



## MAIDSTONE BOROUGH COUNCIL LOCAL PLAN EXAMINATION IN PUBLIC

### RESPONSE FROM THE KENT DOWNS AONB UNIT

#### SESSION 11 – DEVELOPMENT MANAGEMENT POLICIES

##### DEVELOPMENT MANAGEMENT POLICIES FOR MAIDSTONE BOROUGH

###### **Qn 11.3 Is policy DM1 considered unsound and, if so, why?**

The Kent Downs AONB Unit has requested that reference is made to the associated AONB produced design guidance in addition to the Kent Downs AONB Management Plan.

In addition to the Kent Downs AONB Management Plan, the AONB Unit also produces other guidance documents that provide design advice on a variety of topics including the Landscape Design Handbook, Managing Land for Horses, Farmstead Guidance and Rural Street and Lanes – A Design handbook. While the Management Plan provides overarching land management guidance, it depends on this supporting guidance to provide a level of guidance that is too detailed to be included in the Management Plan, but should nevertheless be read in conjunction with it. References to the supporting design guidance are made in the Management Plan, including within policies 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 therefore considers reference to the supporting guidance in the Maidstone Local Plan to be imperative in meeting the objectives of both the NPPF and the 2000 Countryside and Rights of Way Act (CRoW Act) and therefore ensuring 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. By using the term 'and its supporting guidance' this covers 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.

The word 'Outstanding' is erroneously omitted near the end of the policy wording and needs to be included.

**Qn 11.12 Is reference to intrinsically dark landscapes necessary for policy DM7 to be consistent with national policy?**

The NPPF at para 125 identifies that planning policies should limit the impact of light pollution on local amenity, intrinsically dark landscapes and nature conservation.

The nPPG also confirms at para 001 Ref ID :31-001-20140306 that artificial light can undermine enjoyment of the countryside or detract from enjoyment of the night sky. At para 002 it is also confirmed that in identifying whether proposals may have implications for light pollution consideration should be given to whether the development is in or near a protected area of dark sky or an intrinsically dark landscape where it may be desirable to minimise new light sources.

It is therefore considered that reference to intrinsically dark landscapes is necessary for policy DM7 to be consistent with national policy.

**Qn 11.13 What evidence is there to identify what may be an 'intrinsically dark landscape' in the terms of NPPF paragraph 125?**

No definition of 'intrinsically dark landscapes is provided in either the NPPF or nPPG. The Institute of Lighting Professionals Report – Guidance Notes on the Reduction of Obtrusive Light, classifies lighting environments into 5 Environmental Zones and includes an 'intrinsically dark' classification which is described as a natural environment, comprising areas of intrinsically dark landscapes where roads are usually unlit. This is the second darkest classification, falling between a protected 'dark zone' where the land is specifically designated for its dark skies and a 'rural zone' where the lighting environment is of low district brightness and is described as areas of low ambient brightness such as villages or relatively darker outer suburb locations.

Zone	Surrounding Environment	Lighting Environment	Descriptions
E0	Protected	Dark	UNESCO Starlight Reserves, IDA Dark Sky Parks
E1	Natural	Intrinsically Dark	Areas with intrinsically dark landscapes (roads usually unlit)
E2	Rural	Low district brightness	Areas of low ambient brightness. Village or relatively dark outer suburban locations
E3	Suburban	Medium district brightness	Areas of medium ambient brightness. Small town centres of suburban locations.
E4	Urban	High district brightness	Areas of high ambient brightness. Town/city centres with high levels of night-time activity.

Taking these classifications as a guide, it is contended that much of the rural environment of Maidstone Borough, away from the larger villages and towns, and including the Kent Downs AONB would fall into the 'Intrinsically Dark' classification.

**Qn 11.22 When policy SP17 includes the conservation and enhancement of the AONB is it necessary to repeat this in all other policies?**

Subject to policy SP17 including reference to the conservation and enhancement of the AONB, the Kent Downs AONB Management Plan and its supporting guidance, the AONB Unit accepts that specific reference to the AONB is not required for soundness in policy DM21 and withdraws its objection to this policy.

**Qn 11.23 Is a reference to the Management Plan and landscape character guidance produced by the Kent Downs AONB Unit necessary when it is already included in Policy SP17 and would the reference in either policy accord undue weight to documents that have not been examined or consulted on as part of the Local Plan examination?**

The AONB Unit withdraws its representation on this matter as it accepts that this matter is addressed in policy SP17.

**Qn 11.24 Would the Local Plan be sound without the changes sought by the AONB Unit?**

No, see response to Qn 11.22 above.

**Qn 11.27 What changes are sought and why are they needed in addition to the provisions to Policy SP17 (DM 24)?**

Para 17.127 in the supporting text to policy DM24 identifies that key improvements to highways infrastructure involve several locations that are either within or immediately adjacent to the Kent Downs AONB. It is contended that some of the identified highways improvements would not necessarily comply with the stringent requirements set out in policy SP17 for development within or affecting the Kent Downs AONB which specifies that:

“The distinctive character of the Kent Downs Area of Outstanding Natural Beauty and its setting...will be rigorously conserved, maintained and enhanced where appropriate.”

In order to comply with the Duty of Regard as set out at S85 of the CRoW Act and to ensure conformity with para 115 of the NPPF, it is therefore considered important to ensure that in these locations the improvements are carried out in such a way that the distinctive character of the landscape is conserved and enhanced as far as possible and that appropriate mitigation is incorporated, including landscaping appropriate to local character.

The policy also fails to ensure that the environmental impacts of new or improved transport infrastructure is addressed, which is incompatible with KCCs Transport Plan. This important not only in the Kent Downs AONB but across the Borough as a whole.

In order to rectify both matters, we suggest the following additional criterion:

“xiii. CONSERVE AND ENHANCE THE HISTORIC AND NATURAL ENVIRONMENT”

And the inclusion of the following text in para 17.128:

“IN CARRYING OUT THESE IMPROVEMENTS, IT WILL BE IMPORTANT TO ENSURE THAT THE HISTORIC AND NATURAL ENVIRONMENT IS CONSERVED AND ENHANCED AS FAR AS POSSIBLE AND THAT APPROPRIATE MITIGATION IS INCORPROATED, INCLUDING LANDSCAPING APPROPRIATE TO LANDSCAPE CHARACTER”.

**Qn 11.30 Should criterion 2 be concerned only with the impact of development within the AONBs themselves and the impact of development within the setting of the AONBs and not with the effect of development outside the setting on land within the setting (DM28)?**

Without prejudice to the AONB Unit’s response to Qn 11.33 below:

While the AONB Unit is supportive of the protection of both the AONB and its setting, it does not consider that the policy wording needs to consider impact of development outside the setting on land within the setting. While the NPPF does not specifically mention setting in relation to AONBs,

advice is provided in the nPPG. This confirms that the Duty of Regard as set out at S85 of the 2000 CRoW Act is “*relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas*” (Planning Practice Guidance Paragraph 003 Reference ID 8-003-20140306, revised 06/03/2014).

The NPPG also refers to guidance produced by both Defra and Natural England on the ‘Duty of Regard’. Defra’s guidance confirms that this can be relevant outside of the AONB boundary:

*“Additionally, it may sometimes be the case that the activities of certain authorities operating outside the boundaries of these areas may have an impact within them. In such cases, relevant authorities will also be expected to have regard to the purposes of these areas”.* (Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty (AONBs) and the Norfolk and Suffolk Broads. Defra, 2005).

Similarly, Natural England confirms that the conservation of protected landscapes should include safeguarding their setting:

*“Natural England interprets the protection and enhancement of all sites, habitats and landscapes widely. This includes safeguarding their character, qualities and features, including where appropriate, their settings...”* (Natural England’s Spatial Planning Position ,2009 [http://www.naturalengland.org.uk/Images/PlanningPosition\\_tcm6-16604.pdf](http://www.naturalengland.org.uk/Images/PlanningPosition_tcm6-16604.pdf) )

Taking this advice into account, it is considered wholly appropriate that the setting of the AONBs should be included, but to include the impact of development outside the setting on land within the setting would go beyond the requirements set out in the nPPG and advice provided by Defra and Natural England.

**Qn 11.33 Neither national policy nor national guidance preclude renewable and low carbon energy development in Areas of Outstanding Natural Beauty or in National Parks which benefit from equal status for their landscape qualities. Moreover the English National Parks Circular 2010 encourages such development in national parks. Why therefore would the Local Plan be unsound without the requested modification (DM28)?**

The Kent Downs AONB Unit is supportive in principle of local renewable and sustainable energy initiatives, as demonstrated by policy SD5 of the Kent Downs AONB Management Plan:

***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. Proposals will be opposed where they do not conform with the Kent Downs AONB Renewable Energy Position Statement.*

The AONB Unit would not wish to prevent all renewable/low carbon energy development in the AONB, and considers that it is right for the AONB landscape to help meet the Government’s targets for increasing renewable energy and that the Kent Downs landscape has potential to contribute to providing renewable energy supplies.

Policy DM28 specifically deals with proposals for larger scale renewable energy projects however and the AONB Unit contends that large scale renewable energy proposals such as wind turbines and photovoltaic arrays will rarely be acceptable within the AONB landscape as they would fail to conserve and enhance the landscape. Such proposals would not meet the stringent requirements

set out in para 116 of the NPPF relating to major developments in AONBs being refused except in exceptional circumstances, nor conserve the landscape and scenic beauty of AONBs as required at para 115 of the NPPF.

While the National Parks Circular advocates that the National Parks be exemplars in renewable energy, it recognises that this should not compromise the overriding duty under the 1949 Act i.e. the conservation and enhancement of natural beauty, wildlife and cultural heritage and that while it is recognised that the Parks offer important opportunities for renewable energy generation, which should not be overlooked, it is also advised that such installations should be appropriate to the national value of the landscape.

Accordingly the AONB Unit remains of the view that it would be non-compliant with the NPPF for larger scale renewable/low carbon energy schemes to be located within the AONB and that sites within the AONB should be excluded.

**Qn 11.37 Why is the landscape criterion needed when Policy SP17 already includes landscape criteria? DM29**

The AONB Unit withdraws its request for a landscape criterion to be added as it accepts that this matter is addressed in policy SP17.

**Qn 11.38 Why would the Local Plan be unsound without the requested limitation of permission for a 10 year period and does this have any support in national policy?**

The CRoW Act 2000 places a requirement on local authorities to have regard to the purposes of AONB designation in carrying out their functions. Paragraph 115 of the NPPF requires great weight to be given to the conservation of the landscape and scenic beauty of AONBs. Telecommunications masts rarely achieve this objective and by their nature appear as unnatural urbanising features in the landscape. Notwithstanding this harm, local authorities often determine that that the benefits associated with telecommunication cover can outweigh harm to the landscape. This is demonstrated in the following recent decisions relating to telecommunications infrastructure on sites within the Kent Downs AONB:

Thomas Acre Farm, White Horse Lane, Wingmore - Erection of a shared electronic communications base station comprising 30 m high lattice mast, six antennas etc. (Y15/0096/SH). Officer's report attached as appendix A and downloadable at:

<http://beta.shepway.gov.uk/StreamDocPage/obj.pdf?DocNo=3403277&PageNo=1&PDF=true&nocd=true&content=obj.pdf>

Little Burstled Farm, Pett Bottom Road, Upper Hardres – Development of a shared electronic communications base station comprising a 27.5 metre lattice tower, six antennas etc. (CA/15/01802) Committee report attached as appendix B and downloadable at:

<http://planningdocs.canterbury.gov.uk/AnitePublicDocs/00862601.pdf>

Mobile communication technology is constantly changing and it is unknown how this will develop in the future. Given the evolving technology it is considered by the AONB Unit that any permission granted should be limited to a temporary permission of 10 years so that the continued need for the mast and/or any new innovations in mobile communications that have a less damaging impact on the landscape can be rigorously reviewed.

Including such a requirement would help demonstrate that Maidstone Borough Council is complying with its duty of regard under S 85 of the CRoW Act as well as requirements under paragraphs 113 and 115 of the NPPF. It would also be consistent with para 43 of the NPPF which requires Local Planning Authorities to keep the number of telecommunication masts to a minimum, consistent with the efficient operation of the network. Further advice on determining applications for telecommunications infrastructure is provided in the Planning Advisory Service document 'Mobile Infrastructure Project – planning applications and masts'. This advises that in AONBs great weight should be given to conserving landscape and scenic beauty and while this does not preclude the provision of telephone masts, it advises that a landscape led approach to decision making is required.

## **DEVELOPMENT MANAGEMENT POLICIES FOR THE COUNTRYSIDE**

**Qn 11.40 Would a reference here to design guidance produced by the Kent Downs AONB Unit accord undue weight to documents that have not been examined or consulted upon as part of the Local Plan examination? (DM34)**

Advice in the nPPG confirms that it is appropriate for AONB Management Plans to be taken into account in Local Plans, advising that local planning authorities should have regard to Management Plans for AONBs, as these documents underpin partnership working and delivery of designation objectives. The nPPG also confirms that Management Plans may contribute to setting the strategic context for development by providing evidence and principles, which should be taken into account in local planning authorities Local Plans.

While the Kent Downs AONB Management Plan provides the overarching land management guidance for the AONB, it depends on the supporting guidance to provide detailed criteria for development and amplification of the Management Plan and is viewed as an extension to the policies and principles contained in it. 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. Proposals 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 Management Plan has been through extensive consultation with both stakeholders, local authorities, statutory undertakers as well as the general public and is adopted by all the local

authorities in the AONB, including Maidstone Borough Council. While the associated guidance documents have not been through the same extensive consultation, they are nevertheless prepared in conjunction with and fully endorsed by the Kent Downs AONB Joint Advisory Committee which comprises both Officer and Member representatives of each of the local authorities within the AONB.

The requested wording amendment would only place a requirement for account to be taken of the documents, rather than for proposals to conform with them, and on this basis it is considered appropriate for reference to the associated guidance to be made, notwithstanding lack of consultation/examination. It is contended that their inclusion would help demonstrate that the requirements of S85 of the 2000 Countryside and Rights of Way Act (Duty of Regard) have been complied with as well as assisting in meeting the objectives of the NPPF.

**Qn 11.41 Would the Representor supply a relevant extract from the Sevenoaks Inspector's report? (DM34)**

Please find attached as appendices C and D to this submission:

- i. Report on the Examination into the Sevenoaks District Allocations and Development Management Plan Dec 2014.
- ii. Sevenoaks District Allocations and Development Management Plan Inspector's Report main modifications.

These are also downloadable at:

[http://www.sevenoaks.gov.uk/\\_data/assets/pdf\\_file/0004/168556/INSPECTORS-FINAL-REPORT.pdf](http://www.sevenoaks.gov.uk/_data/assets/pdf_file/0004/168556/INSPECTORS-FINAL-REPORT.pdf)

[http://www.sevenoaks.gov.uk/\\_data/assets/pdf\\_file/0003/168555/FINAL-Sevenoaks-Appendix-to-Report.pdf](http://www.sevenoaks.gov.uk/_data/assets/pdf_file/0003/168555/FINAL-Sevenoaks-Appendix-to-Report.pdf)

Paragraph 18 and 19 of the Inspector's Report refer:

*Issue 1 – The Protection of the Landscape*

*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.*

MM1 proposed the inclusion of 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...”*

#### **Qn 11.43 Is a reference in the supporting text needed for the Local Plan to be sound? (DM35)**

Advice in the nPPG confirms that it is appropriate for AONB Management Plans to be taken into account in Local Plans, advising that local planning authorities should have regard to Management Plans for AONBs, as these documents underpin partnership working and delivery of designation objectives. The nPPG also confirms that Management Plans may contribute to setting the strategic context for development by providing evidence and principles, which should be taken into account in local planning authorities Local Plans.

While the Kent Downs AONB Management Plan provides the overarching land management guidance for the AONB, it depends on the supporting guidance 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. Policies in the Management Plan specifically refer to the guidance, including SD5 and SD9.

The [Kent Downs AONB Farmstead Guidance](#) is a guide to the design of farming developments to ensure that it respects the distinctive landscape setting and does not undermine the purpose, high quality and special distinctiveness of the different landscape character areas and buildings within the AONB. It aims to inform and achieve the sustainable development of farmsteads, including their conservation and enhancement and uses the results of national research by English Heritage and also the mapping of the historic character and survival of farmsteads in Kent’s landscape by English Heritage and the High Weald AONB Unit.

It is contended that inclusion of reference to the Farmstead Guidance Document would help demonstrate that the requirements of S85 of the 2000 Countryside and Rights of Way Act (Duty of Regard) have been complied with as well as assisting in meeting the objectives of the NPPF, in particular paragraph 115 and would therefore assist in ensuring the soundness of the Local Plan.

#### **Qn 11.51 Why would the additional criterion be necessary to soundness? (DM40 – New agricultural buildings)**

Polytunnels can be significant detractors to countryside character and there has been a proliferation of polytunnels, particularly on south facing slopes east of Maidstone, between Otham and Leeds which are prominent in views from the Kent Downs AONB. The polytunnels fail to conserve or enhance the AONB and to overcome potential future harm it is considered that the policy needs to be amended to ensure that the impact on the Kent Downs AONB is appropriately managed by the

addition of text that ensures the polytunnels cannot be located in a less harmful location within the farm holding and that proposals incorporate appropriate mitigation. Such an addition would be in accordance with para 113 of the NPPF which requires distinctions to be made in planning policies between the hierarchy of international, national and locally designated sites to ensure protection is commensurate with their status and to give appropriate weight to their importance as well as para 115 of the NPPF which requires great weight to be given to conserving landscape and scenic beauty in AONBs and would therefore assist in demonstrating soundness.

**Qn 11.52 Why would a reference to external lighting be needed when the matter is already addressed by policy DM7? DM41**

The AONB Unit withdraws its representation on this matter as it accepts that this matter is addressed in policy DM7.

**Qn 11.53 Many AONB and national Parks include caravan and camp sites, and they are not precluded by national policy, why should the Kent Downs AONB and its setting be different? (DM42)**

The NPPF, at paragraph 28 provides support for sustainable rural tourism developments but only where these respect the character of the countryside. Caravan sites tend to be significant detractors to the qualities of the AONB landscape and are often visually intrusive in open countryside, failing to respond to local distinctiveness or support the purposes of AONB designation.

As such, the AONB supports the proposed exclusion of caravan sites from the AONB and its setting as it is considered that this would be in accordance with para 113 of the NPPF which requires distinctions to be made in planning policies between the hierarchy of international, national and locally designated sites to ensure protection is commensurate with their status and to give appropriate weight to their importance as well as para 115 of the NPPF which requires great weight to be given to conserving landscape and scenic beauty in AONBs.

**Qn 11.57 Why would the Local Plan be unsound without this change? (DM44)**

The AONB Unit withdraws its representation, as it accepts that this matter is addressed in policies DM1, DM3, DM34 and SP17.

**Qn 11.58 What does an ‘appropriate design’ mean? (DM44)**

The AONB Unit withdraws its request for inclusion of the wording to be of an ‘appropriate design’, as it accepts that this matter is addressed in policies DM1, DM3, DM34 and SP17.

**Qn 11.61 How would light pollution be defined and why would it differ here from other external lighting covered by Policy DM7? (DM45 Equestrian development).**

The AONB Unit withdraws its request for inclusion of the additional wording “*and is designed to avoid light pollution*”, as it accepts that this matter is addressed in policies DM7.

**Qn 11.62 Would a reference in this or other Local Plan policies to the guidance produced by the Kent Downs AONB Unit accord undue weight to documents that have not been examined or consulted upon as part of the local Plan examination? (DM45 Equestrian development).**

Advice in the nPPG confirms that it is appropriate for AONB Management Plans to be taken into account in Local Plans, advising that local planning authorities should have regard to Management Plans for AONBs, as these documents underpin partnership working and delivery of designation objectives. The nPPG also confirms that Management Plans may contribute to setting the strategic context for development by providing evidence and principles, which should be taken into account in local planning authorities Local Plans.

While the Kent Downs AONB Management Plan provides the overarching land management guidance for the AONB, it depends on the supporting guidance to provide detailed criteria for development and amplification of the Management Plan and is viewed as an extension to the policies and principles contained in it. 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. Proposals 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 Management Plan has been through extensive consultation with both stakeholders, local authorities, statutory undertakers as well as the general public and is adopted by all the local authorities in the AONB, including Maidstone Borough Council. While the associated guidance documents have not been through the same extensive consultation, they are nevertheless prepared in conjunction with and fully endorsed by the Kent Downs AONB Joint Advisory Committee which comprises both Officer and Member representatives of each of the local authorities within the AONB.

The proposed wording would only place a requirement for account to be taken of the guidance, rather than for proposals to conform to them, and on this basis it is considered appropriate for reference to them to be made, notwithstanding lack of consultation/examination. It is contended that their inclusion would help demonstrate that the requirements of S85 of the 2000 Countryside and Rights of Way Act (Duty of Regard) have been complied with as well as assisting in meeting the objectives of the NPPF.