

MAIDSTONE BOROUGH COUNCIL – COUNCIL MEETING

25 SEPTEMBER 2024

MOTION FROM COUNCILLOR CLARK – BRIEFING NOTE

Item 15 – Greensand Ridge – National Landscape designation

Encl. Appendix 1: Map of greensand ridge local landscape character areas

This briefing note is intended to provide technical background material for the consideration of this item by councillors at the ordinary Council meeting on Wednesday 25th September 2024.

Wording of motion:

This Council confirms the commitment it made as part of its response to DEFRA's 2018 Landscapes Review, namely: "Maidstone Borough Council will continue to build a case for the Greensand Ridge to receive 'National Landscape' designation". This Council will lead and co-ordinate a bid, either alone or with some or all of Kent's Greensand Ridge Local Authorities, to Natural England and DEFRA seeking designation of the scarp and dip slope as a National Landscape.

Background: The Greensand Ridge within the Maidstone Borough Council administrative area remains a breathtakingly beautiful landscape, that still retains a remarkable biodiversity and unique historic and cultural heritage. The scarp and dip slope retain characteristic ancient woodlands, orchards, historic wood pasture and deer parks, sunken lanes, deep stream-incised valleys, medieval field patterns enclosed by thick native hedgerows, historic buildings, ancient quarries, and relict areas of heathland and dry acid grassland. Unlike more than 50% by area of the Greensand Ridge, Maidstone Borough's section running from Boughton Malherbe in the east to Nettlestead in the west enjoys no such national landscape designation. This makes our section of the historic sandstone ridge profoundly vulnerable to insensitive agricultural intensification and urbanisation. Such a designation will provide vital protection for this peerless landscape, its special flora and fauna, and crucially will support an appropriate level of celebration and promotion of local Greensand Ridge culture and heritage, all bringing benefits for local people, economy and environment.

Background Information

1. What is a National Landscape?

National Landscapes (NL) are the new name for Areas of Outstanding Natural Beauty (AONB) since 22nd November 2023, following Defra's acceptance of the recommendations of the Glover Landscapes Review (2019). The name is intended to reflect their importance in line with National Parks, and may result in the introduction of additional powers.

AONBs were originally created under the same legislation as national parks (National Parks and Access to the Countryside Act 1949), and further protected by the Countryside and Rights of Way (CROW) Act 2000.

There are 46 AONBs in the UK. Each one is managed by a coordinating unit on behalf of local planning authorities, and each unit is governed by the National Landscape board. Each unit produces a statutory management plan every 5 years on behalf of the contributory authorities. Appendix 1 illustrates the location of the Kent Downs National Landscape in the Maidstone borough.

The National Planning Policy Framework (December 2023, para 182), affords 'great weight' to conserving and enhancing AONBs and requires that permission for development is refused other than in exceptional circumstances (para 183).

2. The impact of the Levelling Up and Regeneration Act 2023 (LURA)

Recent legislation has strengthened protection for National Landscapes:

The Levelling-up and Regeneration Act (2023), which became effective on 26th December 2023, amended section 85 of the Countryside and Rights of Way (CROW) Act 2000, creating a new duty on public bodies to **'further the purpose of conserving and enhancing the natural beauty'** of National Landscapes in all their duties.

This replaces the previous duty to 'have regard' and means that we must now positively enhance our National Landscapes rather than simply consider them in all of our council activities.

Natural England advise that all reasonable steps must be taken to avoid harm within National Landscapes, and that measures must be adopted to enhance and conserve, beyond mitigation, like for like measures and replacement. Proportionate measures must be effectively secured to enhance the National Landscape, and justification for these must refer to the statutory management plan.

Local planning authorities must be able to demonstrate that they have complied with the new statutory duty in all their functions. They should be able to clearly show how they have sought to further the conservation and enhancement of natural beauty in any decision or action that impacts or could potentially impact on a National Landscape. The way in which the duty has been complied with should be recorded and open to scrutiny.

The Levelling Up Act (at s245) also includes a provision that allows the Secretary of State to issue regulations setting out how relevant authorities should further comply with the new duty. However, this is a discretionary power, and compliance with the new duty is not dependent on those regulations being published, which is understood to be unlikely until 2026 at the earliest.

3. The existing character of the Greensand Ridge

The Maidstone Landscape Character Assessment (2012) defines the Greensand Ridge landscape character type as comprising the scarp face of a long and curved belt of Wealden Greensand that runs across Kent parallel to the North Downs.

There are 2 landscape character areas within this landscape type; the Linton and the Sutton Valence Greensand Ridge (see Appendix 1). Both of these areas are described as being in good condition with a high sensitivity, with a guideline is 'conserve'.

Along this section of the Greensand Ridge, the steep landform is dramatic, affording spectacular panoramic views across the Low Weald landscape to the south. Narrow, winding and woodland enclosed lanes run against the contours, often sunken into the Greensand with tree roots binding the earth banks together. Loamy soils support much fruit production with associated poplar shelterbelts, and some traditional hop gardens with chestnut coppice for hop poles. Deer parks and more recent 18th century parklands form a distinctive feature of the Wealden Greensand, with large manor houses often raised above the parkland along the elevated ridge. The Greensand Way promoted Long Distance Path runs along the contours of the ridge and although this is not a historic route, it forms a distinctive path because of the raised topography and the long open views across the Low Weald landscape to the south.

The scarp is incised by regular secluded Wealden Clay valleys, and a series of springs emerge across the slope.

Whilst this description details the Greensand Ridge within Maidstone it is also a part of a much wider landscape type, Wealden Greensand (National Character Area profile 120) which runs from the South Downs in West Sussex to the East coast around Folkestone.

Since the time of the landscape character assessment, pressure has increased on the Ridge from agricultural intensification and development, and its importance for landscape and biodiversity is better understood.

4. The Glover review

In 2018, the government commissioned journalist Julian Glover, to produce an independent review into the efficacy of protections for National Parks and Areas of Outstanding Natural Beauty (AONBs). The review's final report was published on 21 September 2019, and made 27 recommendations for proposals to be taken forward. The 'Glover review' provided an opportunity for reform, to protect these landscapes' original purpose, enhance nature, and maximise public benefit.

The government responded to the review in June 2021, committing to progress some of the recommendations, including four new designation projects (Yorkshire Wolds; Cheshire Sandstone Ridge; and extensions to the Surrey Hills

and Chilterns existing designations) to help meet the goals of the government's Environmental Improvement Plan.

One of the recommendations being taken forward is to extend the Surrey Hills National Landscape, which is a geological extension of the greensand ridge in the Maidstone borough.

5. Updated current advice from Natural England (received 23/9/2024)

Natural England (NE) has a statutory duty to designate National Parks and powers to designate National Landscapes.

Landscape designation is a multi-year process, and NE remain fully resourced and committed to the above four cases identified as part of the outcomes of the Glover Review.

NE have advised that they are therefore not considering any additional landscape designation cases at the current time.

It is important to note that there is no formal application process for proposing a new National Park or National Landscape (AONB) designation. NE takes an evidence-led approach, guided by government policy steers, and any future search will be England-wide. Any area that submits information/evidence to NE therefore has no advantage over other areas in England. It is for this reason that NE advise proponent/campaign groups not to invest significant time/resources in preparing speculative reports setting out their case for a national designation.

More information on the current designation process for National Landscapes, is set out in the 2021 guidance at [guidance-on-assessing-landscapes-for-designation-updated-2021.pdf \(defra.gov.uk\)](https://www.defra.gov.uk/guidance-on-assessing-landscapes-for-designation-updated-2021.pdf)

Aside from formal national landscape designations, NE recommend a number of other mechanisms to protect landscapes that may be of interest, listed below:

- Local Authority landscape policies and landscape character evidence (a paper proposing a revised Landscape Character Assessment is proposed for Cabinet later this year)
- [Local Nature Recovery Strategies](#) (LNRS) are a statutory requirement of the Environment Act 2021, which are currently being prepared across England (in Kent and Medway, this is managed by the KCC Making Space for Nature initiative)
- The [Landscape Recovery](#) scheme, offers long-term public funding for large-scale projects that require collaborative action across a big area, such as restoring ecological or hydrological function across a landscape. More information on Round 2 of the scheme can be found [here](#). Applications for Round 3 will open later in 2024.
- The [National Lottery Heritage Fund](#) provide a funding source for projects that could connect people and communities to nature and their local heritage. The fund covers a range of projects – for further information see [here](#).

6. Current position of Kent Downs National Landscape unit

Although it is understood that the Glover review response to the suggested incorporation of the Greensand Ridge into the Kent Downs National Landscape was unfavourable, it was proposed that the Greensand Ridge may be worthy of protection in its own right.

While the current NE response (above), as the designating body, is that they cannot accommodate further new designations of National Landscapes at the present time, recent conversations with the Kent Downs unit have indicated that an item will be added to the next meeting of the Kent Downs Joint Advisory Committee (JAC) in November, to re-open the discussion around extending the Kent Downs National Landscape, potentially to incorporate the Greensand Ridge and also parts of the Swale borough.

When this was previously considered by the Kent Downs unit, the advice was that this could have resulted in a boundary review, which may have put the designation of current parts of the AONB at risk - however, it is now possible to proceed with an extension without revising the existing boundaries of the National Landscape, so this is a more attractive option to be put to the partners of the National Landscape unit.

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