

Sent by email to:
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30 April 2026



**Kent Downs
National
Landscape**

**Kent Downs
National Landscape**
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Dear Sir/Madam,

CANTERBURY REGULATION 19 LOCAL PLAN CONSULTATION

Thank you for the opportunity to respond to the Canterbury Regulation 19 Local Plan. The following responses are on behalf of the Kent Downs National Landscape team and as such are at an officer level and do not necessarily represent the comments of the whole Kent Downs National Landscape partnership.

On 22 November 2023, all designated Areas of Outstanding Beauty (AONBs) in England and Wales became 'National Landscapes' (NLs). Accordingly, the Kent Downs AONB is now renamed the Kent Downs National Landscape. Its legal designation and policy status remain the same.

Also of note is the changes introduced through the Levelling-Up and Regeneration Act 2023, which came into force on 26/December 2023. The Act amends the Countryside and Rights of Way Act, which is the primary legislation relating to AONBs and replaces the previous Duty of Regard to AONBs set out at S85 with a new, strengthened requirement that:

'In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'. (Part 12 - Miscellaneous; Section 245. Protected Landscapes; paras (5) - (10).

This clearly places a much stronger duty on relevant authorities, which includes local authorities, to ensure that their actions and decisions seek to conserve and enhance AONBs, marking a significant change to the legal context of AONB policy.

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 National Landscape team produces a Management Plan on behalf of the local authorities within the National Landscape including Canterbury City Council. The Kent Downs Management Plan, Third Revision 2021 to 2026 has been adopted by all the local authorities in the Kent Downs, including Canterbury City

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
Wye Valley

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Council. The Management Plan sets out the policy for the conservation, enhancement and management of the National Landscape in a series of aims, actions and Principles.

All Kent Downs National Landscape responses on consultations on local authority plans and strategies reflect the Principles of the Management Plan. The following Principles are considered to be of particular relevance to the Canterbury Regulation 19 Local Plan:

MMP2 The Kent Downs AONB is a material consideration in plan making and decision taking, and so local authorities will give a high priority to the AONB Management Plan vision, aims, principles and actions in Local Plans, development management decisions, planning enforcement cases and in taking forward their other relevant functions.

SD1 Ensure that policies, plans, projects and net gain investments affecting the Kent Downs AONB take a landscape led approach, are long term, framed by the Sustainable Development Goals appropriate to the Kent Downs, cross cutting and recurrent themes, the vision, aims and principles of the AONB Management Plan.

SD2 The local character, qualities, distinctiveness and natural resources of the Kent Downs AONB will be conserved and enhanced in the design, scale, siting, landscaping and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements.

SD3 Ensure that development and changes to land use and land management cumulatively conserve and enhance the character and qualities of the Kent Downs AONB rather than detracting from it.

SD7 New projects, proposals and programmes shall conserve and enhance tranquillity and where possible dark night skies.

SD8 Ensure proposals, projects and programmes do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the Kent Downs AONB.

SD9 The particular historic and locally distinctive character of rural settlements and buildings of the Kent Downs AONB will be maintained and strengthened. The use of sustainably sourced locally-derived materials for restoration and conversion work will be encouraged. New developments will be expected to apply appropriate design guidance and to be complementary to local character in form, siting, scale, contribution to settlement pattern and choice of materials.

LLC1 The protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued.

BD9 The opportunities presented by intended Biodiversity Net Gain and other legislative changes are secured in the Kent Downs AONB in a way that support the vision, aims and principles of the Management Plan. Development permitted in the Kent Downs will secure 20% biodiversity net gain subject to further evidence and testing; any requirement will ultimately be decided and set out individual local authorities' local plans.

VC3 Initiatives which are in line with existing policies of the Local Planning Authority that increase and improve the supply of affordable housing for (i) those with proven local needs, and (ii) workers whose activities directly contribute to the purposes of the AONB designation, will be supported where it is demonstrated that the proposals are suitably located, of high-quality design, limited quantity and scale and are built to the best current environmental standards.

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CANTERBURY REGULATION 19 LOCAL PLAN RESPONSES OF THE KENT DOWNS NATIONAL LANDSCAPE TEAM:

Vision and Objectives

The Kent Downs National Landscape Team considers the Vision and Objectives of this Plan to be **Sound**.

Policy SS1 – Environmental strategy for the district

The Kent Downs National Landscape Team considers Policy SS1 of this Plan to be **Sound**.

Policy SS2 Sustainable Design Strategy for the district

The Kent Downs National Landscape Team considers Policy SS2 of this Plan to be **Sound**.

Policy SS3 Development Strategy for the district

The Kent Downs National Landscape Team considers Policy SS3 of this Plan to be **Sound**.

SITE ALLOCATION POLICIES

Policy R2 Great Pett Farm

The Kent Downs National Landscape Team considers Policy R2 of this Plan to be **Sound** and welcome the acceptance of our proposed wording changes to this site allocation at the Regulation 18 stage of the Plan.

Policy R15 Barham

The Kent Downs National Landscape Team does **not** consider Policy R215 to be Sound.

Specifically, we do **not** consider that this allocation in the Kent Downs National Landscape to be justified, taking account of alternatives to meet the OAN for this district outside the National Landscape, or consistent with national policy.

This site lies within the Kent Downs National Landscape. In the earlier consultation draft Plan, the site was allocated for 9 dwellings and the concept masterplan for development indicated that development would be limited to a small part of the overall site area. The Kent Downs National Landscape Team advised that this was considered appropriate, reflecting the existing settlement pattern in this part of the village and raised no objection in principle to the allocation in view of the site's relationship with the built confines of the existing settlement. We advised that we would however have concerns if built form was to extend outside of the area to the south of the access track.

The proposed allocation has now increased significantly in scale from 9 to 20 dwellings and the proposed developable area amended to incorporate the land to the north of the access track in addition to the previously proposed land to the south. As such, the allocation proposes development across the entire site (excluding a small strip adjacent to the road) which would, notwithstanding proposed open space/biodiversity opportunities, result in the erosion of an important green space that currently contributes significantly and positively to the character of Barham by virtue of its undeveloped agricultural nature, and, with its individual in-field mature trees has an almost parkland character. The site has a very high sensitivity to change, which is further increased as a result of its location on the side of a largely dry valley, one of the main targets of the original designation of the National Landscape and now recognised as one of its special qualities. Harm to the natural beauty of this protected landscape would be exacerbated by the siting of built form on the rising valley side that

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would increase the visual prominence of any development. As such, the larger allocation now proposed would, in our view, fail to conserve and enhance the landscape and scenic beauty of the Kent Downs National Landscape.

Policy R21 Land at Canterbury Business Park

The Kent Downs National Landscape Team does **not** consider Policy R21 to be sound.

Specifically, we find this allocation, which would result in major development in the National Landscape, fails the tests of soundness by reason of not being positively prepared, not being justified when taking account of reasonable alternatives, not being consistent with national policy. In addition, we do **not** consider this allocation to be legally compliant with S85 of the CROW Act (as amended by the LUR Act 2023) and the duty on the Council as a relevant authority to further the purposes of conserving and enhancing the natural beauty of the Kent Downs National Landscape.

The Kent Downs National Landscape would like to attend the hearing sessions of the Examination on Policy R21.

Grounds for this Representation:

Government policy on National Landscapes has recently been strengthened, with the amendment to Section 85 of the Countryside and Rights of Way Act (introduced through the LURA 2023) which places a new statutory duty on relevant authorities, which includes Canterbury City Council, to seek to further the purpose of conserving and enhancing the natural beauty of AONBs (now known as National Landscapes) in carrying out all of their actions. It is our assessment that the proposed allocation would fail to comply with this new statutory requirement.

Furthermore, the NPPF contains a twice repeated instruction in paragraph 189 that National Landscapes should be enhanced, as well as conserved, bringing the policy in line with the primary legislation relating to AONBs, the Countryside and Rights of Way Act 2000. It also includes a sentence which requires that the scale and extent of development within National Landscapes should be limited, which clearly demonstrates the Government's commitment to avoiding any sizable development within these protected landscapes and is applicable to both major and non-major development and to plan making as well as decision-taking.

With a site area of 22ha and a proposed minimum provision of 31,200 sqm of B8 floorspace, and additional, unquantified supporting uses, such as commercial and business, related to the delivery of the viticulture hub, taking into account the undeveloped, greenfield nature of the site, away from any existing settlement, there is no doubt that the proposal constitutes a 'Major Development' for the purposes of assessment under paragraph 183 of the NPPF, notwithstanding the reduction in floorspace since the previous iteration of the Plan. This was accepted in a recent planning application for a smaller scheme on part of the proposed allocation (CA/22/02055). As such, an assessment needs to be made as to whether the proposal is in the public interest and whether exceptional circumstances apply.

The proposed allocation is justified on the basis of meeting the District's need for employment land, as set out in the Economic Development and Tourism Study and Focused Update and on the basis

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that no other suitable sites are available in the District. However, NPPF paragraph 11 makes it clear that AONB designation may provide “a strong reason for restricting the overall scale, type or distribution of development in the plan area”. This is reinforced in the Planning Practice Guidance updated in July 2019 which under ‘How should development within National Parks, the Broads and Areas of Outstanding Natural Beauty be approached?’ states “The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas”.

Furthermore, paragraph 187 of the NPPF requires that planning policies should contribute to and enhance the natural and local environment by ‘protecting and enhancing valued landscapes (in a manner commensurate with their statutory status)’. Paragraph 188 of the NPPF requires that plans distinguish between the hierarchy of international, national and locally designated sites and requires that Plans allocate land with the least environmental value, while paragraph 189 of the NPPF confirms that National Landscapes, along with National Parks and the Broads have the highest status of landscape protection. Clearly, land at Highland Court Farm, by virtue of its location within the nationally protected National Landscape, has the highest level of environmental value and allocating a large employment site within a National Landscape would be in conflict with these policies.

Proposals involving major development in National Landscapes must constitute exceptional circumstances and be in the public interest in order for the presumption in favour of sustainable development to be engaged. As explained above, it is considered that the proposal comprises major development and as such it also needs to be assessed against this part of the NPPF. Whilst paragraph 190 specifically refers to planning permissions, it has also been considered relevant by Local Plan Inspectors to allocations within Local Plans. Legal advice provided to the South Downs National Park Authority by Landmark Chambers also concluded that “it would arguably amount to an error of law to fail to consider paragraph 116 (now 190) at the site allocations stage of plan making for the National Park. The consequence of doing so would be to risk allocating land for major development that was undeliverable because it was incapable of meeting the major development test in the NPPF”.

As indicated in paragraph 190 of the NPPF, consideration of the exceptional circumstances and public interest tests for major development applications should include an assessment of:

1. the need for the development;
2. the cost of – and scope for – developing outside the AONB or meeting the need in some other way;
3. detrimental effects.

Tests 1 and 2 are indeed more appropriate to determine at plan-making stage when the needs for development are established and alternative options for provision fully considered. The scope for this to be done at planning application stage is much more restricted.

The starting point of this policy is that major development should only be permitted in a National Landscape “in exceptional circumstances, and where it can be demonstrated that the development is in the public interest”. This is a separate requirement to the tests above and sets a very high bar. The National Landscape Team does not consider the allocation to either truly represent exceptional circumstances nor to be in the public interest; both tests need to be met. When considering whether

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the development is in the public interest it is important to note that National Landscapes are landscapes whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard them. As such, for the development to be considered to be in the public interest, the potential benefits must outweigh the national significance of conserving and enhancing the natural beauty of the National Landscape.

In terms of need for the development the allocation is justified on the basis of an identified need for employment floorspace that is set out in the emerging Local Plan evidence base – in the Lichfield Economic Development and Tourism Study 2020 and subsequent EDTS Focused Update Supplementary Report dated August 2023 which identifies a requirement for employment land 'equivalent to 60,320 sqm or 13.2 ha over the 21-year Plan period to 2041, again driven mainly by distribution (B8) and light industrial (E(g)(iii)) uses'. This is a notable reduction from the previous identified need of 37ha set out in the evidence base for the earlier Regulation 18 Local Plan.

The need for employment land is clearly a districtwide issue. In the context of the "need" considerations set out in paragraph 183, if need for employment land alone equalled exceptional circumstances/the public interest, then that would be to effectively say employment is acceptable in all cases within the National Landscape, subject only to assessing individual landscape harm (which removes any special National Landscape protection at all).

To justify major development on the basis of meeting objectively assessed needs for the local planning authority area is a circular argument at plan-making stage because the impact of the scale and distribution of development on the National Landscape should be taken into account in deciding the level of employment provision. If such levels can only be achieved by allocating major development in an National Landscape, which by definition will have "a significant adverse impact on the purposes for which the area has been designated" then this is a good indicator that the impact on the National Landscape provides "a strong reason for restricting the overall scale, type or distribution of development in the plan area" (NPPF paragraph 11). As the proposed allocation would clearly be contrary to the provisions of paragraph 182 that requires great weight to be given to conserving and enhancing natural and scenic beauty and for development in National Landscapes to be limited in scale and extent, and paragraph 183 that provides a presumption against Major Development, should alternative provision elsewhere not impacting on the Kent Downs National Landscape not be possible, a case for not meeting the OAN should be made.

We would also comment that there is no functional or specific need for employment development at this location; a case cannot be made such as for minerals extraction for example, where there is a functional requirement for a specific location. While we recognise that the site has access to the strategic road network, and that this represents a benefit of the site, it does not, in our view, provide a sufficient or robust reason to justify the allocation in view of the resultant significant harm that would occur to a nationally protected landscape.

In terms of impacts on the local economy, clearly, there would be benefits to the local economy, however this does not in itself equate to exceptional circumstances. Furthermore, the benefits are not, we would contend, dependent on this specific site being developed and could be achieved on other sites.

With regards to scope for developing outside of the National Landscape, case law has clarified that ‘no permission should be given for major development save to the extent the development ... met a need that could not be addressed elsewhere or in some other way’. (R (Advearse) v Dorset Council v Hallam Land Management Ltd [2020] EWHC 807 ([link](#)). Paragraph 35).

Only 27.8% of Canterbury district lies within the National Landscape and while there are other local landscape designations, as confirmed in the NPPF at paragraph 182, National Landscapes (along with National Parks) have the highest status of landscape protection and planning decisions should protect and enhance valued landscapes in a manner commensurate with their statutory status (paragraph 174). The 72.2% of the District that does not fall within the National Landscape designation would clearly be more appropriate to meet any strategic employment development needs. The Council should be more proactive in seeking to accommodate its employment needs outside of the National Landscape and should more robustly explore all available options outside the National Landscape, or whether the need can be met in another way, such as on smaller sites.

In terms of detrimental effects on the landscape, our detailed comments on impacts to the Kent Downs National Landscape are provided below. The proposal would result in the direct and permanent loss of around 22ha of currently undeveloped countryside that is wholly in keeping with landscape character and representative of the Kent Downs special character and qualities and makes a positive contribution to the landscape and scenic beauty of the Kent Downs National Landscape. The nature and scale of the allocation, that would effectively triple the size of the existing Business Park and proposes predominantly B8 use with its associated large, functional buildings would not only undermine its characteristically open, undeveloped and rural nature, but be a particularly harmful form of development, the impacts of which are not capable of being mitigated to any significant extent. While the site may be relatively contained within the wider landscape and the proposal may not affect wider views, this does not account for the impacts to landscape character or views from within and close to the site itself.

Taking the above into account, it is not considered the allocation constitutes exceptional circumstances and that meeting the District’s general B8 employment needs does not provide a sufficient or robust enough reason to justify the allocation proposed development in view of the resultant significant harm that would occur to a nationally protected landscape and the weight the contribution the site would make to providing B8 employment land for the District is, in our view, outweighed by the significant adverse impact the development would have on the landscape and scenic beauty of the Kent Downs National Landscape to which NPPF paragraph 182 requires great weight to be attached.

In addition to being in conflict with the NPPF as identified above, the allocation also conflicts with this Plan’s strategic objective to ‘Protect and enhance our rich environment and valued landscapes’ as well as Policy SS1.1 and Policy SS1.9 and Policy DS21 of this Regulation 19 Plan. It would also be contrary to the Kent Downs AONB Management Plan, the Council’s adopted policy for managing the National Landscape.

The following principles from the Management Plan are considered to be of particular relevance to the proposed allocation:

MMP2 The Kent Downs AONB is a material consideration in plan making and decision taking, and so local authorities will give a high priority to the AONB Management Plan vision, aims, principles and

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actions in Local Plans, development management decisions, planning enforcement cases and in taking forward their other relevant functions.

SD2 The local character, qualities, distinctiveness and natural resources of the Kent Downs AONB will be conserved and enhanced in the design, scale, siting, landscaping and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements.

SD3 Ensure that development and changes to land use and land management cumulatively conserve and enhance the character and qualities of the Kent Downs AONB rather than detracting from it.

SD7 New projects, proposals and programmes shall conserve and enhance tranquillity and where possible dark night skies.

SD8 Ensure proposals, projects and programmes do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the Kent Downs AONB.

SD11 Major development should avoid the Kent Downs AONB in line with NPPF guidance. Where it is decided that development will take place that will have a negative impact on the landscape character, characteristics and qualities of the Kent Downs AONB or its setting, mitigation and or compensatory measures appropriate to the national importance of the Kent Downs landscape will be identified, pursued, implemented and maintained. The removal or mitigation of identified landscape detractors will be pursued.

LLC1 The protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued.

AEU10 Support will be given to the North Downs Way and England Coast Path National Trails as the main promoted routes in the Kent Downs, the establishment of a North Downs Way multiuser route will be supported.

AEU 14 Proposals which detract from the amenity and enjoyment of users of the Public Rights of Way network will be resisted.

Impacts to the Kent Downs National Landscape

Landscape Character: The site of the allocation lies in the open countryside and is rural in nature. It comprises gently undulating land that forms part of the dip slope of the North Downs. The land is predominantly in fruit production, with smaller areas of pasture and seasonal workers caravans. The site contains hedges and shelter belts dividing the fruit growing areas. Historic mapping identifies that the landscape has changed little over the years, despite the introduction of the A2 to the immediate west of the site, with the field pattern remain relatively intact although there has been introduction of shelter belts within the field structure.

In the Landscape Character Assessment of the Kent Downs, which has recently been updated, the site lies in the East Kent Downs Landscape Character Area, one of 13 character areas and within this, in the Elham sub area. Summary characteristics of this Character Area include the rounded, chalk plateau dissected by a series of parallel narrow dry valleys, becoming increasingly pronounced towards the south, extensive woodland blocks, particularly on ridge tops, shaves, copses and hedgerow trees throughout, the dominant land use is identified to be arable agriculture, but areas of parkland, orchards, vines, woodland and pasture are also present. Field patterns are variable, but are generally larger on ridges than in valleys, reflecting historic processes of enclosure. Overall, it is identified to be a relatively tranquil part of the Kent Downs National Landscape, with a strongly rural feel. Landscape Management Recommendations within the LCA include:

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- Protect non-designated historic landscape features such as lanes and field patterns, particularly where they are threatened with highways works or other development.
- Protect the small scale, isolated pattern and rural character of settlements within this LCA. Avoid ribbon development along roads and large-scale development.
- Protect skylines and consider the impacts of new developments (including communications masts) on open skylines.
- Protect open views and long views along valleys, avoiding the introduction of new developed elements into these views.
- Protect tranquillity, resisting developments which increase levels of noise and movement in the landscape
- Promote high design standards for rural developments to ensure that they make a positive contribution to landscape character, for example through careful choice of materials, and an appropriate scale and massing of building. Seek the sympathetic use of local materials – brick, tile and flint.

The Kent County Landscape Character Assessment carried out in 2004 aligns both geographically and in terms of content with the Kent Downs AONB LCA. This identifies the area to be coherent with few visual detractors and to be in good condition. Rolling downland is identified as the dominant visual element. This LCA determines that the area has a high sensitivity and assigns it a conserve landscape strategy, including conserving open views and the influence of vernacular building styles as well as conserving the isolation of farmsteads and resisting additional development.

The site, in the main, reflects the characteristics of the LCAs and the Kent Downs National Landscape and contributes to the landscape and scenic beauty of it. Historically, orchards have played an important part in the special character of the Kent Downs landscape, the regular striate form enhancing the rise and fall of the land. Modern orchards provide an important link to a valued historic landscape. The Kent Downs AONB Landscape Character Assessment Update specifically notes (at paragraph 4.26) that there are pockets of orchards on the less exposed northern slopes of the Elham local character area.

The proposed allocation would result in the direct loss of the currently undeveloped countryside, by introducing built development of what would effectively comprise an industrial estate with large scale industrial and storage/warehouse buildings, on a site where there currently is no built development which would undermine its characteristically open, undeveloped and rural nature, failing to contribute to or re-enforce the landscape character. While it is noted that some existing trees and hedges within the site could be retained and that additional supplementary landscaping is proposed, the essentially rural character of this land would be wholly compromised.

Accordingly, the Kent Downs National Landscape Team is of the view the development associated with the allocation would result in a major adverse impact to landscape character and that the proposal would not conform with the ‘Conserve’ strategy identified in the KCC LCA which identifies the East Kent Downs: Elham LCA as having a high sensitivity to change. It would also conflict with numerous of the Landscape Management Recommendations in the Kent Downs AONB LCA such as

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avoiding large scale development, protecting skylines and tranquillity and ensuring development is of an appropriate scale.

Overall, it is the conclusion of the Kent Downs National Landscape Team that there would be a significant adverse effect on landscape character which would result in significant residual harm to the landscape qualities of the site and the special character and that the Kent Downs National Landscape would be neither conserved nor enhanced.

Visual impacts: The site of the proposed allocation comprises attractive fields predominantly used for fruit growing, separated and bounded by hedges and shelter belts, located on high ground on the dip slope to the North Downs. In terms of visual impacts, longer and middle distance views to the site are generally curtailed from most directions as a result of the presence of trees and woodland. Much of the tree cover in and within the vicinity of the site comprise Ash which is being severely impacted by Ash die-back disease (*Chalara Fraxinea*) in the locality, as noted locally on site. Loss of the majority of ash trees (up to 98% mortality) in the Kent Downs AONB is anticipated which is likely to result in views of the site being opened up; the potential impacts of Ash dieback disease need to be taken into account.

While longer distance views towards the site are limited, there would nevertheless be views from within the site itself, and from close up views including from the North Downs Way National Trail to the immediate west and north west of the site and public bridleway CB324 which connects to the North Downs Way and passes through the centre of the proposed site allocation. While the site benefits from some enclosure by trees, hedges and shelter belts, in the main these comprise single lines of relatively mature trees, often with clear, well spaced trunks, that allows for views into the site, such as along the boundary with Cold Harbour Lane and along much of the western boundary, which is flanked by the North Downs Way. The height of the trees along a section of the north boundary is lower which would also allow views of the site from the North Downs Way to the north west.

The proposed use of the site for predominantly B8 Use (storage and distribution), which, by its nature, will necessitate large, utilitarian, functional buildings that would emphasize their industrial use and would be entirely out of keeping with the existing rural character of the site and Kent Downs and more appropriate on an urban Industrial Estate. While landscaping might reduce visual impacts from locations outside of the site, given the scale of the buildings this would take some considerable time to be effective and would not mitigate impacts from within the site itself.

While noting that the site is proposed adjacent to an existing Business Park, this is an anomaly in the landscape, established historically as an extension to the agricultural activity at Highland Court Farm. Although relatively contained from the wider landscape in views, the development has a significant detrimental impact in close up views. The expansion of the Business Park as proposed would significantly exacerbate the effects on the character and appearance of this part of the National Landscape. It would be entirely inappropriate and to justify further harm to the Kent Downs National Landscape due to the presence of this existing detracting feature in the landscape.

Ultimately, the proposed allocation would result in the provision of large-scale industrial buildings within undeveloped agricultural land that is designated as an AONB, where the purpose of designation is the conservation and enhancement of scenic beauty. The proposal would essentially transform the

views and experience in this part of the AONB from an attractive landscape of rural character to a large-scale industrial development.

The scale and nature of the proposal and its rural location means that it also has potential to impact on the tranquillity of the Kent Downs National Landscape. Tranquillity is specifically identified as one of the Special Qualities of the Kent Downs National Landscape. The site is traversed and surrounded by several Public Rights of Way including the North Downs Way National Trail. While recognising that tranquillity at the site is affected by the A2, the proposal would further erode tranquillity by virtue of increases in noise, activity and traffic at the site. The increase in traffic on Coldharbour Lane to access the site would also be in direct conflict with users of the North Downs Way National Trail that crosses the Lane closer to its junction with the A2. There would also be conflict between the vehicular traffic and users of Public Right of Way CB324 within the site. This would include pedestrians, cyclists and horse riders as both impacted PRow are classified Bridleways.

Construction activity associated with the proposal would have a major, albeit temporary, negative impact on tranquillity as a result of noise, HGV movements, deliveries and general increased activity across the site. However, the increase in activity as a result of the proposed development once operational would permanently impact on the currently rural agricultural setting, as enjoyed by users of the public rights of way that lie close to/adjacent to the site. In respect of the recent planning application which proposed approximately 42,000 sqm of employment floorspace, anticipated daily vehicular movements are 3161, of which 470 would be HGVs.

Taking the above into account, the Kent Downs National Landscape Team considers the Council are failing in their new statutory duty to seek to further the conservation and enhancement of the natural beauty of the Kent Downs National Landscape and strongly objects to this proposed allocation.

Policy R22 Barham Layby

The Kent Downs National Landscape Team does **not** consider Policy R22 to be sound.

Specifically, we find this allocation, which involves a greenfield site in the National Landscape and which would result in development that would constitute major development in the National Landscape given the rural context and nature of the land impacted, to fail the tests of soundness by reason of not being justified when taking account of reasonable alternatives, and not being consistent with national policy. Furthermore, we do **not** consider this allocation to be legally compliant with S85 of the CRow Act (as amended by the LUR Act 2023) and the duty on the Council as a relevant authority to further the purposes of conserving and enhancing the natural beauty of the Kent Downs National Landscape.

The Kent Downs National Landscape would like to attend the hearing sessions of the Examination on Policy R22.

The existing HGV layby on the coastbound carriageway at Barham, adjacent to Kent Motorcycles, lies within the Kent Downs National Landscape. Expansion and further development here would set a precedent and given the nature of the use proposed, the rural context and nature of the land impacted, would in our opinion constitute major development.

On 22nd November 2023, all AONBs in England and Wales were renamed National Landscapes. The Kent Downs National Landscape is the new name for the Kent Downs AONB.

Beautiful, thriving landscapes that everyone feels part of.

Notwithstanding criterion 2) b) that requires development to respond to the site's sensitive location within the Kent Downs National Landscape and to further the conservation and enhancement of its natural beauty, and criterion 3 a) which requires that the extended layby incorporate opportunities where possible for landscape and biodiversity enhancements having regard to the Kent Downs AONB Management Plan and its supporting guidance, we do not consider that the legal duty on the Council to further the purposes of conserving and enhancing the natural beauty of the Kent Downs National Landscape is met with this allocation.

DISTRICT-WIDE STRATEGIC POLICIES

DS1 Affordable Housing

The Kent Downs National Landscape Team considers Policy DS1 of this Plan to be **Sound**.

Policy DS21 – Habitats and landscapes of national importance

The Kent Downs National Landscape Team considers Policy DS21 of this Plan to be **Sound**.

Policy DS25 – Supporting biodiversity recovery

The Kent Downs National Landscape Team considers Policy DS25 of this Plan to be **Sound**.

Policy DS26 – Landscape Character

The Kent Downs National Landscape Team considers Policy DS26 of this Plan to be **Sound**.

Yours sincerely,

A black rectangular box redacting the signature of Catherine Hughes.

Catherine Hughes
Planning and Place Manager, Kent Downs National Landscape team