

## Annex 3: Representations made by Kent Downs Area of Outstanding Beauty Unit.

Robin Gilbert  
Tonbridge & Malling Borough Council

Sent by email to:  
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28 September 2020

Dear Robin

**Application TM/20/01820/OAEA : Aylesford Newsprint Bellingham Way Larkfield Aylesford Kent ME20 7PW**

**Outline Application: Hybrid planning application for the following development: Outline planning permission (all matters reserved) for the erection of flexible B1c/B2/B8 use class buildings and associated access, servicing, parking, landscaping, drainage, remediation and earthworks; and, Full planning permission for erection of two warehouse buildings for flexible B1c/B2/B8 use class, realignment of Bellingham Way link road, creation of a north/south spine road, works to the embankment of Ditton Stream, demolition of existing gatehouse and associated servicing, parking, landscaping, drainage, infrastructure and earthworks**

Thank you for your consultation on the above application. The following comments are from the Kent Downs AONB Unit and as such are at an officer level and do not necessarily represent the comments of the whole AONB partnership. The legal context of our response and list of AONB guidance is set out at Appendix 1 below.

The application site lies in the setting of the Kent Downs AONB, by virtue of its proximity to the AONB (approximately 2.5 km away) and the fact that the site is highly visible in views from the Kent Downs escarpment. The application should therefore be tested against the purpose of the AONB designation, to conserve and enhance the natural beauty of the AONB, in line with paragraph 172 of the NPPF and policy CP7 of Tonbridge's adopted Core Strategy.

The primary legislation relating to AONBs, which underpins national planning policy, is set out in the Countryside and Rights of Way Act 2000. Section 85 of this Act requires that in exercising any functions in relation to land in an AONB, relevant authorities, which includes local authorities, shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB. This is known as the 'Duty of Regard'.

### Enhancing landscapes and life in the Kent Downs

The Kent Downs AONB Joint Advisory Committee (JAC) promotes and co-ordinates the conservation and enhancement of the Kent Downs AONB. Funding is provided by DEFRA, Kent County Council and the local authorities of Ashford, Bromley, Canterbury, Dover, Gravesham, Medway, Maidstone, Sevenoaks, Shepway, Swale and Tonbridge & Malling. Other organisations represented on the JAC include Natural England, the Environment Agency, Country Land and Business Association, National Farmers Union, Kent Association of Parish Councils and Action with Communities in Rural Kent.



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Anglesey  
Arnside and Silverdale  
Blackdown Hills  
Cannock Chase  
Chichester Harbour  
Chilterns  
Clwydian Range  
Cornwall  
Cotswolds  
Gower  
Cranbourne Chase and  
West Wiltshire Downs  
Dedham Vale  
Dorset  
East Devon  
Forest of Bowland  
Howardian Hills  
High Weald  
Isle of Wight  
Isles of Scilly  
**Kent Downs**  
Lincolnshire Wolds  
Llyn  
Malvern Hills  
Mendip Hills  
Nidderdale  
Norfolk Coast  
North Devon  
North Pennines  
North Wessex Downs  
Northumberland Coast  
Quantock Hills  
Shropshire Hills  
Solway Coast  
South Devon  
Suffolk Coast and Heaths  
Surrey Hills  
Tamar Valley



Under the Countryside and Rights of Way Act, local authorities are required to prepare an AONB Management Plan which must "formulate the policies for the management of the AONB and for carrying out their functions in relation to it". The Kent Downs AONB Unit produces a Management Plan on behalf of the local authorities within the AONB. The Management Plan has been formally adopted by the local authorities in Kent in which the AONB occurs, including Tonbridge & Malling Borough Council. The national Planning Policy Guidance revised last year, confirms that Management Plans can be a material consideration in planning decisions.

The Kent Downs AONB Management Plan, Second Revision 2014-2019 can be downloaded at:

<https://s3-eu-west-1.amazonaws.com/explore-kent-bucket/uploads/sites/7/2018/04/18113849/KDAONB-Management-Plan.pdf>

The setting of the AONB from the North Downs escarpment has enormous value. It was a principle reason why the AONB was designated in this area. The importance of the setting of the AONB is recognised in the Kent Downs AONB Management Plan 2014 to 2019. The Management Plan advises that the weight to be afforded to setting issues will depend on the significance of the impact with matters such as the size of the proposals, their distance and incompatibility with their surroundings likely to affect impact. Policy SD8 of the Management Plan states that:

'Proposals which negatively impact on the distinctive landform, landscape character, special characteristics and utilities, the setting and views to and from the AONB will be opposed unless they can be satisfactorily mitigated'.

Further guidance on Setting is also provided in the Kent Downs AONB Units adopted [Position Statement on Setting](#).

The nPPG as amended last year, now also provides additional guidance on development affecting the setting of AONBs. This confirms that land within the setting of AONBs often makes an important contribution to maintaining their natural beauty and that poorly located or designed development can do significant harm, stating that :

*'This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.'*

The importance of setting has also been supported by the Planning Inspectorate in several recent dismissed appeal decisions. These include a proposed housing development at Harrietsham and commercial developments at Waterside Park, adjacent to Junction 8 of the M20 near Maidstone. In respect of the appeal at Harrietsham, the Inspector concluded that *"the unacceptable effects of the proposal on the landscape character of the area, including its SLA categorisation and its position at the edge of the AONB significantly and demonstrably outweigh the benefits that would arise from the proposal"*. (APP/U2235/W/15/3119223).

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In respect of the Waterside Park appeals it was concluded that "considerable environmental harm would result from the loss of this area of countryside to development through the combined impact on the landscape setting of the AONB and the heritage assets. The developments would fail to protect the setting of the AONB and therefore also conflict with the aims of Section 85 of the Countryside and Rights of Way Act 2000". (APP/U2235/A/14/2224036 & APP/U2235/A/14/2229271).

Protection of the setting of the AONB was also a fundamental reason behind the Secretary of State's decision to uphold the dismissed appeal for the Kent International Gateway Road/Rail Freight Interchange adjacent to the M20 at Bearsted where it was concluded that "A number of factors weigh against the proposal, including the loss of a large area of open countryside, substantial harm to the setting of the Kent Downs AONB..." (APP/U2235/A/09/2096565)

Tonbridge's emerging Local Plan also recognises the importance of setting to the AONB, with Policy LP12 advising that development within both the AONBs and their settings will be permitted provided that: a. the location, form, scale, materials and design would conserve or enhance the character of the landscape; and b. the development would conserve or enhance the special qualities, distinctive character and tranquility of the AONB; and c. the development has regard to the relevant AONB Management Plan and any associated guidance.

#### Impacts on the Kent Downs AONB

When the site was operating as Aylesford Newsprint, it comprised large blocks of industrial buildings along with tall chimneys which, coloured pale grey, formed prominent features in the landscape including in views from the AONB to the north-east, that detracted from the AONB. The site in its current form also detracts in views out from the AONB. The closure of Aylesford Newsprint provides a welcome opportunity for the redevelopment of the site and for enhancement of the setting to the Kent Downs AONB.

The current proposal however would lead to a significant deterioration of impacts on the Kent Downs AONB from both the existing derelict nature of the site and that which previously existed when the site was occupied by Aylesford Newsprint. This is due to the scale of the proposed redevelopment and in particular the mass and height of proposed Units 1 and 2 which are significantly larger than both previous buildings that existed on the site and any of the existing surrounding industrial buildings. The scale of the buildings is such that they would appear huge, monolithic structures in views from the AONB that would result in a significant deterioration in the view and due to their scale, the impact of which is not capable of being mitigated.

As such, we strongly disagree with the findings of the LVIA submitted as part of the application. In respect of the visual effects assessment from viewpoint 1, as reported in the Table of Visual Effects at Appendix 7.6, which is taken from Blue Bell Hill picnic spot, we agree that the sensitivity of the Viewpoint is High. A minor adverse effect is predicted during construction, with a neutral effect on completion and an overall Neutral Residual effect. The accompanying commentary advises that :

*Once the buildings are completed, the large-scale warehouses (Units 1 and 2) will be visible, screening out Units 3-6. These buildings will not be overly dissimilar to the*

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*existing hardstanding remaining in the Site due to their grey colour and scale and will form a small scale element within the view. They will be seen in the context of the neighbouring similar scale buildings. The majority of tree planting around unit 7 in the south-east of the Site is to be retained, softening the impact of the proposed building. Due to the distance and the scale of the proposed buildings, the establishment of the vegetation in the Site will have little effect on views towards the main body of the Site. Views towards the south-eastern corner will be softened by the proposed planting within and along the edge of the Site.*

As stated above, we strongly disagree that Units 1 and 2 would be of a similar scale to surrounding buildings, however agree that vegetation establishment will have little effect on views from the AONB.

The impacts on the AONB are then reported in Table 7.9 in the main body of Chapter 7 of the ES where it is concluded that with regards to the completed development, the indirect effects of introducing the new built form would have a Neutral effect. Despite the analysis that is set out in the Table of Visual Effects (Appendix 7.6), that *'the establishment of the vegetation in the Site will have little effect on views towards the main body of the Site'* the predicted Neutral Effect is justified on the basis that planting throughout the development would break up the built form and that the use of material to reflect those of adjacent buildings. The proposed layout however does not allow for any planting between the buildings and in case the scale of them is such that planting would have minimal screening effect. Furthermore, the use of a pale grey will increase the buildings prominence in views; darker colours would be more recessive. We also note that the detailed application for Units 6 and 7 proposes extensive use of white colour panels which again, will make the buildings much more apparent in the landscape (noting that Unit 6 would be screened in views from the AONB if Units 1 and 2 are constricted, however Unit 7 would be visible).

With regards to impacts on users of the North Downs Way and recreational users of the Bluebell Hill picnic spot in terms of views, as set out in Table 7.9 it is again concluded that there would be a Neutral effect. Again, it is stated that embedded mitigation would comprise planting throughout the development (despite this not being possible). It is also advised that recessive dull colors will be used, which again contradicts the stark white cladding that is proposed for Units 6 and 7 and the proposed use of grey cladding on the larger Units 1 and 2.

Pale colours are known to highlight buildings and make them seem larger than their actual size and hence more intrusive than what they might otherwise be. Cladding such a large structure in a pale white material will result in the building being very apparent in the landscape. The Kent Downs AONB Unit has recently produced a ['Guidance on the selection and use of colour in development'](#) document. The guidance identifies that colour plays a significant part in the creation of landscape character, local identity and natural beauty and contributes to the distinctive qualities of the Kent Downs AONB. In respect of the use of white, the document advises that 'Care must be taken when applying light colours to development to ensure that this does not produce a negative impact on views. Large expanse of light-coloured roofs for example can be very harmful to the sense of place and very distracting to the viewer' (paragraph 2.10).

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Taking the above into account, and the importance of setting to the Kent Downs, the AONB Unit strongly disagrees with the conclusions of the LVIA of the impacts of the proposals on the Kent Downs and it is considered that the proposal in its current form would fail to conserve the landscape and scenic beauty of the Kent Downs AONB and would therefore conflict with paragraph 172 of the NPPF. The proposal would also fail to comply with emerging Tonbridge & Malling Local Plan policy LB12. The proposal would also be in conflict with the Kent Downs AONB Management Plan, in particular policy SD8. **The Kent Downs AONB Unit therefore objects to the application.**

In order to comply with the requirement to both conserve and enhance the AONB, it is considered that both the scale and heights of the proposed buildings need to be reduced, if the large buildings were broken up into smaller blocks it would be possible for planting to be introduced between the buildings and structural landscaping should be provided along the eastern side of the site which would assist in filtering views of the redevelopment from the AONB. Breaking the large scale units up into smaller blocks, would enable space to be provided between buildings to allow for significant trees to be planted and mature. Such planting is considered essential to reduce the visual impact of buildings particularly when viewed from the higher ground of the AONB. Further consideration of more appropriate colours is also required.

I hope you find these comments useful. I would be happy to discuss further if this would be helpful.

Yours sincerely

A black rectangular redaction box covering the signature of Katie Miller.

Katie Miller  
Planning Manager, Kent Downs AONB Unit