

Report to: **South Hams Council**

Date: **21 February 2019**

Title: **Tamar Valley AONB Management Plan Review 2019-2024 final draft**

Portfolio Area: **Customer First**

Wards Affected: **Bickleigh and Cornwood**

Relevant Scrutiny Committee: **Overview and Scrutiny Panel**

Urgent Decision: **Y** Approval and clearance obtained: **Y**

Date next steps can be taken: **Following Call In**

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Recommendations:

That the Council:

- 1. Notes the content of the Final Draft of the Management Plan following the formal consultation exercise;**
- 2. Confirms adoption of the final Management Plan for 2019-2024 subject to the addition of two amendments to Annex C of the Management Plan as detailed in section 3.5 of this Report.**

1. Executive summary

- 1.1 This report presents the final Tamar Valley AONB Management Plan to Council for adoption prior to submission to DEFRA before March 31st 2019.

2. Background

- 2.1 Under the Countryside and Rights of Way Act (2000), it is a statutory requirement for Local Authorities to produce Management Plans for AONBs in their area, and to review adopted plans at periods of not more than five years.

- 2.2 The District Council as well as the other four relevant Local Authorities has delegated the authority to review and implement the Tamar Valley AONB Management Plan for the next five years to the Tamar Valley AONB team.

The reviewed Management Plan must be sent to the Secretary of State by 31st March 2019.

- 2.3 A light touch approach has been taken to the review, adopting commonality between the format and structure between AONBs, with a view to reflecting changes in the statutory and legislative background, changing circumstances and resources, new knowledge and agendas, and lessons learned from implementation of previous Plans.
- 2.4 A report to Executive Committee on 13th September 2018 presented the consultation draft of the Management Plan during its 12 week formal consultation period and obtained delegated authority for the Head of Place Making to agree the content of the formal Council response to the consultation, and to assist the Tamar Valley AONB with reviewing consultation responses.

3 The Final Draft of the Management Plan

- 3.1 The draft Management Plan was subject to formal consultation with the AONB partnership, statutory (namely Natural England and the Environment Agency) and local authorities and through the online public consultation and eight public consultation events throughout the AONB. Consultation responses have been recorded, assessed, cross referenced with the plan and necessary amendments have been made and reflected in the final draft of the Management Plan.
- 3.2 The final draft of the Management Plan includes three annexes for adoption, two of which relate to Landscape Character, and one relating to planning.
- 3.3 Annex C of the final draft of the Management Plan titled '*Tamar Valley AONB Planning Guidance*' is intended to provide locally relevant concise but detailed guidance and supporting tools to supplement the National Planning Policy Framework with respect to planning in protected areas. The audience being those involved with the planning process including planning officers, elected Members and developers. The Annex was written in response to a request from a group of constituent Local Authority planning officers during the previous Management Plan review (2014-19) for such locally relevant guidance to supplement the NPPF with respect to planning in the AONB.
- 3.4 National Planning Policy Guidance on the Natural Environment notes that those parts of an AONB Management Plan (this would include the three Annexes) that raise relevant issues (such as those relating to development management, special qualities and features) can be considered material considerations for planning purposes, and should be taken into account in strategic planning. The forthcoming Joint Local Plan Supplementary Planning Document is likely to signpost to this AONB Planning Guidance for detailed advice with respect to planning in the AONB.
- 3.5 At present, Annex C requires two minor amendments before it can be acceptable to Council officers, and to be consistent with legal opinion the

Council has previously received. Specifically this relates to the view of officers that the definition of major development contained in Foot Note 55 of the National Planning Policy Framework, for the purposes of paragraph 172, only applies to development within the AONB (and not within the setting). Accordingly officers are seeking the following update to the first of the key indicators that a development is likely to be major on page 6 of Annex C:

- Where the scale of development is likely to have a detrimental visual impact that harms the scenic quality of the AONB, ~~either within the AONB or in its setting;~~

And the amendments as below (addition of the text indicated in bold / deletion as set out to page 4:

- This commensurate level of protection is reinforced through paragraph 172 terms of 'great weight' and 'highest status of protection' and requires the decision-maker **(the Local Planning Authority)** to give primary consideration to conserving or enhancing the landscape character or scenic beauty (combined referred to as natural beauty) of the AONB ~~and its setting~~

- 3.6 As is required through legislation, Habitats Regulations and Strategic Environmental Assessment (SEA) screenings have been undertaken of the final draft of the Management Plan. The Habitats Regulations screening concluding that the Management Plan will not have any likely significant effect on any European Site, and the SEA screening concluding that a full SEA was not required because the Management Plan demonstrated little deviation from its 2014-19 iteration – the previous iteration having been subject to full SEA and therefore the current revision is considered unlikely to display further significant environmental effects.
- 3.7 The final draft of the Management Plan will be presented to the other Borough, City and County Councils in February 2019 for adoption with a view to sending the new Management Plan to the Secretary of State in March 2019.

4 Proposed Way Forward

- 3.1 The CoP Lead for Place Making was given delegated authority by Full Council on the 27 September 2018 to agree the final content of the formal Council response to the Consultation Draft of the Management Plan.
- 3.2 Officers have assisted the SDAONB team with a review of consultation responses as appropriate during December 2018. The final Management Plan has been amended following the formal consultation and has been presented to the SDAONB Executive and Partnership Committee.
- 3.3 It was agreed that the final Management Plan will be presented to the District Council Executive Committee in Jan/Feb 2019 for adoption, and

will follow due procedure at the other relevant Local Authorities, with a view to sending the new Management Plan to the Secretary of State in March 2019.

5 Implications

Implications	Relevant to proposals	Details and proposed measures to address
Legal / Governance	Y	<p>Section 89 of the Countryside and Rights of Way Act (CRoW Act, 2000) sets out the statutory requirement for Local Authorities to produce Management Plans for AONBs in their area, and to review adopted plans at periods of not more than five years</p> <p>The Council (as well as other constituent Local Authorities – these being Cornwall Council, Devon County Council, Plymouth City Council and West Devon Borough Council) has delegated the authority of reviewing the Management Plan to the Tamar Valley AONB team.</p>
Financial	Y	<p>The Council makes an annual contribution of £580 to the Tamar Valley AONB, which along with constituent Local Authority contributions amounts to 25% of the budget, a further 75% being provided by Defra.</p> <p>This contribution meets the cost of the core AONB team and their production and delivery of the AONB Management Plan.</p>
Risk	Y	<p>Failure to publish a plan and submit to the Secretary of State by end of March 2019 would result in the Council failing to meet the statutory duty set out in Section 89 of the CRoW Act.</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	None identified
Safeguarding	N	None identified
Community Safety, Crime and Disorder	Y	None identified
Health, Safety and Wellbeing	Y	None identified
Other implications	N	None identified

Supporting Information

Appendices:

- Final draft of Tamar Valley AONB Management Plan
 - o Annex 1a – Tamar Valley AONB Landscape Character Areas and Special Qualities
 - o Annex 1b - Tamar Valley AONB Landscape Character Areas and Special Features
 - o Annex 1c - Tamar Valley AONB Planning Guidance