2,115	76%	2,370	85%
<b>England</b>	14,638	11,966	82%	12,660	86%

- 5.5 It is evident that the Council’s record in determining major planning applications for residential development in time is good (72%), although it is not as good as neighbouring authorities and the regional and national figures.
- 5.6 In terms of the % granted (all), the figure recorded by the Council is significantly lower than that recorded at the regional and national levels. In Tonbridge & Malling just over half of the total decisions resulted in the granting of planning permission

<sup>6</sup> Live tables on planning application statistics: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics>

between 1 April 2018 and 31<sup>st</sup> March 2020 which compares with 76% and 82% for the South-East and England respectively.

- 5.7 There are several factors that need to be taken into consideration when reading these results including the constraints encountered at the application sites, the nature of the applications and local decision-taking processes. However, it should be noted that both Sevenoaks District Council and Tunbridge Wells Borough Council face similar high-levels constraints, including a combination of the Green Belt and Areas of Outstanding Natural Beauty, yet they have granted a higher proportion of major applications for dwellings.

### **Planning Application Statistics – Minor (Dwellings)**

- 5.8 This analysis relies upon the same data sources as major applications (see above).
- 5.9 It focusses on the same time frame of two years but instead looks at decisions made in respect of minor development, i.e., development of fewer than 10 homes. The results are set out in Table 5 below.

**Table 5: Minor Planning Applications (Dwellings) – 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2020**

	Total decisions (all)	Total granted (all)	% granted (all)	Total decided in time (all)	% decided in time (all)
<b>TMBC</b>	272	207	76%	233	86%
<b>Sevenoaks</b>	558	423	76%	439	79%
<b>T.Wells</b>	464	355	77%	445	96%
<b>Maidstone</b>	454	292	64%	435	96%
<b>South-East</b>	19,346	13,537	70%	15,657	81%
<b>England</b>	106,848	78,543	74%	88,103	82%

- 5.10 The Council has a very good record both in terms of determining minor planning applications in time (86%) and granting planning permission for minor housing development (76%), in comparison to the position at the regional and national level. Within the local context of mid and west Kent, the Council determined and granted the fewest number of planning applications for minor development (dwellings), although this is in part a reflection of the number of applications received.

## 6. Root cause analysis – What does the evidence say about housing delivery?

- 6.1 The root cause analysis scrutinises the evidence highlighted above to determine what it is saying about local delivery. It assesses if there are issues, trends, factors and implications for delivery.

### Local factors

- 6.2 The key local factors that are affecting housing delivery in Tonbridge & Malling borough are:
- i. **Development Plan** – The Council’s adopted development plan, the Local Development Framework, is reaching the end of its time horizon (September 2021) and most of the housing allocations within it have been implemented. The Local Plan that was submitted for Examination in January 2019 has stalled and the Inspectors’ have found that the plan-making process failed the Duty to Cooperate process. This is an issue for supply because it is only an up-to-date adopted development plan that can set a balanced development strategy across the borough, including the removal of parcels of land from the Green Belt where exceptional circumstances exist, to help deliver a sustainable pattern of housing supply where the needs are broadly generated.
  - ii. **Constraints** – The majority of consented housing capacity is found in the least constrained parts of the borough, beyond the outer Green Belt boundary. Given the influence of the HMAs, this is an issue for the sustainable pattern of development and addressing needs where they are generated. The Local Plan is the primary tool that can help overcome this imbalance.
  - iii. **Portfolio of sites** – Delivery is dominated by supply from large strategic sites (500+ units). There is not a balance of supply across a range of sites. In particular, only a small proportion of consented housing capacity can be found on small-medium sized sites. This is likely to be an issue for SME house builders accessing the local markets given the dominance of national volume house builders on strategic sites. Furthermore, it could be an issue for the resilience of housing delivery locally if only a few key house builders are responsible for most of the delivery.
  - iv. **Effective use of land** – Promoting an effective use of land in meeting the need for homes forms part of national planning policy<sup>7</sup>. Within the borough, the

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<sup>7</sup> National Planning Policy Framework (2019), section 11:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

majority of housing is being delivered on greenfield sites. This is not necessarily an issue in itself because it can be attributed, in part, to limited opportunities for the redevelopment of previously-developed land within existing settlements, particularly in the absence of an up-to-date development plan. However, it is a prompt for taking stock and updating the Council's understanding of whether all opportunities for optimising the use of land, particularly previously-developed land including the Council's own assets, have been explored and evaluated. This could take the form of an urban capacity study focussed on the existing urban areas and rural service centres as well as a new call for sites exercise and consideration of the brownfield register, as part of the evidence gathering for the refresh of the Local Plan. Of course, given the character of some of the places in the borough, it should be recognised that making effective use of land may mean less rather than more for certain sites.

- v. **Decision-taking** – This, generally, does not appear to be a significant factor affecting the supply of housing, given the comparatively good recent record of the Council. However, there is merit in developing a better understanding of the differences between the Council's record for the determination of major planning applications for dwellings and the record of neighbouring authorities, (see Table 5), especially when the pipeline of supply is currently dominated by larger sites.

### **Contextual factors**

- 6.3 In addition to these local factors, it is important to recognise and understand the wider contextual issues that will continue to have a bearing on housing supply, certainly in the short-medium term. The Council has no control or influence over these matters:

- i. **Covid-19 Pandemic** – Whilst the house building industry has demonstrated some resilience in response to the pandemic, in part through support from the Government, there are some consequences that even it has little or no control over. The shock to the economy has resulted in financial institutions, understandably, becoming more risk adverse and very cautious. This may have an impact on the number of mortgages that are signed-off which in turn could have an impact on the delivery of new homes. If the flow of home buyers starts to dry up, a potential consequence could be that supply may do the same. Tonbridge & Malling Borough Council, as the local planning authority, has no control over this. Furthermore, the Council recognises that stimulants such as the Stamp Duty holiday as well as the safety net of the furlough

scheme will not last for much longer.

- ii. **Exit from the European Union (EU)** – It is still too early to say what the medium-term impacts might be on the housing sector. However, prior to the UK's departure from the EU, concern was expressed in some quarters about the impact it may have on the available workforce to build new homes, particularly in the South-East, which is where Tonbridge & Malling is located. Concerns have also been expressed about the availability and cost of some imported materials post the UK leaving the EU. This may have a bearing on the future supply of homes which Tonbridge & Malling Borough Council, as the local planning authority, has no control over.
- iii. **Permitted Development (PD) Right Changes** – Finally, the Council is mindful that the Government will introduce changes to the PD rights from the 1 August 2021 to allow Class E uses (commercial, business and service) to change to residential (Use Class C3), subject to prior approval. This could have a big influence on where and how many new homes are supplied in the medium-long term, yet the role of Tonbridge & Malling Borough Council, as the local planning authority, will be limited to the matters that will be subject of the prior approval process including flooding, transport impacts, contamination, noise from existing commercial premises and adequate natural light. Innovative thought will be required to help ensure places such as the centre of Tonbridge can remain a vital and vibrant place to enjoy.

## **7. Key actions – How can housing delivery be boosted?**

- 7.1 This section sets out the actions the Council is committed to either taking or investigating further to help boost housing delivery in Tonbridge & Malling.
- 7.2 These actions flow from the root cause analysis, which is based upon the local evidence set out in the earlier sections of this Plan. Some of the actions reflect current practice.
- 7.3 For clarity, the actions are tabulated (see Table 6, overleaf).
- 7.4 Below are the explanatory notes:

### **Explanatory notes for Table 6:**

**Root cause factors addressed** – These are the local factors set out in section 6 (above), namely:

- i. Development Plan
- ii. Constraints
- iii. Portfolio of sites

- iv. Effective use of land
- v. Decision-taking

**Timescales** – The short, medium and long-terms are defined as:

- **Short** (0-6 months); **Medium** (6 months – 2 years); **Long** (2+ years).

**Lead team & other parties** – This is primarily focussed on which team within the Council will take the leading role in implementing the action. For the most part this will either be:

- Development Management (**DM**) or Planning Policy (**PP**).

There is, of course, the important role of Local Councillors (**LC**).

There may opportunities for Housing Officers (**HO**) to be involved in implementation, plus external parties including House Builders (**HB**), Registered Partners (**RP**), Specialist Consultants (**SC**), and Government Agencies (**GA**)



**Table 6: Key Actions to help boost housing delivery**

Action	Root Cause Factors Addressed	Outcome	Timescale	Lead team & other parties
<b>1. Adopt up-to-date Local Plan</b>	i, ii, iii, iv and v.	A plan-led system with a development strategy that addresses housing needs in a sustainable pattern across the borough with a mixed portfolio of sites making the effective use of land within and adjacent to settlements at, or close to, the top of the settlement hierarchy.	Medium	PP, LC + SC
<b>2. Urban Capacity Study</b>	iv	An up-to-date understanding of the current capacity for development on previously-developed land within the confines of the larger settlements. This would include looking at the Council's own assets and the role they could play in boosting housing supply. The outcomes would provide evidence for the refresh of the Local Plan (see above).	Short-Medium	PP + SC
<b>3. Development brief for the largest allocation in the emerging Local Plan, Borough Green Gardens</b>	ii, iii, iv and v.	A development brief to facilitate the sustainable and timely development of the largest allocation, making the effective use of land in line with the garden community principles.	Short-Medium	PP, LC, SC, HBs and GA
<b>4. Front-load masterplans for large</b>	iv and v	Masterplans prepared and shared with the Council pre-submission of the formal planning application, i.e. at pre-application stage, to	Medium-Long	HB, in conjunction with PP and DM, having regard to

Action	Root Cause Factors Addressed	Outcome	Timescale	Lead team & other parties
<b>sites (approx.500+ units)</b>		demonstrate commitment to good place-making in a timely fashion.		design codes, when and where available.
<b>5. Planning Performance Agreements (PPAs)</b>	iv and v	Continued appropriate use of PPAs to project manage large developments, to agree timescales, actions and resources for handling applications. Engage PPAs early in the process at the pre-application stage, in accordance with the Council's existing protocol as published and kept under review.	Short-Medium-Long	DM & HB
<b>6. Pre-planning application discussions on potential sites (proactive)</b>	iv and v	Continued appropriate use of pre-planning discussions to identify issues and barriers that need to be addressed or overcome.	Short-Medium-Long	DM with HB
<b>7. Monitor and review performance on the determination of planning applications for housing</b>	v	An up-to-date (monthly) understanding of decision-taking performance (major and minor applications for dwellings), within the local (Kent districts), regional (south-east) and national (England) <sup>8</sup> contexts, with a view of investigating opportunities for improvements.	Short-Medium-Long	DM
<b>8. Encourage the submission of full</b>	v	Greater number of full planning permissions for major residential	Short-Medium-Long	DM

<sup>8</sup> Live tables on planning application statistics: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics>

Action	Root Cause Factors Addressed	Outcome	Timescale	Lead team & other parties
<b>planning applications – discourage the submission of outline planning applications, where appropriate</b>		development, as opposed to outline permissions and reserved matters, to effectively address quality place-making and the delivery of homes upfront to help boost supply.		
<b>9. Planning conditions – Include conditions on outline planning permissions for the submission of reserved matters within 12 months of the decision</b>	v	Shorter timeframe for the submission of reserved matters, i.e. aim to agree a deadline of 12 months from the date of the outline planning permission, to facilitate earlier development to help boost housing delivery within the following five years.	Short-Medium-Long	DM
<b>10. Legal agreements – monitor s.106 agreements, including trigger points for payments</b>	v	An established monitoring system of legal agreements and their trigger points to keep track of the delivery of essential infrastructure that is necessary to support and facilitate housing supply.	Short-Medium-Long	DM
<b>11. Pre-commencement conditions - a flexible approach</b>	v	Continued flexible approach to these conditions, i.e. consideration of whether they can be related to a later stage in the development or whether they can be employed on a phased basis, to facilitate the timely delivery of new homes.	Short-Medium-Long	DM
<b>12. Minor changes after development has</b>	v	Continued proactive and flexible approach to the determination of	Short-Medium-Long	DM & LC

Action	Root Cause Factors Addressed	Outcome	Timescale	Lead team & other parties
<b>commenced – a proactive and flexible approach</b>		minor amendments to matters such as house type substitutions in response to changing market demand, to help keep the delivery of sites on-track.		
<b>13. Modern Methods of Construction (MMC) - a positive approach</b>	v	A positive approach to high quality, well-designed MMC schemes that can facilitate higher delivery rates of homes, with significant off-site construction in controlled environments, at potentially more affordable prices.	Short-Medium-Long	DM & LC
<b>14. On-going positive engagement with delivery bodies of development sites</b>	v	Establish and maintain clear lines of communication with landowners, agents, developers and house builders of large sites, as well as development partners such as Registered Providers (RPs), to obtain up-to-date information on the build-out rates and future delivery plans of current sites in order to identify any barriers and how they may be overcome.	Short-Medium-Long	PP & DM with HB & RP
<b>15. Research, identify and bid/apply for funding for supporting infrastructure</b>	iv	Making the most of opportunities presented by Government (and other) funding for essential infrastructure to support and facilitate the delivery of housing.	Short-Medium-Long	PP, DM & possibly GA

Action	Root Cause Factors Addressed	Outcome	Timescale	Lead team & other parties
<b>16. Evidence gathering on delivery issues</b>	v	Clear evidence to address delivery issues where there is uncommon ground, to unblock stalled schemes to facilitate the supply of housing and supporting infrastructure in an optimum way.	Short-Medium-Long	PP, DM, SC & HB
<b>17. Housing Land Supply – Up-to-date monitoring of permissions and prior approvals on-demand</b>	v	A sophisticated monitoring system that adds value to the current set up by providing up-to-date reports on the status of sites (on-demand), including information on new and expired permissions and prior approvals. These reports can provide the trigger for further engagement with applicants to understand current delivery intentions and any barriers to delivery that may be overcome.	Short-Medium-Long	PP with DM & HB
<b>18. Identify housing delivery as a Council corporate priority</b>	v	A corporate commitment to the delivery of new homes to address the range of housing needs across the borough.	Short-Medium-Long	LC

## **8. Implementation and Monitoring**

- 8.1 The Council understands that positive, continued engagement with those parties involved in the delivery of homes is essential if supply is to be boosted.
- 8.2 The implementation of this Action Plan will require the commitment and efforts of a range of people, organisations and groups, including planning officers, councillors and house builders, as highlighted by Table 6 (above). Where possible, the Council will explore opportunities to access key players via existing forums such as the Kent Developers' Group.
- 8.3 The Council has engaged with many of these people during the preparation of the Plan, to ensure that it is realistically achievable and that the key players are on-board.
- 8.4 The Council will keep the Plan under review and will reassess the actions after the publication of the Housing Delivery Test results for 2021.

Contact	Eleanor Hoyle
Email	<a href="mailto:Eleanor.hoyle@tmbc.gov.uk">Eleanor.hoyle@tmbc.gov.uk</a>
Direct Line	01732 876256
Your ref.	
Our ref	
Date	

Dear

### **Housing Delivery Test: Action Plan (Draft)**

You may recall that the Government published the Housing Delivery Test (HDT) 2020 measurement on 19 January this year<sup>1</sup>. This is a measurement of local housing supply against the Government's set of requirements.

The measurement for Tonbridge & Malling Borough Council was 91%. Whilst this is, overall, a good performance given the wider economic context and the constraints that we encounter, it falls below 95%. As a result, the Council has drafted an Action Plan.

The purposes of this Action Plan are twofold: to understand the issues affecting housing delivery locally, and to identify a set of actions to help boost housing supply. The draft Action Plan is attached to the e-mail you were sent.

The reason I am contacting you today is because we would like your views on the draft Plan, as a relevant stakeholder.

In particular, we would like your views on the set of actions in Table 6, especially those where we have highlighted a role for stakeholders outside of the Council. We welcome your feedback on the individual actions and whether you believe there are other reasonable actions we could consider.

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<sup>1</sup> [Housing Delivery Test: 2020 measurement - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/housing-delivery-test-2020-measurement)

The Government expects the Action Plan to be published within 6 months of the publication of the HDT 2020 measurement and we have met this requirement through the draft report presented to our Members at the Planning and Transportation Advisory Board on 29 June. However, we are keen to publish an agreed final Plan as soon as possible. As such, we would be grateful if you could provide us with any comments on the document by 16 July 2021.

Please direct your comments or any questions you may have to Nigel De Wit via [nigel.dewit@tmbc.gov.uk](mailto:nigel.dewit@tmbc.gov.uk).

Thank you, in advance, for your assistance in preparing this Plan.

Yours sincerely

Cllr P Montague  
Cabinet Member for Housing

**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**PLANNING and TRANSPORTATION ADVISORY BOARD**

**29 June 2021**

**Report of the Director of Planning, Housing and Environmental Health**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)**

**1     BOROUGH GREEN GARDENS**

**1.1   Introduction**

- 1.1.1 This report provides information regarding the garden communities work that has commenced to support the delivery of development at Borough Green Gardens, an allocation in the council's current draft Local Plan. This includes the preparation of a development brief, that once finalised will inform the determination of future planning applications.

**1.2   Background**

- 1.2.1 Borough Green Gardens (BGG) has been included in the current draft Local Plan as the council's most significant strategic allocation, with 1750 units envisaged during the Plan period and a further 1250 safeguarded for a future Plan period.
- 1.2.2 In late 2019, Homes England confirmed the inclusion of BGG in the Garden Communities programme. This came with an initial tranche of £150k capacity funding, a subsequent in programme bidding round has led to a further £100k being secured in June 2021. In addition to specific pieces of work designed to progress the delivery of the project (discussed below), this funding is paying for officer time spent on the project and for engaging key stakeholders including KCC Highways and Natural England in technical discussions about aspects of the site.
- 1.2.3 A project Board chaired by Cllr Lettington and separate Working Group was set up in early 2020. The board comprises of key stakeholders including TMBC (Cllrs Lettington and Montague, Eleanor Hoyle), Homes England, the Borough Green Gardens Consortium (landowner representative and planning agent), KCC, Natural England, Design South East and the Kent and Medway Economic Partnership. This Board has been overseeing progress on the project work. Terms of Reference have been established for the Board and Working Group, that include maintaining confidentiality about the project.
- 1.2.4 BGG is in the green belt and partly within and within the setting of the Kent Downs Area of Outstanding Natural Beauty. As such, without the progression of a Local

Plan allocation, it is unlikely that development will be successfully approved in this location.

- 1.2.5 Work on the project commenced in 2020 following the appointment of multi-disciplinary consultants Arcadis, with the aim of having a draft Development Brief prepared prior to the site allocation hearing sessions associated with the current draft Local Plan, which were originally estimated for spring 2021.

### **1.3 Current position**

- 1.3.1 As part of the capacity funding, it was agreed that work would commence on a Development Brief for the site. Such documents are tools for an LPA to provide additional detail to high-level Local Plan policies, and in the circumstances will further inform the required masterplan and subsequent planning applications. The development brief will set key parameters for the site, including vision and development principles, as well as outcomes (where necessary) that also reflect the Garden Communities Principles that are set out in [national guidance](#).
- 1.3.2 Arcadis are project managing the delivery of this work and are engaging with all delivery partners and statutory stakeholders to produce the document. The technical investigations informing the document are also exploring delivery options for the relief road, which as Members will be aware is a key component of the proposals.
- 1.3.3 Following the last Reg 19 consultation on the Local Plan, there is a standing objection to the BGG proposals from Natural England relating to potential development in and within the setting of the AONB. Officers and consultants are working to resolve this objection through the preparation of further evidence, as well as consideration of the layout of development and landscape mitigation. Natural England accept that the relief road which is necessary to unlock development, does need to go partly through the AONB subject to sensitive design and mitigation.
- 1.3.4 The delivery of the relief road is dependent on a number of factors including structural development considerations, viability, trigger points and impact on the existing highway network. Members may recall that the trigger point for delivery of the complete relief road by the occupation of 450 units (as required by draft policy LP29) was based on outline information on delivery rates and on the Local Plan viability study, as well as community interests in seeing this infrastructure delivered as early as possible in the phasing of development. Discussions are underway at present regarding whether this trigger point remains appropriate/defensible for the Council and what the viability position might be. If required, Homes England have indicated a willingness to consider whether funding for this important infrastructure could be secured through their forthcoming Strategic Housing Infrastructure Fund (SHIF).
- 1.3.5 There are a number of garden communities projects in similar positions to BGG, i.e., that they are draft allocations in a Local Plan that has not yet been examined.

Homes England remain supportive of these projects and are keen to assist in enabling activity. They support the approach of getting key documents such as Development Briefs in place as early as possible in the process, as these can be useful (although not essential) at examination stage in demonstrating deliverability.

- 1.3.6 Homes England expect to see continued progress towards the aim of housing delivery at the earliest opportunity and do review the projects included in the Garden Communities programme on a regular basis. It is not considered prudent to halt work on the development brief at this time, notwithstanding the current Local Plan position, as this could weaken the case for the council's commitment to the allocation going forwards and its continued inclusion in the Garden Communities Programme.
- 1.3.7 The landowner consortium has yet to confirm a lead development partner but are in a period of exclusive negotiation with Countryside, a prominent developer with significant experience in delivering new communities. In due course the lead development partner is expected to replace the landowners on the Board as the delivery body for the project.

#### **1.4 Next Steps and Timetable**

- 1.4.1 There is some further technical work being prepared at this time to inform the draft Development Brief. This is being carried out by consultants and discussed with relevant stakeholders, as well as being regularly updated to the Project Board.
- 1.4.2 In order to progress the draft Development Brief towards formal public consultation later in 2021, it is very important to get the input of the local community including businesses, residents and community groups. Their views and ideas will be important in helping to inform the Development Brief and the delivery of development in due course.
- 1.4.3 Community involvement and long-term stewardship of new communities are fundamental expectations of the Garden Communities approach. As part of this, the Board has discussed establishing a Community Forum to enable discussion on key issues relating to the Development Brief, and other matters as the project moves forward. This is proposed to be independently chaired by an external party.
- 1.4.4 Guidelines will be provided for those who participate in the Forum, the foundation of which would be that the Forum does not exist to consider the principles of development (this is a matter for the Planning Inspectorate via the Local Plan process) but to ensure that if the development is delivered, that it is done so in a way which maximises the benefits for existing and future residents. This approach has been endorsed by the project Board.
- 1.4.5 It is proposed in September that meetings are held with parish councils in the immediate vicinity of the allocation alongside the establishment of regular BGG

Forum meetings. This engagement work will seek feedback on various aspects of the Development Brief including the vision and principles, so that this can be taken into account in finalising the draft document which will be issued for consultation later in the year. It is anticipated that a full draft Development Brief will be presented for Member consideration at the November PTAB meeting for agreement to publish this for public consultation.

## **1.5 Legal Implications**

- 1.5.1 There are no direct legal implications arising from this report.

## **1.6 Financial and Value for Money Considerations**

- 1.6.1 To ensure that the capacity funding awarded by government is spent effectively and in a timely manner to ensure that a high standard of place making is achieved in delivering development at BGG, and that identified infrastructure and other policy requirements are secured through the planning process.

## **1.7 Risk Assessment**

- 1.7.1 There is no direct risk arising to the Council in relation to the preparation of the development brief. The risk of not having more detailed guidance in place to inform the delivery of the site, could put at risk the achievement of good place making and the realisation of the garden communities principles and other required outcomes.

## **1.8 Equality Impact Assessment**

- 1.8.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived negative impact arising from this work upon local residents, businesses and others.

## **1.9 Policy Considerations**

- 1.9.1 The preparation of a development brief for Borough Green Gardens reflects the status of the site as the largest strategic allocation in the current draft Local Plan and responds positively to the inclusion of the site within the national Garden Communities Programme. The development brief will more clearly articulate required development outcomes which are identified in the draft Plan.

## **1.10 Recommendations**

- 1.10.1 That the content of this report be **NOTED**, and that Members **ENDORSE** the project next steps and timetable which will allow community engagement activities to commence.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

Nil

contact: Bartholomew Wren  
Principal Planning Officer  
(Policy)

Eleanor Hoyle  
Director of Planning, Housing and Environmental Health

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### PLANNING and TRANSPORTATION ADVISORY BOARD

29 June 2021

#### Report of the Director of Planning, Housing and Environmental Health

#### Part 1- Public

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)**

#### **1 REVIEW OF PLANNING ENFORCEMENT PLAN AND ASSOCIATED PROTOCOLS**

**Summary:** This report seeks to provide an update on the activities of the Planning Enforcement Team over the last 12 months, with reference to the effectiveness of the adopted Planning Enforcement Plan. It also recommends the publication of an additional guidance note setting out circumstances where cautions will be issued. Finally, the report seeks approval for the adoption of a Tree Protection Enforcement Protocol intended to sit alongside the adopted Planning Enforcement Plan and Tree Preservation Order Protocol (which appears elsewhere on this agenda).

#### **1.1 Planning Enforcement Update 2020/21**

- 1.1.1 Matters relating to planning enforcement were last reported to the Board on 28 July 2020. At that time, officers reported that a key aspect of planning enforcement activities centred on untidy sites in respect of powers afforded to the Council as Local Planning Authority under Section 215 of the Town and Country Planning Act 1990 (as amended). As such, a further protocol to sit alongside the main Planning Enforcement Plan and Direct Action Protocol was agreed and it has since been published and implemented. Already, this has proved successful in remedying breaches of control, particularly when taken in conjunction with the Direct Action Protocol.
- 1.1.2 More generally, Members should be aware that so far 2021 has been a particularly busy calendar year for the Planning Enforcement Team. For the period 01 January – 31 May 2021, a total of 197 enforcement complaints had already been received requiring investigation. That compares to a total of 110 for the same period in 2020, 149 in 2019 and 179 in 2018. We expect this trend in upward trajectory to continue for the remainder of the year and into 2022 in all likelihood.

## 1.2 Relevant policies and guidance:

1.2.1 The Council's objectives in producing a Tree Protection Enforcement Protocol are consistent with the National Planning Policy Framework (2019) (NPPF).

1.2.2 Paragraph 58 of the NPPF relates to the enforcement of planning control and states:

*‘Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.’*

1.2.3 The Planning Practice Guidance sets out that LPAs should consider publishing tree protection enforcement policies and having clear written procedures to deal with cases. These procedures may require close liaison between tree officers, enforcement officers and legal advisers.

1.2.4 The proposed protocol does not conflict with the contents of the Council's wider enforcement policy or with legislation or Government guidance.

1.2.5 The detailed legislative framework for dealing with such matters is contained within the Protocol itself.

## 1.3 Planning Enforcement and Trees

1.3.1 Since planning enforcement related matters were last reported to the Board, consideration has been given as to what further improvements to our ways of working are needed to ensure effective and efficient enforcement operations to remedy breaches of planning control across the Borough.

1.3.2 One aspect of planning enforcement related work that has been particularly challenging in recent months is connected to protected trees. The need to ensure enhanced interaction between the Council's landscape and tree functions with planning enforcement has been identified as a necessary service improvement and this is discussed in more detail elsewhere on this agenda. That report explains the need for a further Protocol to be developed explaining precisely how unauthorised works to protected trees will be investigated, how evidence will be collected and how decisions will be made as to what action, if any, should be taken when breaches are identified.

1.3.3 The draft protocol is provided at **Annex 1** to this report. It sets out in detail what detailed investigations officers will undertake in establishing what action might be necessary and proportionate considering all the prevailing circumstances of a case. If the Protocol is adopted, all tree related enforcement investigations will be expected to comply with the contents of the Protocol.

## **1.4 Simple Cautions and Planning Enforcement Guidance Note**

- 1.4.1 Discussion has taken place around circumstances where the Council could make better use of simple cautions as an enforcement tool in certain, specified circumstances. Whilst this would not necessitate the publication of a detailed Protocol, it is proportionate to publish a guidance note to sit alongside the overarching Planning Enforcement Plan to ensure a consistent and transparent approach to these is adopted going forward.
- 1.4.2 **Annex 2** contains the draft guidance note intended for publication.

## **1.5 Plots sold at auction**

- 1.5.1 In recent months, there has been a notable upward trend in areas of land being sold off in plots at auction. There is nothing inherently wrong in this and most prospective purchasers may legitimately be interested in such plots for small scale agricultural and horticultural purposes/hobbies. However, recent experiences have shown that plots are being purchased with a view to undertake unauthorised, and in many cases, harmful development across the Borough.
- 1.5.2 Habitually, when the Council is notified of plots being marketed for sale in this way, an assessment is undertaken regarding the risk of the plots being subject to unauthorised development if sold and in many cases Article 4 Directions are served with immediate effect removing permitted development rights for (most commonly) the erection of fences, accesses, temporary uses, and agricultural buildings. As Members will be aware, Article 4 Directions do not prevent such development from taking place in perpetuity but rather necessitate the submission of a planning application for consultation, assessment, and determination in accordance with the adopted development plan and having regard to all material planning considerations. In some cases, purchasers of the plots do not take heed such restrictions and move forward with development in any event, leading to investigations and the need to consider and bring forward prosecution action. In many circumstances, this can be difficult and demand significant Council resource because, for example, the new purchasers do not register the land (to circumvent the system or as a result of a lack of understanding of the system) or choose to engage with our attempts at negotiation and resolution.
- 1.5.3 Such processes are often long drawn out and can create a significant amount of concern in local communities. Equally, circumstances can arise where purchasers might simply not understand the system and think they are buying land with more value or opportunity than it has as a result of high-level planning constraints such as the Green Belt. This can cause further confusion and frustration. In cases where prospective purchasers use our pre-application advice service, we can advise accordingly but increasingly this does not tend to be used, either due to a lack of knowledge or because there is not sufficient time to engage prior to auctions taking place.
- 1.5.4 With these issues in mind, officers intend to undertake the following:

- Continue to react to information received regarding new plots being marketed and/or brought to auction and serve Article 4 Directions restricting relevant permitted development rights where appropriate and proportionate to do so;
- Commence appropriate and proportionate enforcement action if unauthorised development commences on any such plots in accordance with the Council's adopted Planning Enforcement Plan;
- Initiate a Kent-wide discussion of Planning Enforcement Officers to establish any common experiences and agree ways to communicate with agents and auctioneers about the issues and constraints around such sales; and
- Review the planning pages of the Council's website and update content to provide clear messaging about the risks involved in purchasing such plots and encouraging use of the pre-application advice service.

## **1.6 Legal Implications**

- 1.6.1 Without an adopted Tree Protection Enforcement Protocol in place setting out when action might be taken in connection with tree related breaches, such decisions may be subject to legal challenge through the Courts. A formal protocol also assists good governance and transparency in decision making and ensures a consistent approach is adopted in all cases.
- 1.6.2 Without a published guidance note setting out when simple cautions will be used as a planning enforcement tool, such action may be taken on an inconsistent basis.

## **1.7 Financial and Value for Money Considerations**

- 1.7.1 The Tree Protection Enforcement Protocol will ensure that Council resources are properly focused on appropriate cases, which is important given the high volume of allegations of unauthorised works received.
- 1.7.2 Issuing simple cautions as an alternative to prosecution action in a specified and consistent manner will ensure that the Council's resources are properly focused on harmful breaches where prosecution action and/or direct action is justified.
- 1.7.3 Attempts to signpost prospective purchasers and vendors to the consequences of buying/selling plots of land will help to ensure that the Council's resources are properly focused.

## 1.8 Risk Assessment

- 1.8.1 The adoption of clear strategies by which decisions will be made will reduce the risk of any challenge as it clearly sets out the process and procedures the Council will adhere to in seeking to take such action.

## 1.9 Equality Impact Assessment

- 1.9.1 The implementation of all strategies will ensure full regard is given to the Public Sector Equality Duty as set out at Section 149 of the Equalities Act 2010.

## 1.10 Recommendations

- 1.10.1 It is recommended to Cabinet to **APPROVE** the following proposals:

- 1) The principle of a Tree Protection Enforcement Protocol be adopted subject to consideration by the Cabinet following on from any necessary amendments to the draft document to reflect all feedback from this Advisory Board to ensure it is fit for purpose, with a 6-month review period following the successful appointment to the Tree and Landscape Officer post. Final authority to be delegated to the Director of Planning, Housing and Environmental Health in consultation with the Cabinet Member for Strategic Planning and Infrastructure.
- 2) Adopt the Simple Cautions and Planning Enforcement Guidance Note as attached at **Annex 2**.

- 1.10.2 The actions to be taken in respect of the sale of land in plots be **AGREED**.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Emma Keefe

Draft Planning Enforcement Tree Protocol

Simple Cautions Guidance Note

Eleanor Hoyle

Director of Planning, Housing and Environmental Health

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**Tonbridge and Malling Borough Council**

**Tree Protection Enforcement Protocol**

**June 2021**

DRAFT



[www.tmbc.gov.uk](http://www.tmbc.gov.uk)

**Contents:**

- 1 Introduction and Context
- 2 Legislative Framework
- 3 Responding to complaints
- 4 Enforcement Investigations
- 5 Available Options for Action
- 6 Procedures and processes

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## **1. Introduction and Context:**

- 1.1 This document is intended to provide comprehensive guidance on the framework for dealing with tree related enforcement issues in a clear, consistent and transparent manner and to ensure that enforcement investigations and decisions take place in accordance with current legislation and guidance.
- 1.2 Tree enforcement issues across the Borough fall into the following categories:
- Unauthorised removal of protected tree(s): Depending upon the size, species and prominence of the tree(s), the effect on visual amenity and the character of an area as a result will vary from case to case.
  - Unauthorised work to protected tree(s): The effect of work to tree(s) can vary from the expert removal of one minor limb to complete destruction. This can mean little or no effect on amenity or in severe cases a seriously detrimental effect and will always be dependent on the specific circumstances of the case.
  - Breach of tree protection conditions imposed on planning permissions: This can cause prejudice to the health/safety/life expectancy/appearance of the tree(s) and have consequences for the acceptability of a development in planning terms.
- 1.3 It is necessary to ensure a careful and balanced approach to the protection of valuable trees and enforcement of that protection across the Borough. It is acknowledged that to not do so could result in a serious impact on the quality of life for residents and visitors of the Borough. The overarching aim of this Protocol is therefore to ensure the appropriate enforcement of protected trees, within a clear and transparent framework in all cases. It should be read in conjunction with the Council's adopted Planning Enforcement Plan and associated guidance.

## **2. Legislative Framework**

- 2.1 Trees are protected by legislation when they are subject of Tree Preservation Orders or are within Conservation Areas (subject to certain exemptions). It is an offence to cut down, uproot, lop, top, wilfully damage or wilfully destroy a protected tree without having first obtained the necessary consent.
- 2.2 In the case of a tree protected by a Tree Preservation Order, the Council's consent is normally required prior to undertaking any works to the tree and this will require the submission of a formal application. Any consent may be subject to conditions, and there is a right of appeal to the Secretary of State against the refusal of consent or the granting of consent subject to conditions.

- 2.3 In the case of a tree in a Conservation Area, six weeks' notice must normally be served on the Council of any proposal to carry out works on the tree. If the Council takes no action within six weeks, the works may go ahead as notified.
- 2.4 Trees may also be protected by conditions imposed on planning permissions where the statutory and policy tests for doing so have been met. Such conditions typically require that new trees be planted and maintained, or that existing trees be retained as part of development, usually for a minimum of five years. An application can however be made to the Council to vary or remove a condition (such as to allow the removal of a tree). If planning conditions are not complied with, the Council has powers to serve an enforcement notice or breach of condition notice to secure compliance. There is a right of appeal to the Secretary of State against an enforcement notice.
- 2.5 There are two offences, which apply equally to trees protected by Tree Preservation Orders and those within Conservation Areas. Firstly, anyone who cuts down, uproots or wilfully destroys a tree, or who lops, tops or wilfully damages it in a way that is likely to destroy it, is liable, if convicted in the Magistrates Court, to a fine of up to £20,000. If the person is committed for trial in the Crown Court, they are liable if convicted to an unlimited fine. The Courts have held that it is not necessary for a tree to be obliterated for it to be "destroyed" for the purposes of the legislation. It is sufficient for the tree to have been rendered useless as an amenity.
- 2.6 Secondly, anyone who carries out works to a tree that are not likely to destroy it, is liable, if convicted in the Magistrates Court, to a fine of up to £2,500. Any proceedings for offences in this category must be brought within six months of the date the offence was committed.

### **3. Responding to complaints**

- 3.1 Investigations connected to alleged breaches of planning control in respect of tree protection legislation are in most cases instigated because of complaints received by the Council by members of the public. When this happens, investigations will commence in accordance with the Council's adopted Planning Enforcement Plan. This sets out that alleged works to protected trees rank as a top priority in all circumstances, with the target for initial site inspection being 1 working day. If the Council is advised of works taking place to protected trees all efforts will be made to ensure a visit can be undertaken within a quicker timescale so as to prevent irrevocable damage wherever possible. This prioritisation reflects the perceived urgency and level of harm arising to amenity or to areas or features that benefit from special protection.
- 3.2 At this stage the complainant is informed of the case officer's name and contact details. The named Officer will act as the main point of contact and will advise all parties on progress and outcome of the case. Additionally, Borough Council Members are informed of the receipt of allegations on a weekly basis.

## **4. Enforcement Investigations**

4.1 Our initial investigations will always involve research to establish:

- whether the tree is protected.
- whether any consent or permission has been granted for works; and
- who is responsible for the work being undertaken (either by act or instruction)

4.2 In all cases, this will involve both a desk-based assessment of the Council's official records, along with a land registry search along with a site inspection. The investigating planning enforcement officer will inspect the site in line with the Council's scheme of prioritisation and will also request that the Tree and Landscape Officer attends the inspection. If the Tree and Landscape Officer is unable to attend the inspection within the necessary timeframe, the investigating officer will subsequently discuss the evidence collated and establish whether a further inspection is required.

4.3 At the site inspection, potential transgressors will be asked to give an account of the activity taking place (if any is identified) and provide any relevant background information. If at any time during the inspection it appears to the investigating officer(s) that the person in question may have committed an offence and that answers to questions may be required as evidence, he or she will normally be invited to the Council's offices to undertake a tape-recorded interview under caution. This will be conducted under the provisions of the Police and Criminal Evidence (PACE) Act 1984 and the relevant Code of Practice will be adhered to

4.4 In some cases, it may however be necessary to caution a suspect during the site inspection itself. In such circumstances, this will be issued in accordance with the code of practice issued under the Police and Criminal Evidence Act 1984 and the suspect will be advised that he or she is not under arrest, is free to leave at any time and is entitled to legal representation.

## **5. Available Options for Action**

5.1 The Council has a range of possible courses of action available to deal with cases of unauthorised works on protected trees. These include the following:

- Initiate a prosecution
- Administer a simple caution
- Require the planting of a replacement tree for each tree destroyed, under section 206 of the Town and Country Planning Act 1990.

- Serve a replanting direction under section 207 of the same Act. This is a formal procedure to secure replacement planting, which can be invoked if the landowner does not otherwise comply with a duty to carry out replacement planting.
- Serve a Breach of Conditions Notice.
- Take informal action, such as written correspondence requesting remedial works and warning of the potential for legal action and fines if a further contravention occurs.

Prosecution:

- 5.2 This is likely to be the most suitable course of action in circumstances where a tree has been destroyed or works have caused significant harm and where it has been established that it is in the public interest to do so.
- 5.3 In most cases, a prosecution will not be brought if the works would have been allowed, had they been applied for. A prosecution will not normally be brought unless the unauthorised works have resulted in a loss of public amenity. When assessing amenity, the Council will use the same criteria-based approach as set out in the Tree Preservation Order Protocol, to be applied by the Tree and Landscape Officer who will be advising the investigating enforcement officer and legal team.
- 5.4 In determining the most appropriate and proportionate course of action in any given circumstance, the Council will take into account the following:
- the size of the tree(s)
  - the prominence of the tree(s)
  - the condition of the tree(s)
  - the life expectancy of the tree(s)
  - the seriousness of the offence
  - the loss of/effect on amenity
- 5.5 If a preserved tree has been removed without consent and is a single specimen 'amenity' tree in good condition and could not be adequately replaced by planting another tree, the Council will, in all but exceptional circumstances, be likely to prosecute those responsible for its removal. The Council will also seek to ensure the immediate provision (subject to planting seasons) of another tree.
- 5.6 With respect to Conservation Area trees, the seriousness of such an offence will be judged by determining if the tree would have been made the subject of a

draft Tree Preservation Order had the requisite notice been served. Where the tree would have been made the subject of an Order, the Council is likely to take the same action as indicated above.

- 5.7 Where extensive works are undertaken without consent or prior notification in the case of Conservation Areas that would not have been agreed had an application been submitted, the Council will seek to prosecute those responsible. This generally applies where the appearance of the tree is altered to a point where there is a clear effect on visual amenity. Where these works have been undertaken to a poor standard remedial works will be required.
- 5.8 In cases where works are undertaken that would ordinarily have been acceptable, in terms of general form and extent, but to a poor standard, the Council will ensure that all necessary remedial works are undertaken as soon as possible. Where such remedial works are not undertaken in an acceptable timescale and in accordance with a specification issued by the Council, the Council will be likely to prosecute those responsible for the works.
- 5.9 In considering whether to bring a prosecution, regard will also be had to the likelihood of the offence being repeated and the degree to which a prosecution would act as an effective deterrent. Regard will also be had to any financial advantage perceived to have been gained by carrying out the unauthorised works and whether the perpetrator has been prosecuted, cautioned or warned for similar offences in the past.
- 5.10 Whilst ignorance of the law is not an excuse, all relevant issues associated with the case will be taken into account including, where appropriate, the attitude and circumstances of the perpetrator, any indication that he/she was acting in good faith or other relevant mitigating factors.
- 5.11 Two tests will be applied in cases where a prosecution appears likely, consideration of which will be undertaken in consultation with the Council's Legal Team:
- The Evidential Test: A prosecution will not be commenced unless there is sufficient, admissible and reliable evidence that the offence has been committed and that there is a reasonable prospect of conviction.
  - The Public Interest Test: A prosecution will only be brought where this is in the public interest. This can include using enforcement action as an effective deterrent.

Use of Cautions:

- 5.12 Cautioning may be applied in cases where a prosecution can properly be brought but where such action is not considered appropriate in the

circumstances of the case. These will be issued in accordance with the Council's published guidance.

### Replanting

- 5.13 Whenever a tree has been removed in contravention of the legislation, or because it is dead, dying or dangerous, there is an automatic legal duty on the landowner to plant a replacement tree of a suitable size and species at the same place as soon as reasonably possible (unless that requirement is waived by the Local Planning Authority). The replacement tree is then subject to the same protection as the tree that was lost. If the landowner fails to comply with this requirement, the Council may serve a Tree Replacement Notice within a period of four years to ensure compliance.

## **6. Procedures and processes**

- 6.1 Tree enforcement issues will be dealt with by the Planning Enforcement Team in liaison with the Tree and Landscape Officer and the legal team.

- 6.2 In each case where it is evidenced that unauthorised works have been carried out on a protected tree (or trees), the investigating officer will compile a report containing the following information:

- Summary of the breach as alleged.
- Description of the site, tree(s) in question and protection afforded.
- Explanation of desk-based and site-based investigations.
- Summary of all evidence collected.
- Summary of all expert arboricultural and legal advice (where necessary) obtained
- Recommendations for any further action for endorsement by the Development Control Manager

[Evidence collected and expert advice will be provided in writing and appended to the investigating officer's report]

- 6.3 Cases recommended for closure will appear on the weekly list provided to Members. Reasons for the closure will be reported in the same way as all other closed enforcement cases.
- 6.4 Ward Members will be updated by the investigating officer regarding any cases where recommendations for action are endorsed and a copy of the report and associated paperwork provided on a confidential and privileged basis. It is important to note that this documentation is not provided in full to complainants

in order that no prejudice arises in legal proceedings. Complainants will however be updated throughout proceedings by the investigating enforcement officer in accordance with the Council's Planning Enforcement Plan.

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## **Simple Cautions & Planning Enforcement**

### **Guidance Note**

#### **1. Introduction and Context:**

- 1.1 This guidance note has been prepared to supplement the information published in the adopted Tonbridge and Malling Borough Council's 'Planning Enforcement Plan'. It has been prepared having had regard to the Council's corporate policies and plans, and relevant planning policy and guidance.
- 1.2 The Council has at its disposal a range of planning enforcement powers to ensure effective enforcement. A simple caution is one of a range of formal out of court disposals available to the Council. This guidance note is intended to set out the framework for using such powers regarding offences in respect of the Town and Country Planning Act 1990 and associated planning legislation.
- 1.3 Simple cautions provide a means of dealing with low-level, mainly first-time, offending without a prosecution. Simple cautions form part of the offender's criminal record. They may be referred to in future legal proceedings and may be revealed as part of a criminal record check.
- 1.4 The guidance note takes direct reference from the Ministry of Justice - Simple Caution for Adult Offender Guidance, April 2015 which applies to all decisions relating to simple cautions.
- 1.5 The guidance note should also be read in conjunction with the Council's published Planning Enforcement Plan and the legal guidance provided by the Crown Prosecution Service, which can be found via the link below:

<https://www.cps.gov.uk/legal-guidance/cautioning-and-diversion>

#### **2. When can simple cautions be used?**

- 2.1 An assessment of seriousness of the offence is the starting point for considering whether a simple caution may be appropriate. The more serious the offence, the less likely it is that a simple caution will be appropriate.
- 2.2 Section 17(4) of the Criminal Justice and Courts Act 2015 restricts the use of simple cautions for repeat offending.
- 2.3 A simple caution **must not be**:
  - Offered to a person who has not admitted to committing the offence.
  - Given to an offender who does not agree to accept the simple caution.
  - Given if the decision-maker considers that it is in the public interest for the offender to be prosecuted.

2.4 As such, the following are pre-requisites:

- The offender has admitted the offence.
- The offender is willing to accept the caution.
- There is sufficient evidence to provide a realistic prospect of a conviction if the offender were to be prosecuted.
- The offence is not one where a prosecution is required in the public interest.

### **3. Use by Planning Enforcement**

3.1 The Council may issue simple cautions as an alternative to prosecution for some less serious offences, where a person admits an offence and consents to the simple caution. Where a simple caution is offered and declined, the Council will consider prosecution action.

3.2 The Council will consider issuing simple cautions as a means of redress against offenders in the following circumstances:

- When a breach of an Enforcement Notice has occurred, but the breach is subsequently complied with before prosecution action is progressed.
- When unauthorised works to a protected tree have taken place but those works have been assessed and judged to not have resulted in irreversible damage to the long-term future of the tree. In such instances, both the person responsible for undertaking the works and the person instructing the works will be considered as offenders for the purposes of issuing the caution.
- When unauthorised works have been undertaken to a Listed Building, but those works have been assessed and judged to not have resulted in any adverse harm to the fabric or appearance of the building in such a way that had an formal application been submitted, consent would have been forthcoming.

3.3 In any such cases, a legal view will be sought by the investigating enforcement officer. Legal advice on whether to issue a simple caution will be predicated on the following:

- There is enough evidence to prove the offence has taken place.
- The offence is not considered to amount to a serious planning breach.
- The offender has admitted the offence and shows remorse.
- The same offender has not previously been issued with a caution.

#### **4. Benefits of simple cautions**

- 4.1 As a tool for planning enforcement purposes, simple cautions demonstrate to offenders the seriousness of their actions and that there are real consequences to committing such offences.
- 4.2 They can also assist in the Council resolving certain types of breaches quickly and efficiently, allowing for resources to be more focused in remedying harmful breaches which require prosecution and/or direct action.

#### **5. Procedure**

- 5.1 If it is established that a simple caution is the most appropriate enforcement tool available to the Council, having had careful regard to the above, the investigating enforcement officer will prepare a report for endorsement by the Development Manager. The report will:
  - Explain the nature of the breach.
  - Summarise the evidence collected by the investigation.
  - Set out the justification for the use of a simple caution in accordance with this guidance note.
  - Provide a summary of the legal advice obtained in accordance with this guidance note.
- 5.2 Once the course of action has been endorsed, a letter will be sent inviting the offender to attend the Council offices. The caution will be issued by either the Director of Central Services or the Head of Legal and Democratic Services.

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### PLANNING and TRANSPORTATION ADVISORY BOARD

29 June 2021

#### Report of the Director of Planning, Housing and Environmental Health

#### Part 1- Public

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)**

#### **1 TREE RELATED SERVICE IMPROVEMENTS AND TREE PRESERVATION ORDER PROTOCOL**

**Summary:** This report seeks to provide an update to Members on the ongoing review into how the service deals with all tree related matters and consequently what changes to processes and procedures are needed to facilitate necessary service improvements. Alongside this, the report will set out the terms and scope for a published Protocol for adoption which will be intended to provide a clear and transparent framework in respect of how the Service will administer Tree Preservation Order work

#### **1.1 Introduction**

1.1.1 Members will be aware that the Development Management Team discharges the Council's functions in respect of tree-related matters. By way of background, in each of the following calendar years the Service has dealt with:

- In 2020, a total of 227 applications for works to protected trees were determined, a total of 211 notifications for works to trees in Conservation Areas were determined and a total of 8 new Tree Preservation Orders were made.
- In 2019, a total of 174 applications for works to protected trees were determined, a total of 181 notifications for works to trees in Conservation Areas were determined and a total of 9 new Tree Preservation Orders were made.
- In 2018, a total of 164 applications for works to protected trees were determined, a total of 179 notifications for works to trees in Conservation Areas were determined and a total of 6 new Tree Preservation Orders were made.

1.1.2 By the end of April this year, the Service had already determined 88 applications for works to protected trees, 72 notifications of works to trees in Conservation Areas and a total of 6 new Tree Preservation Orders have been made. Based on

those levels, it is clear that by the end of this calendar year, total numbers will exceed the levels experienced in recent years.

- 1.1.3 Historically, the Landscape Officer role has been primarily focussed on the determination of submissions in respect of protected trees and in the making and confirming of new Tree Preservation Orders when necessary. Additionally, the role has advised where necessary on planning enforcement related matters and advise Development Management case officers on the acceptability of landscaping schemes in connection with proposals for new development across the Borough where this has been possible within the hours available. As the level of cases in the central job activity has risen, this wider role has been reduced.

## **1.2 Legislative and policy background**

- 1.2.1 The duty of the Council to protect trees within the planning process is contained within Part VIII [Special Controls] of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991 and the related Regulations (The Act). The Act requires planning permissions to include appropriate provision for the preservation and planting of trees and to make TPOs as necessary in connection with the grant of such permissions.
- 1.2.2 Although it is the duty of the Council to protect trees within the planning process, the Act also provides the power to make TPOs in any other circumstances, provided it is 'in the interests of amenity'.

## **1.3 Current limitations**

- 1.3.1 It has become increasingly apparent that our historic ways of working in respect of service delivery on tree related matters are becoming increasingly unfit for purpose. There is a service requirement to broaden the scope of the role of the Landscape Officer to respond to current pressures both in terms of the core job functions and also wider Landscape considerations. This will continue to ensure implementation of the statutory requirements of the local authority in all matters of Tree and Hedgerow Preservation in the Borough but wherever possible also to:
- Provide advice and guidance in landscape matters including the satisfactory implementation of planting schemes in accordance with approved policies and planning conditions
  - Contribute to positive engagement with local communities and other stakeholders, providing the lead on landscape related matters
  - Provide specialist landscape design advice to the Council's Development Management and Planning Policy staff and play a key role in specific strategic landscape projects
  - Provide landscape design advice to applicants, council officers and councillors throughout the planning process - from pre-application to

planning applications and appeals including major planning applications and development proposals.

- 1.3.2 Members will be aware that the existing part time post is currently vacant following a retirement. A temporary resource has been obtained to ensure continuity of service in the immediate term. Alongside this, officers are seeking to undertake a recruitment exercise to secure a full-time resource going forward; this change in establishment was approved by the General Purposes Committee on 16 June.
- 1.3.3 Further to the additional hours created by the full-time post, to build in further resilience within the post, officers are conducting a thorough review of internal processes surrounding all tree related administrative work to ensure it is suitably streamlined, efficient and effective in allowing for work to be suitably focused on the most important aspects of the function. For example, current practice has been for correspondence to go directly to the Landscape Officer rather than to a generic email account. This has now been amended so that the generic account can be consistently monitored regardless of the workload commitments of the Landscape Officer.
- 1.3.4 Taken in combination, this will ensure that all necessary functions of the landscape post can be effectively undertaken in all respects.
- 1.3.5 One key factor in this is centred on the need to develop a transparent and robust process for dealing with all aspects of making and confirming new Tree Preservation Orders. It is fully accepted that presently the processes currently in place are not sufficiently clear to all interested parties, or equally applied and that has caused many involved in the process to become disenfranchised and sceptical around the routes of decision making in this respect. Efforts have been made to improve this including the more recent use of TEMPO assessments to inform our decision making so that there is a consistent format but this now needs to be developed further to include the whole process.
- 1.3.6 As part of this, it is recognised that the service has not been able to proactively review the efficacy and appropriateness of historic TPOS, particularly those which cover large areas. In this respect, the Planning Practice Guidance (the “PPG”) is clear that reviewing orders helps to ensure that protection is still merited and Orders contain appropriate classifications. For example, authorities should consider reviewing Orders protecting trees and woodlands affected by development or other change in land use since the Order was made. In addition, the PPG advises that authorities may wish to set up a programme to review Orders that include the area classification. For the service presently, this is undoubtedly a limitation, particularly when investigating alleged unauthorised works to trees, for example.
- 1.3.7 It is also recognised that currently the service has no in-house expertise in landscape-based assessments for Development Management purposes other than the knowledge held by individual case officers and their commitment to

increasing this knowledge through available training opportunities. This is an identified weakness particularly at the current time when the team is experiencing high numbers of speculative applications on sites that may have landscape implications – either due to their relationship with nationally designated landscapes such as Areas of Outstanding Natural Beauty or when considering more localised sensitivities. Recently, this has resulted in the need for us to obtain the services of an external consultant to defend decisions at appeal and provide application specific advice on landscape related matters. Whilst there is always a role for external advice, for example if there are a very specific set of circumstances in which they have expertise, both from a resilience and cost perspective it is considered beneficial to have the opportunity to utilise an in-house resource in the first instance.

#### **1.4 Identified service improvements and implementation**

##### *Enhanced interaction with Development Management and Planning Enforcement*

- 1.4.1 To a large extent, this should arise as a result of a new post holder joining the team, effectively implementing the various strategies described and having a suitable degree of experience and knowledge in landscape related matters.
- 1.4.2 In terms of planning enforcement specifically, Members will be aware that the Council has an adopted Planning Enforcement Plan in place which is subject to regular review. The Plan is accompanied by individual Protocols which are intended to deal in more detail with certain topics. It is suggested that a further Protocol be developed explaining precisely how unauthorised works to protected trees will be investigated, how evidence will be collected and how decisions will be made as to what action, if any, should be taken when breaches are identified. The detail of this appears elsewhere on this agenda.

##### *Member Training*

- 1.4.3 Members will be aware that some time ago a Member Briefing Paper was produced and circulated addressing how trees are considered within the planning system. At the time the note was circulated, the intention had been to subsequently provide Members with some practical field-based training to bolster the briefing note and to give Members the opportunity to engage and ask questions. Unfortunately, it was not possible to undertake such training last year, but it is considered that this could be arranged during the summer, once a new officer is in post, subject to any necessary risk assessments being in place. Officers would welcome any suggestions Members have on how this training could best be undertaken to ensure it is optimised.

##### *Internal processes and public information*

- 1.4.4 Ultimately, the intention is for the eventual post holder to positively engage with reviewing our processes on an ongoing basis, but it is considered there is a need to ensure processes are improved in the immediate term to ensure the post holder

starts from an improved position. As such, holistic review of all our tree-related internal processes is currently being undertaken by officers. The aim of this review is to ensure that resources are being directed towards the most important workstreams whilst building in necessary resilience at the same time.

- 1.4.5 An important part of this also includes making improvements to publicly held information, via the website for example.
- 1.4.6 In association with all of the above, it is considered that a specific Protocol is needed enshrining precisely how all matters pertaining to Tree Preservation Orders will be implemented going forward. This is discussed in more detail below.

## 1.5 The Protocol

1.5.1 The ultimate aims sitting behind the Protocol are as follows:

- To substantially improve the consistency and robustness of our assessments in considering whether new Tree Preservation Orders should be made and confirmed
- To ensure greater transparency in our decision making through clear channels, thorough assessments and schemes of publication
- Increasing public confidence and understanding in the system
- Increase our ability to be proactive through, for example, the review of historic Orders.

1.5.2 The draft Protocol is attached to this report at **Annex 1**. It is accepted that the document is in draft form only and Members will want to provide detailed comments, which are welcomed in the interests of ensuring the document can act as a truly positive tool for decision making. This is reflected in the recommendations that follow at Section 1.9 of the report.

1.5.3 Within this context, Members will note that very specific language is used within the Protocol around notifying interested parties at the point of making a new TPO. This is a markedly different process to that which takes place in respect of planning applications. Upon making a TPO, the local authority must as soon as practicable serve “persons interested in the land affected by the Order” (the precise term used in the Legislation). Members should note that this is not the same duty placed on us in consulting on planning applications which requires adjoining landowners to be consulted. Persons interested in land affected by an Order are clearly defined as being every owner and occupier of the land affected by the order and every other person whom the authority knows to be entitled:

(a) to cut down, lop or top any of the trees to which the order relates; or

(b) to work by surface working any minerals in, on or under the land affected by the order.

- 1.5.4 Most commonly, this means landowners, developers with an option agreement on the land and adjoining landowners that have a right to undertake works to the trees in question (i.e. where branches overhang a boundary). In effect, whilst anyone can ask that a TPO is made on any land, where it is in the interests of public amenity, it is only those who would have direct interests on the land on which the trees sit that we are required to notify and collect representations/objections from. This is because protecting the trees could have a prejudicial impact on those interests. It is those interests the consultation exercise is focusing on, not whether the wider community considers the trees to be worthy of protection or not. As such, the Protocol seeks to make clear that representations received will only be taken into account in deciding whether to confirm an Order where a clear interest is demonstrated in accordance with the relevant legislation. Where wider representations are made, the officer report will make this clear and set out that these have not been considered in accordance with the Protocol.
- 1.5.5 The Protocol makes clear that at this time all decisions related to the making and confirmation of TPOs are delegated to the Director of Planning, Housing and Environmental Health as set out by the Constitution. However, as per the legal implications below, there are specific constitutional circumstances in which TPOs can be referred to Members via a planning committee, although in practice this provision has been utilised in very few, complex and highly controversial situations. Officers understand that this has been the subject of concern amongst Members recently, due to some of the challenges and historic practices detailed above. It is therefore suggested that a defined period for review be built into the adoption of the Protocol to ensure the vacant post can be suitably filled and the changes to our ways of working have time to bed in following implementation. The strong hope being that once the improvements have been made and implemented, Members will have a renewed confidence in officer delegated powers and the active role the Protocol plays in that. Specifically, Members will note that the Protocol makes express reference to engagement with the Ward Councillors if sustained objections are received to new TPOs having been made. It is considered prudent to test this for a 6-month period following appointment of a permanent post holder to establish how successful it is and what issues might still be arising for Members.
- 1.5.6 Equally, part of our internal review on process is currently centring on clear reports detailing our assessments into whether TPOs should be made and how objection have been considered and addressed. A draft officer report template is attached for consideration and a revised version will be appended to the Protocol along with the TEMPO assessment once finalised.
- 1.5.7 Whilst there is no positive duty to require the Council to publish TPOs and associated paperwork electronically, officers are investigating opportunities to do

so in line with our own digital strategy and in the interests of transparency. Details of how this can best take place is not included within the Protocol as drafted as it is important that we establish fully what technological options are properly available to us. It is therefore suggested that internal work in this respect continues and overt reference to how this will be achieved in the longer term should be subject to consideration at the point of the 6-month review. In the meantime, Ward Members will be sent copies of the officer report and TEMPO assessment at the point any decision is made as to whether to make (and subsequently whether to confirm) a TPO.

- 1.5.8 Importantly, the draft Protocol also references the need to review historic TPOs. At this time, little in the way of detail is provided other than a scope for prioritisation. This will undoubtedly be a significant project that needs to be carefully defined and properly resourced. As such, whilst it is rightly enshrined within the draft document at this time, further work to establish detailed parameters will be required. Again, any feedback Members have on how they wish to see this undertaken would be useful.

## **1.6 Legal Implications**

- 1.6.1 Not having a comprehensive and consistent Protocol in place could increase the risk of Council decisions being challenged both through appeal and judicial review.

## **1.7 Financial and Value for Money Considerations**

- 1.7.1 Having a comprehensive Protocol in place will ensure appropriate skills and expertise are utilised in an efficient and cost-effective manner and limit exposure to costs awards being made against the Council in appeal scenarios.

## **1.8 Risk Assessment**

- 1.8.1 Not having a full-time officer in post would mean that the full range of functions the service needs to undertake in respect of tree and landscape work could not be carried out to an optimum level.
- 1.8.2 Not taking the opportunity to review all internal processes alongside the recruitment of a new full-time officer would risk that resource becoming focused on processes and activities that did not make the most efficient use of their time, potentially to the detriment of other, more important tasks.
- 1.8.3 Not having the Protocol in place could delay effective decision making, increase the likelihood of challenges and limit the Council's ability to effectively resource key development management operations. Furthermore, the absence of a Protocol could give rise to a risk of losing important trees within the Borough that warrant protection. Not being able to proactively review historic Tree Preservation Orders risks the ability of the Council to take appropriately, effectively and

proportionately remedial and/or punitive enforcement action where necessary to do so.

## 1.9 Policy Considerations

- 1.9.1 The service improvements set out within this report are in accordance with the Council's wider corporate priorities in respect of the climate change agenda.

## 1.10 Recommendations

- 1.10.1 That Members **AGREE** the proposed strategy as set out in this report, namely:

- 1) The principle of a Tree Preservation Order Protocol be adopted subject to consideration by the Cabinet following on from any necessary amendments to the draft document to reflect all feedback from this Advisory Board to ensure it is fit for purpose, with a 6-month review period following the successful appointment to the Tree and Landscape Officer post. Final authority to be delegated to the Director of Planning, Housing and Environmental Health in consultation with the Cabinet Member for Strategic Planning and Infrastructure.
- 2) Officers will seek to develop a new Protocol further to the adopted Planning Enforcement Plan setting out in detail how alleged unauthorised works to protected trees will be investigated and how any evidenced breaches will be addressed.
- 3) Officers will progress on-site Member training event(s) to enhance the information provided within the Member Briefing Note at a practical level, following the successful appointment to the Landscape Officer post. Final arrangements for how the training event(s) will take place will be delegated to the Director of Planning, Housing and Environmental Health in consultation with the Cabinet Member for Strategic Planning and Infrastructure.
- 4) Officers will continue to develop detailed parameters for the review of historic TPOs across the Borough reflecting all feedback from this Advisory Board to ensure it is suitably focused and has a defined and achievable scope.
- 5) Officers will build into 1 – 4 (inclusive) a review period to take place 6 months following the successful appointment to the Landscape Officer post to be reported to this Board for consideration of an updated, refined Protocol as necessary.
- 6) Officers will continue to review and improve all tree-related internal processes and administrative work and to ensure Members are regularly updated on improvements made.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

Draft Tree Preservation Order Protocol

contact: Emma Keefe  
ext. 6240

Eleanor Hoyle

Director of Planning, Housing and Environmental Health

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**Tonbridge and Malling Borough Council**

**Tree Preservation Orders Protocol**

**June 2021**

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## **Annexes:**

- 1 Tree Evaluation Method for Preservation Orders (TEMPO) – Survey Data Sheet
- 2 Officer Report 1: Assessment of request to make new Tree Preservation Order
- 3 Officer Report 2: Assessment of confirmation of Tree Preservation Order

## **1. Introduction and Context:**

- 1.1 This document is intended to provide comprehensive guidance on the administration, assessment, making and confirming of new Tree Preservation Orders (“TPOs”). The Protocol seeks to demonstrate a transparent system for the service and administration of TPOs, from the prioritisation of TPO requests, through the assessment system, to service of the document and confirmation (where the TPO is made permanent).
- 1.2 A TPO is an Order made by the Council in respect of trees or woodlands. The primary effect of a TPO is to prohibit the cutting down, uprooting, topping, lopping, wilful damage or wilful destruction of trees without the Council’s consent.

## **2. Legislation and guidance**

- 2.1 The law on Tree Preservation Orders is contained in Part VIII of the Town and Country Planning Act 1990 as amended and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012 which came into force on 6 April 2012.
- 2.2 Section 192 of the Planning Act 2008 made further amendments to the 1990 Act which allowed for the transfer of provisions from within existing Tree Preservation Orders to regulations.
- 2.3 Part 6 of the Localism Act 2011 amended section 210 of the Town and Country Planning Act 1990 concerning time limits for proceedings in regard to non-compliance with Tree Preservation Order regulations.
- 2.4 Guidelines for the making of TPOs are provided by the Government within the National Planning Practice Guidance document (the “PPG”). This document provides a framework for administration of TPOs within the bounds of the legislation. In particular, the PPG advises that individual Local Planning Authority should develop ways of assessing the ‘amenity value’ of trees in a structured and consistent way, which takes account the basic criteria of visibility, individual, collective and wider impact.

## **3. Overarching aims and scope**

- 3.1 The ultimate aims sitting behind the Protocol are as follows:
  - To substantially improve the consistency and robustness of our assessments in considering whether new Tree Preservation Orders should be made and confirmed.
  - To ensure greater transparency in our decision making through clear channels, thorough assessments and schemes of publication

- Increasing public confidence and understanding in the system
- Increase our ability to be proactive through for example, the review of historic Orders

#### 4. An overview

- 4.1 A TPO is made by the Council to protect specific trees or a particular woodland from deliberate damage and destruction. TPOs prevent the felling, lopping, topping, uprooting or otherwise wilful damaging of trees without the permission of the Local Planning Authority (the LPA) and makes it an offence to do so without having first obtained the necessary consent.
- 4.2 It is important to recognise that making TPOs is an entirely discretionary power: meaning that the Council does not have to do it meaning that whether or not to protect trees by way of TPO is a matter of judgement to be made by officers and there is no obligation for us to do so. But once one is made, the Council can enforce it by requiring the landowner to plant another tree of an appropriate size and species (section 206 of the Act).
- 4.3 A TPO can be placed on any tree that has amenity value, and no species of tree is automatically protected. They are used to protect trees that are particularly attractive, are good examples of their species, contribute to the appearance and amenity of an area and/or have any cultural or historic value
- 4.4 All types of tree, but not hedges, bushes or shrubs, can be protected, and a TPO can protect anything from a single tree to all trees within a defined area or woodland.
- 4.5 There are now three types of TPO as follows:
  - **Individually specified trees:** An Individual TPO protects trees that have grown up individually and are largely unaffected by competition from nearby trees. These will be individually named and numbered represented as individual black circles on the TPO plan, for example: T1 Oak.
  - **Groups of trees:** A Group TPO protects trees that have grown up as part of a group of trees that have become co-dependant on one another affording each other mutual shelter. These will be represented as a broken black line on the TPO plan and the numbers of each different tree will be recorded, for example: G1 2 Oak and 1 Beech.
  - **Woodlands:** A Woodland TPO protects all trees within the defined area present and future; it is the woodland that is being protected not specific trees. It is expected that in a woodland trees will decline and fall and others will grow up to replace them in a continuous self-perpetuating dynamic. Each woodland will be represented as a solid black line on the TPO plan,

for example: W1

[For the avoidance of any doubt, Ancient Woodlands are not necessarily protected by way of TPO. They are defined within the NPPF as “*an area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites*”. Paragraph 175(c) of the NPPF affords ancient woodland specific policy protection.]

## 5. A criteria-based approach

- 5.1 The Town and Country Planning Act does not define 'amenity', nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. However, the Government considers that TPOs should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. The Council should therefore be able to show that a reasonable degree of public benefit exists, or would accrue, before TPOs are made or confirmed.
- 5.2 The trees selected for protection, or at least part of them, should normally be visible from a public place, such as a road or footpath, although the inclusion of other trees may be justified, for instance, where back garden trees can be viewed from their properties by a significant number of members of the public.
- 5.3 Trees may be worthy of preservation for their intrinsic beauty, or for their contribution to the landscape. The value of trees may be enhanced by their scarcity. The value of a group of trees or woodland may be collective only. Other factors, such as importance as a wildlife habitat, nature conservation or response to climate change may also be taken into account but these factors alone would be unlikely to be sufficient to warrant a TPO.
- 5.4 The criteria the Council will consider are:

**(a) Visibility:** the extent to which the trees or woodlands can be seen by the general public will inform the Council's assessment of whether its impact on the local environment is significant. If they cannot be seen or are just barely visible from a public place, a TPO might only be justified in exceptional circumstances, or when land use change such as development is likely to increase the visibility of the tree in the future.

**(b) Individual, collective and wider impact:** the mere fact that a tree is publicly visible will not itself be sufficient to warrant a TPO. The Council will also assess the tree's particular importance by reference to:

- Size and form
- Rarity, cultural or historic value
- Contribution to, and relationship with, the landscape and

- Contribution to the character or appearance of a Conservation Area

5.5 In terms of individual impact, the fact that a tree is publicly visible will itself not be sufficient to warrant a TPO. The Council will also assess the tree's particular importance by reference to its size and form, its future potential as an amenity, taking into account any special factors such as its rarity, value as a screen or contribution to the character or appearance of a conservation area. In relation to a group of trees or woodland, the assessment is made of its collective impact.

5.6 In terms of wider impact, the significance of the trees in their local surroundings will also be assessed, taking into account how suitable they are to their particular setting, as well as the presence of other trees in the vicinity.

**(c) Other factors:** when assessing the amenity value of trees or woodlands, the Council may also take other factors into account, which would not warrant the making of an order on their own, including importance to nature conservation / response to climate change.

5.7 Although a tree might warrant protection in terms of amenity value, it is also necessary for the protection of the tree by a TPO to be considered 'expedient'. This is a test as to whether the serving of an Order in the public interest is a suitable/appropriate action in the circumstance of a particular case. For example, it is unlikely to be expedient to make a tree the subject of a TPO if it is under good proactive arboricultural or forestry/woodland management. However, if the Council consider that there is a risk of a tree being cut down, pruned or damaged in such a way that would have a significant and adverse impact on amenity, then a TPO may be appropriate.

5.8 The Council may have other reasons to believe that trees may be at risk. Circumstances such as changes in property ownership or management, general development pressure and possible development potential of a site can mean that the protection of trees by a precautionary TPO may be considered expedient. In some instances, because of a lack of accurate information, the risk may be perceived rather than actual. However, the Council has to take a precautionary approach because enquiries (regarding ownership for example) might trigger or accelerate tree removal.

## **6. Scheme of prioritisation**

6.1 The origin of a TPO can stem from many sources including the Council's ongoing historical TPO review, requests or enquiries from members of the public, Council Member or Parish Council requests and internal discussions such as when considering planning applications.

6.2 Requests to make TPOs in all circumstances should be made using the online form (when available) or in writing by emailing

[planning.applications@tmhc.gov.uk](mailto:planning.applications@tmhc.gov.uk). The Council will not normally respond to anonymous requests, unless there is other information that indicates a very serious threat to important trees. Requests should include information that clearly identifies the location and species of the tree(s) in question, explains what criteria the tree(s) are considered to fall within and what threats to the tree(s) are present.

- 6.3 The Council will investigate all alleged threats to trees and all requests for trees to be made the subject of a TPO in the public interest. In prioritising those investigations, Officers will take account of the perceived or real level of threat in any given circumstances. It also follows that the more urgent the threat is perceived to be, and the higher the public amenity value of the tree, then the greater weight should be given in terms of prioritisation.
- 6.4 At this stage, the Council will not enter into discussions with the landowner to ascertain the level of real or perceived threat to the trees. This is to avoid the potential risk arising from landowners accelerating felling programmes when alerted to the Council's interest in trees, which could lead to important trees being lost.
- 6.5 The Council might also directly seek to make a TPO in response to a section 211 notification (a six week notice of intent to carry out tree works within a designated Conservation Area). If the Council considers that the works proposed will be to the detriment of amenity, then a TPO may be served. When it is considered expedient to do so, the Council may also make TPOs to protect existing and/or newly planted trees within new developments, that are initially subject of planning conditions. Whilst the protection of landscaping schemes will normally be provided in the short term by the planning condition itself to maintain long term continuity of the public amenity provided by these trees it may be necessary and expedient for a TPO to be applied.
- 6.6 In all instances, the following processes will be followed in full.

## **7. The Assessment Process**

- 7.1 The Council must be able to explain to landowners why their trees or woodlands have been protected by a TPO or why the Council considers those criteria have not been met when a TPO is not made. The PPG advises Local Planning Authorities to develop a structured and consistent way of assessing the amenity value of trees. All assessments will take place through the undertaking of a Tree Evaluation Method for Preservation Orders (a "TEMPO" assessment) which is a common tool to assist decision making in this respect. A copy of the survey data sheet is produced at Annex 1. The assessment process will always be undertaken in accordance with the published guidance notes for users which can be found via the link below:

- 7.2 This is designed to be a structured guide and record of the assessment process for determining the value of trees for the purposes of a TPO. It is designed only for the assessment of trees for the purpose of either 'Individual' or 'Group' classifications.
- 7.3 It is designed to be a simple and structured document for recording the justification process of whether a TPO should be made or not. It comprises both subjective and specialist objective arboricultural elements. The input of a qualified and suitably experienced Arboriculturist is therefore a prerequisite of its effective use.
- 7.4 For the purposes of transparency and consistency all decisions must be given due justification at every stage where indicated on the form. Failure to do so reduces the effectiveness of the assessment as a coherent record of the TPO decision making process.
- 7.5 This will be completed in all cases, along with a recommendation as to whether a TPO should be made via the pro forma officer report which is produced at Annex 2. It should be recognised that detailed amenity assessments for the service of 'Area' TPOs cannot normally be carried out, as they are usually fully surveyed and then modified prior to confirmation, to only include individual trees or groups of trees. Woodlands are assessed for their amenity value on a separate basis distinct from individual trees or groups due to the diverse qualities of the trees usually present within woodlands.

## **8. Exceptions**

- 8.1 There are a number of exceptions to the powers the Council hold for making a TPO, which are specifically detailed within The Town and Country Planning (Tree Preservation) (England) Regulations 2012. In summary the main exceptions are that no TPO can prevent the cutting down, topping, lopping or uprooting of a tree:
- which is dead (or the removal of dead branches from a living tree);
  - to the extent that such works are urgently necessary to remove an immediate risk of serious harm, or to such other extent as agreed in writing by the Council prior to the works being undertaken;
  - so far as is necessary to implement a full planning permission;

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<sup>1</sup> CBA Trees owns the copyright for TEMPO, however the method is freely available, including via internet download through the Arboricultural Information Exchange [www.aie.org.uk](http://www.aie.org.uk)

- in compliance with any obligation under an Act of Parliament;
- as far as may be necessary to prevent or abate a legal nuisance;
- by or at the request of a Statutory Undertaker; or
- where the tree is part of a commercial orchard.

8.2 In the event that requests are made for TPOs to be made on trees covered by any of these exceptions, the person making the request will be advised in writing.

## **9. Making a new Tree Preservation Order**

- 9.1 In all instances, the completed assessment, along with supporting evidence (for example, photographs), should be provided. In the case of recommendations to make Orders, draft Orders, plans and details of land ownership and details of who needs to be notified should also be included. These reports will include formal recommendations by the assessing officer and endorsed by the DPHEH or Development Control Manager (under responsibilities delegated via the DPHEH) in all cases.
- 9.2 Having considered it appropriate to make an Order through the prioritisation and assessment process set out above, the Council will serve a copy of the TPO together with a formal Notice (the Regulation 5 Notice) to the owner or occupier of the land, and to any 'persons interested' in the land, or persons who may be entitled to carry out works to the tree affected by the TPO. All relevant persons will be clearly identified as part of the recommendation processes. The Regulations clearly defines a person interested in relation to an order being every owner and occupier of the land affected by the order and every other person whom the authority knows to be entitled to
- (a) to cut down, lop or top any of the trees to which the order relates; or
  - (b) to work by surface working any minerals in, on or under the land affected by the order.
- 9.3 Dependent on the urgency assigned to the TPO, the documents will be either delivered by hand to the owner or occupier, left at the usual or last known address of the owner or occupier, or sent by 1<sup>st</sup> class post to the last known address of the owner or occupier. In the case of registered companies the documents may be served on the company's secretary or clerk at the registered or principal office. A comprehensive land registry search is usually necessary to achieve full service.
- 9.4 When the affected land is unoccupied, or when ownership of the land affected by the TPO cannot be ascertained, or when it is necessary to alert other parties who may be working on the land, the Council may also affix the documents

conspicuously to some object on the land - such as the tree itself, a gatepost of the property concerned, or its fence. Again, where this is considered to the case, the recommendation process will make the need for this clear.

9.5 It is important to note that provided the documents have been correctly or 'duly' served, it is not necessary for the owner to actually be aware of the TPO for the TPO to be in force. It is therefore advisable for anyone wishing to carry out works to trees to first check with the Council that permission is not required.

9.6 At this point, the Ward Councillors will be sent a copy of the officer report and relevant enclosures for their continued information. Similarly, in the event a conclusion is reached that a TPO should not be made, the Ward Councillors will be sent all paperwork setting out how that decision was reached.

## **10. Consideration of representations**

10.1 The Council recognises that the statutorily defined interested parties as described above must be given the opportunity to make representations on new Tree Preservation Orders. These are considered by the Council to be "duly made" if:

- They are made in writing (to [planning.applications@tmbc.gov.uk](mailto:planning.applications@tmbc.gov.uk) or by post if email is not possible)
- delivered to, or could reasonably expected to be delivered to, the authority not later than the date specified in the Regulation 5 notice which will be a 28-day period
- specify the particular trees, groups of trees or woodlands in question;
- in the case of an objection, state the reasons for the objection;

10.2 Any subsequent correspondence made by defined interested parties **cannot** be taken into account to influence the decision whether to confirm the TPO unless the Council believes that the 28-day period for objections could not have been reasonably met.

10.2.1 Furthermore, any representations received will only be taken into account in deciding whether to confirm an Order where a clear interest is demonstrated in accordance with the relevant legislation. Where wider representations are made these will not be taken into account in the final decision as to whether an Order will be confirmed.

10.3 Provided they fall within these specified parameters, objections to a TPO will be formally taken into account in deciding whether to confirm or modify a TPO. These will be summarised as part of second pro-forma officer report provided at Annex 3.

## **11. Confirmation of a Tree Preservation Order**

- 11.1 All TPOs are made on a provisional basis, which runs for a period of six months, and the TPO must be confirmed before the six-month period expires otherwise it will lapse and cease to take effect.
- 11.2 At any time following the making of a provisional TPO, and especially after objections have been made, the Council encourages discussion with the owner of the trees to take place. Discussion can lead to greater mutual understanding of the issues and can help clarify matters before the decision whether or not to confirm the Order is made. Discussions can also lead to the withdrawal of objections. However, the ultimate decision to confirm or modify an Order with unresolved objections lies with the Council and for the vast majority of cases will be exercised by Director of Planning, Housing and Environmental Health (DPHEH) under delegated authority.
- 11.3 Provisional Orders are unlikely to be withdrawn because a perceived level of risk has reduced, however they may be withdrawn if, on further assessment, it is considered that the trees fail the test of public amenity or are exempt from the TPO legislation for one of the reasons outlined above.
- 11.4 There can remain disagreements surrounding the real threat to trees. However, it is considered that once work has been prioritised and assessments made that the trees are of the required quality in the public interest for a TPO to be justified, it would be a failure not to continue to the service of a confirmed Order. Owners of trees may consider that they have no intention of carrying out any detrimental work to their trees. However, trees can have a considerable lifespan, often far in excess of land ownership and it is considered that having established that a tree is of a quality worthy of protection it would be imprudent not to carry through the work because a potential threat was not immediate.
- 11.5 Subject to confirmation, the TPO will remain in force until it is reviewed or until the tree(s) have been removed without replacement or become subject to an exemption within the legislation.
- 11.6 The placing of a TPO on land or individual trees does not place a moratorium on works to a tree, nor does it prevent a tree being removed. It does however require a person, wishing to undertake work to a protected tree, to apply to the Council for approval that the proposed work is acceptable.
- 11.7 Again, at this point the Ward Councillor will be provided with the second officer report and any further associated paperwork.

## **12. Review of historic Tree Preservation Orders**

- 12.1 The Council has a number of old TPO's that are becoming out-of-date in relation to land use and public amenity value. There are a number of TPOs that

contain 'area' or blanket designations that apply to all the trees within a designated area that existed at the time when the order was made. However, trees planted since the order was made are not protected and this can create confusion for local communities in such areas. The purpose of keeping TPOs under review is to ensure that all TPOs are appropriate, relevant, up-to-date and enforceable.

12.2 With this in mind, and where resources allow, the Council intends to instigate a review of these, to be prioritised, concentrating initially on:

- TPOs made over 25 years ago;
- TPOs containing area designations.

12.3 Further reviews will subsequently be brought forward, to be informed by availability of necessary resources and scoping work in liaison with Borough Councillors.

### **13. Summary**

13.1 The Council aims to:

- Investigate all requests for TPOs and real or perceived threats to trees
- Make assessments and serve provisional TPOs as necessary having regard to the Tree Evaluation Method for Preservation Orders (TEMPO)
- Have full regard to objections raised during the 28-day notification period in determining whether to confirm or modify a TPO
- Liaise with relevant Ward members in the event of unresolved objections to new TPOs
- Advise all interested parties when a TPO is confirmed or modified
- At all stages, serve the relevant statutory documents

## ANNEX 1

### TREE EVALUATION METHOD FOR PRESERVATION ORDERS – TEMPO

#### SURVEY DATA SHEET

Date:	Assessing Officer
-------	-------------------

<b>Tree Details</b>		
TPO Ref (if applicable):	Tree/Group No:	Species:
Owner	Location:	

#### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

##### Part 1: Amenity Assessment

###### a) Conditions & suitability for TPO

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

###### Score & Notes

\* Relates to existing context and is intended to apply to severe irremediable defects only

###### b) Retention span (in years) & suitability for TPO

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

###### Score & Notes

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

###### c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- |  |                     |
|--|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public      | Suitable            |
| 3) Medium trees, or large trees with limited view only             | Suitable            |
| 2) Young, small or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size             | Probably unsuitable |

###### Score & Notes

**d) Other factors**

*Trees must have accrued 7 or more points (with no zero score) to qualify*

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particular good form, especially rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

**Score & Notes**

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**Part 2 – Expediency assessment**

*Trees must have accrued 10 or more points to qualify*

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Forseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

**Score & Notes**

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**Part 3 – Decision guide**

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

**Add Scores for Total:**

**Annex 2**  
**Officer Report 1**  
**Assessment of request to make new Tree Preservation Order**

**1. Summary of request:**

1.1

**2. Assessment of priority**

2.1

**3. The Site:**

3.1

**4. Assessment of tree(s)**

4.1

**5. Risk assessment**

5.1

**6. Legal implications**

6.1

**7. Recommendation:**

7.1

**8. Enclosures**

8.1 [including but not limited to the completed TEMPO assessment form, supporting officer notes and photographic evidence, drafted Order and Plan (in the event an Order is recommended above)]

Signed.....

Endorsed By.....Dated

Concluding Remarks of Endorsing Officer

**Annex 3  
Officer Report 2  
Assessment of confirmation of Tree Preservation Order**

**1. Summary of notification process and responses received:**

1.1

**2. Commentary on responses received:**

2.1

**3. Risk assessment**

3.1

**4. Legal implications**

4.1

**5. Recommendation:**

5.1 [Confirm/Modify/Not Confirm]

**6. Enclosures**

6.1 [including but not limited to the completed TEMPO assessment form, supporting officer notes and photographic evidence, drafted Order and Plan (in the event an Order is recommended above)]

Signed.....

Endorsed By.....Dated

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Concluding Remarks of Endorsing Officer

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT  
INFORMATION**

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By virtue of paragraph(s) 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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