



## **Folkestone & Hythe Core Strategy Review Examination Matters, Issues & Questions**

### **RESPONSE FROM THE KENT DOWNS AONB UNIT RESPONDENT REF NO: 1032113**

#### **Matter 7 – Strategy for the North Downs Area**

##### **Issue**

**Whether the strategy for the North Downs Area is justified, effective and consistent with national policy.**

**Relevant policies – SS1, SS6-SS9 and CSD9**

##### **Questions**

###### **North Downs Area overall**

**1) What is the basis for the strategy for the North Downs Area (Policy SS1) and is it justified and effective?**

The District Spatial Strategy proposes the majority of the District's future housing and employment land on predominantly greenfield sites within the sensitive rural North Downs character area, with the provision of a new garden settlement and a significant expansion of the village of Sellindge. The Kent Downs AONB Unit considers the Spatial Strategy fails to have sufficient regard to the impact of the scale of development on the AONB and that it is unjustified to promote this level of development in the rural North Downs character area as

##### **Enhancing landscapes and life in the Kent Downs**

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the proposals would have a significant impact on the sensitive setting of the AONB, the scale of growth we do not consider is capable of being satisfactorily mitigated.

While the strategic development is proposed into account the importance of the land in the North Downs area that falls outside of the AONB boundary, as forming an important part of the setting to the Kent Downs AONB, as recognised throughout the history of the Kent Downs, the various Landscape Character Assessments covering the areas, as well as the Council's own Landscape Appraisal and flaws in the assessments behind the justification for promoting the sites in the North Downs area, we consider the Strategy that insufficient regard has been given to the environmental constraint of the adjacent AONB and as such, it is not consistent with national planning policy, and in particular paragraphs 170, 171 and 172 of the NPPF that seek to protect and enhance valued landscapes, allocate land with the least environmental value and give great weight to conserving and enhancing AONBs

2) What is the overall scale of development envisaged, is this sufficiently clear and is it justified?

### **3) Is the approach to development within or affecting the Kent Downs AONB justified and consistent with national policy?**

The approach to development within the AONB comprising 'consolidating Hawkinge's growth and sensitively meeting the needs of communities at better served settlements, while refusing major development unless it meets the tests set out in the NPPF is considered justified and consistent with national policy.

The approach to development affecting the AONB (i.e. within its setting) is not however considered to be consistent with national policy The District's Spatial Strategy is based on providing the majority of the District's housing and employment land through the provision of a new Garden Settlement and the significant expansion of Sellindge, both of which are proposed on predominantly greenfield sites in the North Downs area on land that forms the sensitive setting to the Kent Downs AONB . We are of the view that it is unjustified to promote this level of development in the rural North Downs character area due to the proposals having a significant impact on the AONB setting, the scale of growth we do not consider is capable of being satisfactorily mitigated.

AONBs are nationally protected landscapes that are afforded the same level of protection in planning as National Parks. The primary legislation relating to AONBs is set out in the Countryside and Rights of Way Act 2000 (CRoW Act). This provides, at Section 85, that all Statutory Undertakers which includes both central and local government, shall have regard to the purposes of AONB designation in the carrying out of their functions i.e. the conservation and enhancement of the natural beauty of the landscape. This 'Duty of Regard' set out in the CRoW Act 2000 applies not just in respect of proposals within AONBs, but also to public bodies in exercising their functions "so as to affect" land in an Area of Outstanding Natural Beauty so is also applicable to the setting of AONBs, as confirmed in the nPPG, where at Paragraph: 039 Reference ID: 8-039-20190721, it is confirmed that the Duty 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 their setting or protection*'.

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The NPPF at para 172 confirms that great weight should be given to conserving and enhancing scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The national PPG in respect of landscape was updated in July 2019 and now provides advice on how development within the setting of AONBs should be dealt with (Paragraph: 042 Reference ID: 8-042-20190721, Revision date: 21 07 2019). This confirms that *'Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. 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'*.

The views out from the chalk scarp of the North Downs over its setting was a key reason for the designation of the AONB. This feature has remained critical to its value and to public enjoyment ever since and today is recognised as one of its special characteristics and qualities. Landscape Character Assessments for the area also identify the importance of views out over the area proposed for strategic development.

The New Garden Settlement would occupy an area in excess of 4 km from east to west and 2.4km north to south, the majority of which would be visible from an extensive section of the scarp above Wye to Folkestone, a length in excess of 10 km including from numerous Public Rights of Way, including the North Downs Way, a National Trail and well as well-used areas of Open Access Land. Much of the site of the proposed Garden Settlement slopes downwards in a northerly direction, making the land particularly prominent in views from the AONB to the north. At present views over the low Weald, from the whole of the North Downs Way between Etchinghill and above Wye are remarkably unspoilt; neither the motorway nor the railway lines are very apparent in views from the north, nor is any large scale urban form, the notable exception being part of the Link Park Industrial Estate. The scale and extent of development associated with the proposed Garden Settlement and the cumulative impact of this with the further expansion proposed at Sellindge would wholly and fundamentally alter existing views out from the AONB to the north, from a largely undeveloped rural scene, to a vast expanse of built form, much of which would be at a high density in a largely rural landscape.

While little detail is provided of the proposals at this stage, it is clear that the scale of the proposals would result in a significant and adverse change to landscape character that would be visually damaging to the setting of the Kent Downs AONB and as such the allocation would be Unsound, as it is not consistent with national planning policy, and in particular paragraphs 170, 171 and 172 of the NPPF that seek to protect and enhance valued landscapes, allocate land with the least environmental value and give great weight to conserving and enhancing AONBs. The proposal would also be contrary to several of the policies of the Kent Downs AONB Management Plan, in particular policy SD8 which states "proposals which negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB will be opposed unless they can be satisfactorily mitigated".

## **New Garden Settlement**

The principle

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4) What options were considered, both in terms of alternative strategies to accommodate growth in the District and alternative locations for a new settlement?

**5) How were options considered, what factors were taken into account and what was the outcome of assessments? Why were other options discounted?**

The proposed new settlement and expansion of Sellindge is justified in part on assessed landscape impacts in the District's Growth Option Study and Sustainability Appraisal Report. As detailed in our response to the Regulation 19 Consultation, the AONB Unit strongly disagrees with the assessed level of landscape impact of the proposed Garden Settlement set out in the Growth Options Study and the assertion that the North Downs area has capacity to accommodate the scale of growth proposed, without significantly impacting on the setting of the Kent Downs AONB.

The Kent Downs AONB Unit also disagrees with many of the scores assigned in the Sustainability Appraisal Report in relation to the North Downs Character Area, and it is considered that the impacts of strategic scale development on SA Objective 3b, Landscape is significantly underestimated in respect of potential impacts on the Kent Downs AONB. Details of this are provided in the AONB Unit's Regulation 19 consultation response.

6) How has flood risk been taken into account?

7) Is the New Garden Settlement justified in principle?

**Policy SS6**

8) What is the basis for the scale and range of development proposed and is this justified?

9) Taking each of the requirements in part (1) of the policy, what is the evidence to support them, including in respect of the need for the requirement and the effect on viability? Are the requirements justified?

10) Is the approach to self-build and custom-build homes in part (2) of the policy justified and consistent with national policy? Is it sufficiently clear?

**11) What is the evidence to support the approach to employment development in part (3) of the policy in terms of the scale and type of development? How does the scale of employment development envisaged relate to overall employment land requirements and job growth estimates for the District?**

The AONB Unit has particular concerns in respect of the proposed provision of 8 ha of employment land at the New Garden Settlement. Fig 4.5 identifies this to be located on one of the most prominent parts of the overall site area when viewed from the AONB to the north. This is likely to be particularly impactful when viewed from the higher elevations of the escarpment of the Kent Downs, due to the nature of employment buildings, which by their scale and nature, including large span roof forms are difficult to mitigate. The proposed scale of employment land provision is well over what has been assessed as being required as identified in the District's 2017 Employment Land Review which establishes that the district currently has sufficient space to meet its office and industrial requirements to at least 2031.

12) Is the scale of proposed employment growth and housing growth balanced? What implications would it have for commuting?

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13) How will employment development relate to new housing in terms of location and phasing?

### **Policy SS7**

**14) Taking each of the criteria in part (1) of the policy, are they justified and do they provide a sufficiently clear and effective approach to achieving a suitable form of development?**

While the policy requires a 'landscape-led' approach that respects topography and views, the AONB Unit considers that the policy fails to incorporate sufficient safeguards to ensure development here would mitigate, in so far as is possible, the impacts on the AONB.

Without such safeguards, the proposal fails to comply with national planning policy, in particular paragraphs 127, 170 and 172 of the NPPF. Required modifications are:

- The Indicative strategy needs to be amended to minimise impact of the AONB
- Densities and heights should be specified.
- A requirement for site layouts, orientation of buildings and materials to reduce impacts in views from the AONB, needs to be included. Orientation, colour and scale of the employment buildings will be particularly important, with pale coloured render and weatherboarding and reflective surfaces to be avoided on north facing elevations.
- Substantial structural planting to be provided at various points on an east west axis throughout the site.
- The site layout must provide for significant tree planting between buildings – large trees within built developments and across the site are vital to ameliorate the impact of built form in views from the higher elevations of the Kent Downs.
- A requirement to improve the gateways into the new town.

15) Is the approach to a new town centre and retail and other main town centre uses in part (2) of the policy justified and consistent with national policy?

16) Is the approach to village neighbourhoods and a high quality townscape in parts (3) and (4) of the policy justified and effective?

17) Is the approach to heritage assets in part (5) of the policy justified and consistent with national policy?

18) Are the requirements in relation to sustainable access and movement set out in part (6) of the policy justified and sufficiently clear and effective?

### **Policy SS8**

19) Are the sustainability and healthy new town principles justified and are they sufficiently clear and effective?

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20) What is the evidence base to support the specific requirements in the policy, particularly in relation to water efficiency standards in terms of the need for the standard and the effect on viability? Are the requirements justified?

### **Policy SS9**

21) What are the specific requirements for new or improved infrastructure and social and community facilities associated with the New Garden Settlement for example in terms of transport, education, health, open space, sport and recreation, community buildings and waste water? Do any of these have cross boundary implications e.g. secondary education?

22) How will these be provided and funded?

23) How will they be phased/timed in relation to the development proposed and what mechanisms will be in place to ensure they are provided at the right time?

24) Are the requirements set out in the policy justified?

25) How will the New Garden Settlement be delivered and how will different elements be co-ordinated? Who will be involved in delivery?

26) Is the overall scale of housing envisaged in the plan period, the annual rate of completions and the timescale for housing delivery realistic and supported by robust evidence?

27) What evidence is there in terms of the viability of the New Garden Settlement and what does it show? Is it clear that it could be developed viably in the form envisaged and with the policy requirements as set out?

28) How will delivery and implementation be monitored and reviewed?

29) Are there other potential adverse effects of the proposed New Garden Settlement not raised above, if so, what are they and how would they be addressed and mitigated? N.B. The Council's response should address key issues raised in representations.

30) Are any main modifications to Policies SS6-SS9 necessary for soundness?

### **Sellindge – Policy CSD9**

31) What is the basis for the broad location in Sellindge and is it justified in principle?

32) What alternative options were considered to meet the planned level of housing growth? Why was the preferred location chosen?

33) What is the basis for the scale and range of development proposed and is this justified?

34) Taking each of the requirements in the policy, what is the evidence to support them, including in respect of the need for the requirement and the effect on viability? Are the requirements justified?

35) What are the specific requirements for new or improved infrastructure and social and community facilities for example in terms of transport, education, health, open space, sport and recreation, community buildings and waste water?

36) How will these be provided and funded?

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37) How will they be phased/timed in relation to the development proposed and what mechanisms will be in place to ensure they are provided at the right time?

38) What are the expectations in terms of timing and rates of delivery and are these realistic? What progress has been made to date?

**39) Are there other potential adverse effects not raised above, if so, what are they and how would they be addressed and mitigated? N.B. The Council's response should address key issues raised in representations.**

It is recognised at paragraph 5.158 of the draft Core Strategy Review that the site lies within the setting of the AONB, and that any development here may give rise to adverse impacts on the landscape and that this should be addressed through landscaping, siting, type and design of new buildings to help mitigate impact. However these requirements are not carried through into the policy wording.

**40) Are any main modifications to Policy CSD9 necessary for soundness?**

Criterion (h) of the policy seeks to address impacts to the AONB, however this seeks to address design issues in response to the site's location in proximity to the AONB, rather than the impact of the development on views out from the AONB, which is what is protected in national policy.

The following requirements need to be incorporated into the policy wording:

- Substantial structural planting to be provided not just on the eastern boundary of Site B, but through the development, as planting on this boundary alone will do little to mitigate the impacts of development in views from the AONB.
- The site layout must provide for significant tree planting between buildings – large trees within built developments and across the site are vital to ameliorate the impact of built form in views from the higher elevations of the Kent Downs.
- Consideration to orientation, site layout, height and scale of structures and materials needs to be given to reduce impacts in views from the AONB. Orientation, colour and scale of the employment buildings will be particularly important, with pale coloured render and weatherboarding and reflective surfaces to be avoided on north facing elevations.

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