

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

04 June 2024

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Executive Key Decisions

1 **ADOPTION OF THE HIGH WEALD NATIONAL LANDSCAPE AREA OF OUTSTANDING NATURAL BEAUTY MANAGEMENT PLAN 2024 – 2029**

Summary: The Countryside and Rights of Way Act 2000 requires local authorities with land in an Area of Outstanding Natural Beauty [now rebranded as National Landscapes] to prepare and publish an up-to-date plan which ‘formulates their policy for the management of the area and for the carrying out of their functions in relation to it’ (S89 (2)). Where AONBs cross administrative boundaries, local authorities are required to act jointly to prepare the plan (S89 (11)(b)).

The High Weald AONB is the area between the North and South Downs and stretches from Horsham in the west to Hastings in the south east. Tonbridge and Malling Borough contains only a small area of this AONB, to the south of Tonbridge which accounts for less than 1% of the total High Weald AONB area. This report provides an overview and briefly outlines the process through which the High Weald AONB Management Plan has been prepared. It recommends the adoption of the High Weald AONB Management Plan 2024-2029.

1.1 Introduction

- 1.1.1 National Landscape is the new term adopted in December 2023 to describe an Area of Outstanding Natural Beauty (AONB) following a change to the Levelling Up and Regeneration Act (2023). Area of Outstanding Natural Beauty (AONB) is the legal term for the designation. An AONB is an area of countryside designated by the government to protect its landscape character and the wildlife, natural systems and cultural associations on which it depends in order that people, now and in the future, can enjoy its natural beauty.
- 1.1.2 AONBs were first 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. Subsequently the Countryside and Rights of Way Act 2000 (CRoW Act), afforded further protection which sets out the legal purpose of AONB designation as being to “conserve and enhance natural beauty”.

- 1.1.3 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.
- 1.1.4 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 Plan will be the first edition of a new 20-year strategy, with a five year implementation plan. The first statutory Management Plan for the High Weald was published in 2004, which was a 20-year strategy and set long-term objectives for the conservation of the High Weald's natural beauty. This was then reviewed in 2009, 2014 and 2019. There is a requirement to publish this new Plan by 2024.
- 1.1.5 The preparation of the Management Plan has been carried out by the High Weald Joint Advisory Committee [JAC] in accordance with national guidance and in close consultation with all of the local authorities for whom it is a statutory responsibility to act jointly to prepare and review AONB management plans. This includes Tonbridge and Malling Borough Council. The JAC comprises elected Councillors and officers representing individual districts, the AONB Unit, as well as representatives from statutory agencies, land owners, farming and community interest groups.

1.2 The High Weald National Landscape AONB Management Plan

- 1.2.1 The Management Plan is a statutory policy document for the whole of the protected landscape and is relevant to everyone. It guides local authority plan-making and decision-taking, and also has a wider role, setting a 20-year strategy for everyone who lives or works in the High Weald, or visits it, to work towards. The Management Plan defines the Natural Beauty of the High Weald AONB and sets out the management policy for its conservation and enhancement.
- 1.2.2 The review has needed to take account of the current and future major challenges/issues of biodiversity crisis, climate change, fairer access to nature, and development pressure. It was necessary that the Plan be cognisant of the National Guidance for AONB Management Plans, currently in preparation, which is anticipated to require plans to address these issues. Therefore, while the character components and management policy objectives (the most important aspects of the HWMP) remain broadly appropriate, the range of character components has broadened, and other aspects of the Plan have needed a more substantive re-consideration, including the inclusion of cross cutting themes: programmes, principles for action and investment strategy 2024-2029, to reflect the afore-mentioned challenges/issues.

- 1.2.3 The review of the High Weald Management Plan began in April 2022 when formal notice of intention was sent to Natural England. Early public engagement in the form of on-line public surveys began in March 2022 and a second survey in November and December 2022. Then a full public consultation on the Management Plan and its supporting documents ran from September 25th for six weeks to 5th November 2023. The consultation was hosted on the High Weald National Landscape (NL) website.
- 1.2.4 In parallel with the public consultation and Joint Advisory Committee meetings, the Management Plan has gone through an extensive process of consultation with the Officer Steering Group in 2022 and 2023, and has evolved as a result of reviewing the feedback received during that process, which included engagement and feedback from TMBC Officers. The Unit's consideration of the consultation responses resulted in a number of revisions to the Management Plan.
- 1.2.5 In addition to the drafting of the Plan, as required by law, the statutory requirements for a Strategic Environmental Assessment and Environment Report, an Equalities Impact Assessment and Habitat Regulations Assessment have also been undertaken.
- 1.2.6 As such, it is deemed that the High Weald AONB Management Plan 2024-2029 has completed all of the statutory stages of a review and has been subject to significant public engagement and scrutiny.
- 1.2.7 The Joint Advisory Committee therefore recommend that individual local authorities formally adopt the Plan according to their own procedures by the end of June 2024. The Plan and its supporting documents will then be submitted to the Secretary of State for the Environment, Food and Rural Affairs.

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.
- 1.4.2 The agreed TMBC financial contribution for the High Weald Joint Advisor Committee for year 2024/25 and for the next 3 years was £1545.

1.5 Risk Assessment

- 1.5.1 Failure to adopt the High Weald 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 High Weald AONB Management Plan 2024-2029 as a material planning consideration.
- 1.7.2 It be AGREED that preparation of the High Weald 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:

Nil

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