



Kent Downs AONB Unit

Representor Number **592**

Topic Policies /**ENV3b**

Topic Policies – General Questions

ii) Policies TRA3a, ENV2, ENV3a, ENV3b, ENV4, ENV9, COM2 and COM3 and a number of individual site policies refer to various SPDs, other Council strategies or documents prepared by other organisations. As these are not part of the development plan and are subject to change without examination, is requiring compliance with them justified and consistent with legal and national policy requirements? If not, are there another ways of expressing the Council’s intended approach within these policies?

AONB Management Plans are a statutory document that are required to be prepared by local authorities under S82 of the CROW Act.

In common with other AONBs across the country, the Kent Downs and High Weald AONB Management Plans are prepared by the relevant AONB Unit, then adopted by the local authorities in which the AONB is present.

The AONB Management Plans and their reviews are prepared in conjunction with the local authorities within the AONBs, as well as other relevant stakeholders and are the subject of extensive consultation, both with stakeholders and members of the public. The Management Plan is approved by the Kent Downs AONB Executive, which is made up of both elected Members and Officers of each of the local authorities and representatives of relevant bodies including Natural England, Historic England, Environment Agency, County Landowners Association, National Farmers Union, Kent Association of Local Councils, Action for Communities in Rural Kent.

The nPPG confirms, at para 004 Reference ID: 8-004-20140306 that local authorities should have regard to AONB Management Plans and that they should be taken into account in the local planning authorities’ Local Plans. The nPPG also confirms that Management Plans ‘may also be material considerations in making decisions on individual planning applications, where they raise relevant issues.’

While the Kent Downs AONB Management Plan provides the overarching land management guidance for the AONB, it also depends on the supporting guidance the Unit produces to provide detailed criteria for development and amplification of the Management Plan and is viewed an extension to the policies and principles contained in it. Design guidance produced includes the Landscape Design Handbook, Rural Streets and Lanes and the Kent Farmsteads Guidance. Policies in the Management Plan specifically refer to the guidance, including SD5 and SD9:

SD5 Local renewable and sustainable energy initiatives will be pursued where they help to conserve and enhance the natural beauty and landscape character of the AONB and bring environmental, social and economic benefits to local people. Proposal will be opposed where they do not conform with the Kent Downs AONB Renewable Energy Position Statement.

SD9 The particular historic and locally distinctive character of rural settlement and buildings of the Kent Downs AONB will be maintained and strengthened. The use of locally-derived materials for restoration and conservation work will be encouraged. New developments will be expected to apply appropriate design guidance and to be complementary to local character in form, setting, scale, contribution to settlement pattern and choice of materials. This will apply to all development, including road design (pursued through the adoption and implementation of the AONB Rural Streets and Lanes Design handbook), affordable housing, development on farm holdings (pursued through the farmstead design guidance), and rights of way signage.

The AONB Unit also considers it important for reference to the AONB supporting design guidance to be included in the Ashford Local Plan to ensure the objectives of both the NPPF and the 2000 Countryside and Rights of Way Act (CRoW Act) are met and therefore to ensure the policy is sound. The CRoW Act at S85 requires public bodies to have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty in performing any functions in relation to, or so as to affect, land in an AONB, while para 115 of the NPPF requires great weight to be given to the conservation of landscape and scenic beauty in AONBs. Ensuring that development has regard to the AONB produced guidance would assist in meeting both these requirements. We would recommend using the term 'the AONB Management Plans and their supporting guidance' as this would cover any new guidance, such as the proposed Kent Downs Rural Buildings Design Guidance, that may become available over the lifetime of the Local Plan. This terminology has been accepted by the Inspector in respect of the Sevenoaks District Council Allocations and Development Management Plan.

A requirement for proposals impacting on the Kent Downs AONB to take into account the AONB Management Plan and its supporting guidance has been accepted in all 3 Local Plans within the Kent Downs AONB that were adopted last year; Canterbury, Maidstone and Swale and it is considered important to help ensure a consistency in decision making across the AONB which is covered by 12 different local authority areas. Relevant extracts from the recently adopted local plan policies are reproduced below:

Canterbury Policy LB1, adopted 2017 - Kent Downs Area of Outstanding Natural Beauty

High priority will be given to conservation and enhancement of natural beauty in the Kent Downs Area of Outstanding Natural Beauty (AONB) and planning decisions should have regard to its setting. Major developments and proposals which conflict with the objective to conserve and enhance the AONB, or that endanger tranquillity, will not be permitted except in exceptional circumstances where it is demonstrated to be in the public interest, the need is shown and any detrimental effect is moderated or mitigated.

*In considering proposals for development within the AONB, the emphasis should be on proposals that are sustainably and appropriately located and designed to enhance the character of the AONB. The City Council will grant proposals which support the economy and social well-being of the AONB and its communities, including affordable housing schemes, provided that they do not conflict with the aim of conserving and enhancing natural beauty by addressing location, scale, form, high quality design, materials and mitigation **and have regard to the advice set out in the Kent Downs AONB Management Plan, and its supporting guidance.***

Proposals will be encouraged where they facilitate the delivery of the statutory Kent Downs AONB Management Plan and are desirable for the understanding and enjoyment of the area.

Maidstone Policy SP 17, adopted 2017 - The Countryside

The countryside is defined as all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policies map.

- 1. Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.*
- 2. Agricultural proposals will be supported which facilitate the efficient use of the borough's significant agricultural land and soil resource provided any adverse impacts on the appearance and character of the landscape can be appropriately mitigated.*
- 3. Great weight should be given to the conservation and enhancement of the Kent Downs Area of Outstanding Natural Beauty.*
- 4. Proposals should not have a significant adverse impact on the settings of the Kent Downs Area of Outstanding Natural Beauty or the High Weald Area of Outstanding Natural Beauty.*
- 5. The Metropolitan Green Belt is shown on the policies map and development there will be managed in accordance with national policy for the Green Belt.*
- 6. The distinctive landscape character of the Greensand Ridge, the Medway Valley, the Len Valley, the Loose Valley, and the Low Weald, as defined on the policies map, will be conserved and enhanced as landscapes of local value.*
- 7. Development in the countryside will retain the separation of individual settlements.*

Account should be taken of the Kent Downs Area of Outstanding Natural Beauty Management Plan and the Maidstone Borough Landscape Character Guidelines Supplementary Planning Document.

Swale - Policy DM 24, adopted 2017 - Conserving and enhancing valued landscapes

The value, character, amenity and tranquillity of the Borough's landscapes will be protected, enhanced and, where appropriate, managed.

Part A. For designated landscapes areas:

Within the boundaries of designated landscape areas, as shown on the Proposals Map, together with their settings, the status given to their protection, enhancement and management in development decisions will be equal with the significance of their landscape as follows:

The Kent Downs Area of Outstanding Natural Beauty (AONB) is a nationally designated site and as such permission for major developments should be refused unless exceptional circumstances prevail as defined by national planning policy. Planning permission for any proposal within the AONB will only be granted subject to it:

- a. conserving and enhancing the special qualities and distinctive character of the AONB in accordance with national planning policy;
- b. furthering the delivery of the AONB's Management Plan having regard to its supporting guidance documents;**

- c. minimising the impact of individual proposals and their cumulative effect on the AONB and its setting, mitigating any detrimental effects, including, where appropriate, improving any damaged landscapes relating to the proposal; and
- d. being appropriate to the economic, social and environmental wellbeing of the area or being desirable for the understanding and enjoyment of the area.

Including reference to the AONB Management Plans and their supporting design guidance was also considered an appropriate approach by the Inspector appointed to examine the Sevenoaks Allocations and Development Management Plan, which was adopted in 2015.

In his report into the draft Plan, the Inspector stated:

“18. Concerns were expressed regarding the lack of protection for the district’s landscape and in particular the Kent Downs and High Weald Areas of Outstanding Natural Beauty (AONB). Paragraph 109 of the NPPF advises that valued landscapes should be protected and enhanced and paragraph 115 confirms that great weight should be attached to conserving landscape and scenic beauty in AONBs.

19. Policy LO8 of Core Strategy (CS), entitled ‘The Countryside and the Rural Economy’ does provide a level of protection for the landscape of the area, including AONBs but it does not meet the advice in paragraph 113 of the NPPF regarding criteria based policies. It is therefore recommended that in order for the Plan to be consistent with national policy, a new policy ‘EN5 Landscape’, together with appropriate supporting text, is included in the ADMP (MM1). The proposed policy would also confirm that areas of tranquillity should be respected, in accordance with NPPF paragraph 123.”

The Plan was subsequently amended to include a new policy - EN5 Landscape. The background text to this policy states

“...Proposals in AONBs will be assessed against Core Strategy Policy LO8, ADMP Policy EN5 and other relevant policies. The AONB Management Plans and associated guidance set out a range of measures to conserve and enhance the distinctive features of each AONB. Any proposal within the AONB must take into account the guidance set out in the appropriate AONB management plan and any relevant more specific AONB guidance for example the Kent Downs AONB Landscape Design handbook (2006), Kent Downs AONB Farmstead Guidance (2012) and Managing Land for Horses (2011)....”

While the Policy EN5: Landscape states:

“The Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design would conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance...”