



Kent Downs National Landscape

KENT MINERALS AND WASTE LOCAL PLAN

2024 TO 2029

EXAMINATION

MATTERS, ISSUES AND QUESTIONS

AUGUST 2024

RESPONSE FROM THE

KENT DOWNS NATIONAL LANDSCAPE TEAM

MATTER 8 – DEVELOPMENT MANAGEMENT POLICIES

Policy DM 2: Environmental and Landscape Sites of International, National and Local Importance

86. Is this policy sufficiently clear and consistent with national policy in respect of conserving and enhancing the natural environment as required by chapter 15 of the NPPF?

The policy, as worded currently specifies that '*Regard must be had to the purpose of the designation when exercising or performing any functions in relation to, or so as to affect land, in an AONB*'. This is taken directly from the statutory requirement applied to public bodies set out in Section 85 of the Countryside and Rights of Way Act. However, the Levelling Up and Regeneration Bill 2023 (at S245) has replaced this former duty with a new one that now requires relevant authorities '*seek to further the purposes of the designation i.e. conserving and enhancing natural beauty, when exercising or performing any functions in relation to or so as to affect land in an AONB*'.

This is a statutory requirement, which came into force on 26th December 2023 and is applicable to all relevant authorities, which includes both Kent County Council and the Planning Inspectorate.

We therefore consider that the policy is not clear, nor consistent with the legislation as amended. We would also draw attention to paragraph 2 of the NPPF that specifies that '*Planning policies and decisions must also reflect relevant international obligations and statutory requirements*'.

We therefore maintain our position that the policy should be amended to be brought into line with the new legislation:

2. National Sites

Designated Areas of Outstanding Natural Beauty (AONB) have the highest status of protection in relation to landscape and scenic beauty. ~~Regard must be had to~~ THE COUNCIL MUST SEEK TO FURTHER the purpose of the designation when exercising or performing any functions in relation to, or so as to affect land, in an AONB. For the purposes of this policy, such functions include the determination of planning applications and the allocation of sites in a development plan.