



**CANTERBURY LOCAL PLAN**  
**PREFERRED OPTIONS CONSULTATION**  
**JULY 2021**  
**KENT DOWNS AONB UNIT RESPONSE**

**Section 1 Draft Vision and growth options**

Draft Strategic objectives – the existence of an AONB designation should be considered at the very outset in plan preparation and should influence the plan in terms of the strategic location of development, access issues, green infrastructure, Community Infrastructure Levy, use of natural resources, and in terms of landscape and environmental protection. Given that the AONB covers approximately 28 per cent of the District we consider it essential for an objective to be included promoting the conservation and enhancement of this nationally protected landscape, which is afforded the same protection in planning policy as National Parks. As currently worded, there is no mention of landscape at all within the objectives, just a generic reference to the environment. In excluding this as a strategic objective, we are concerned that it does not demonstrate that the Council has met its legal duty under Section 85 of the CRoW Act 2000 to have full regard to the purposes of conserving and enhancing the natural beauty of the AONB.

**Growth Options – see also our comments under HNC5**

Part of the consideration of the appropriate level of growth within the AONB will be assessing potential sites for allocation. This will normally be undertaken as part of the Strategic Housing and Economic Land Availability Assessment process. However, for sites within an AONB this assessment should be expanded to take into account the impact of potential sites on the purposes of the designation, taking into account the AONB Management Plan. In considering allocations, para 174 of the NPPF states that planning policies should protect and enhance valued landscapes in a manner commensurate with their statutory status. The NPPF also highlights the need for local planning authorities to

**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.

differentiate between land of the highest environmental quality and that of lesser quality, and to allocate development accordingly to areas of lesser environmental value (paragraph 175).

Decisions on allocating sites within the AONB should be 'landscape led'. This requires a robust understanding of landscape including the key characteristics, history and settlement patterns of the wider landscape. The PPG advises that "To help assess the type and scale of development that might be able to be accommodated without compromising landscape character, a Landscape Sensitivity and Capacity Assessment can be completed. To demonstrate the likely effects of a proposed development on the landscape, a Landscape and Visual Impact Assessment can be used" (Paragraph: 037 Reference ID: 8-037-20190721). The Kent Downs AONB Management Plan 2021 to 2026 is a key document to understanding what makes the area special and therefore what qualities need to be conserved and enhanced when deciding the location, scale and design of new development. The City Council will also need to consider the cumulative impact of proposed allocated sites within the Kent Downs AONB.

To comply with the NPPF (as updated July 2021) any allocations within the AONB should be small scale. Paragraph 177 states "Permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated".

Whilst paragraph 177 specifically refers to 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 177) 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".

Tests a and b 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 an AONB "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 a) to c) and set a very high bar. When applied at Local Plan stage test a) should not assume that general housing needs must be met within the AONB. To justify major development on the basis of meeting objectively assessed housing 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 AONB should be taken into account in deciding the level of housing

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

provision. If such levels can only be achieved by allocating major development, 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 AONB provides “a strong reason for restricting the overall scale, type or distribution of development in the plan area” (NPPF paragraph 11).

The assessment for test a) should rather be based on robust evidence that directly relates to the AONB and relevant settlements within it. This is supported by the findings of the Inspector for the West Oxfordshire Local Plan, who recommended deleting four allocations in the Burford – Charlbury sub-area, which forms part of the Cotswolds Area of Outstanding Natural Beauty (AONB) on the basis that there was no housing need figure for this specific sub-area and that that “soundly-based decisions on the balance of the benefits and harms of further housing development in this area can only reasonably be reached based on the detailed evidence submitted as part of specific planning applications” .

Test b) should robustly explore all available options outside the AONB, and whether the need can be met in another way, such as on smaller sites within the AONB. Test c) can be harder to apply at Local Plan stage when the details of the scheme are not known, but sites that are significantly constrained by environmental, landscape or recreational factors should be avoided. Again Landscape Capacity / Sensitivity Studies and Landscape and Visual Impact Assessments carried out in the context of Strategic Environmental Assessments or Sustainability Appraisals can be useful tools to inform this test if used alongside other relevant evidence such as ecological and heritage studies.

## **Section 2 Town centre strategies**

No comments.

## **Section 3 Housing and new communities**

**Issue HNC4. How should we make sure that the right densities are delivered in developments across the district?**

**Option HNC4C (preferred option) – set specific densities, or a range of densities, for areas of the district to make best use of the land. Site allocation densities would be influenced by the local distinctiveness and character so that housing fits in with surroundings**

Support Option HNC4C. The distinctive settlement character of the villages within the Kent Downs makes an important contribution to the overall character of the AONB with the form, layout and pattern of villages being key elements of settlement character. Development proposals within AONBs need to conserve and enhance this distinctive settlement character and respond to the character of the built environment, as set out in the Kent Downs AONB Management Plan 2021 to 2026 Principles SD2 and SD9. This includes responding to historic village layouts, building to plot/green space ratios and being of a density that allows for well-designed landscaping schemes that retain important trees and include new structural planting that contributes to the character and amenity of the area. Gradual erosion of local distinctiveness, character and visual harmony has occurred in some parts of settlements within the Kent Downs, with little respect for historic settlement pattern. It is important that this is not taken to set the character or provide a reference point for densities for new development; the design of new development including densities must contribute to fully

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

conserving and enhancing settlement character and therefore support the AONBs primary purpose.

#### **Issue HNC5. How should we make sure housing is provided for rural communities?**

##### **Option HNC5C (preferred option) – support housing developments at and next to rural services centres, local centres and villages where this provides affordable housing**

Growth of some villages, local centres and rural service centres within the AONB may well be appropriate where this provides affordable housing, depending on the scale of development proposed and the landscape capacity of the specific site.

National policy is clear that allocations of land for development should prefer land of lesser environmental value (counting the AONB as high value), that planning policies should contribute to conserving and enhancing the natural environment and that development within AONBs should be limited in scale. It would be inappropriate for the Council's general housing need to be met within the AONB; the impact of the scale and distribution of housing allocations on the AONB needs to be taken into account in deciding the appropriate level of housing provision. We therefore have concerns about the generic approach set out in Option HNC5C which we consider needs to be caveated to ensure the Council meets its requirements under the Duty of Regard set out at S85 of the Countryside and Rights of Way Act 2000 and complies with the provisions of the NPPF for development within AONBs to be limited in scale.

For potential allocations within the AONB (and its setting), we would recommend that the Council considers landscape capacity studies in order to assess the suitability of sites to accommodate development and any mitigation that may be required. Development within the AONB is more likely to be appropriate where it is small scale and complementary to local character in form, setting, scale, design, materials and settlement pattern. See also our comments on Growth Options above.

#### **Issue HNC7. How should we make sure all design is high quality?**

##### **Option HNC7C (preferred option)**

On proposed allocations within the AONB, or its setting, the design, layout and materials and landscaping will often be critical in determining whether a scheme meets the key tests of conserving and enhancing the AONB. Therefore on any allocations within the AONB, it is considered that key specific requirements need to be established at the local plan stage (with a potential to expand on these subsequently through specific design tools if considered appropriate). This is an approach that has been adopted in other local authorities' local plans for allocations impacting on the AONB and is an approach that has been supported by Local Plan Inspectors and can provide the required assurances that appropriate mitigation for AONB impacts will be imbedded into a scheme to overcome AONB issues. On such sites, the AONB Unit would welcome the opportunity to contribute to drafting appropriate criterion and I would be happy to provide examples of policy wording from allocated sites elsewhere in the AONB if this would be helpful.

#### **Issue HNC15. How can we enhance the production of community and utility scale renewable energy?**

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

The basis for considering renewable energy proposals within the Kent Downs AONB and its setting (and thereby any proposed Local Plan policies) should be that the purpose of the proposal is primarily to reduce the amount of greenhouse gasses to help mitigate the impacts of climate change and that all renewable energy options are considered before the chosen approach is made. It is important that this defined purpose of the renewable energy proposal is fulfilled; this means that the first test for any renewable proposal should be that it is effective in reducing greenhouse gasses when the whole life cycle is considered. Where a significant overall reduction in greenhouse gas emissions can be demonstrated then other considerations should be taken into account.

Developers of medium and large scale renewable energy schemes that impact on the AONB or its setting should be required to explicitly set out the impact of their proposals on the special qualities of the AONB and how these would impact on the AONB. In reaching a view about potential developments, each application should be examined (whether inside or outside of the AONB and irrespective of the type of renewable energy) on a case by case basis, governed by the policies/criteria in Development Plans, landscape character assessments, the Kent Downs AONB Management Plan and the Kent Downs AONB position statement on renewable energy.

Policies should also require proposals to clearly demonstrate how conservation and enhancement of the area will not be compromised and satisfactorily address the potential impacts, particularly with regard to landscape character, views and setting. In particular, evidence that an adequate site selection process has been carried out, including proper consideration of alternative sites and options outside the AONB, and justification for the chosen site. Where alternative sources of renewable energy would be less damaging, these should be considered too.

Policies should also require the examination of the cumulative effect of proposals and of the associated infrastructure - both in combination with other power generating developments, existing developments, and in relation to grid connections and other infrastructure.

In respect of temporary installations, such as solar panels, the AONB Unit is keen to ensure that sufficient funds are available at the end of the life of the scheme to ensure their removal and would wish the Council to explore the use of bonds to secure this end.

Finally, we would also support any appropriate planning policy initiatives intended to actively encourage new markets for sustainably produced woodland products, particularly wood fuels, in accordance with Principle WT9 of the AONB Management Plan, including:

- Provision of sites for ground source, photovoltaic cells, district heating from wood chip. Electricity production onto grid to mitigate fuel use on site etc.
- Use of Carbon Trust and others 'toolkits' for energy efficiency on site.
- New woodland for long term provision of wood chip for fuel
- Ensuring restoration schemes are 'climate change proofed' by creating wide species mix (current Forestry Commission advice) and flexibility in planting plans etc. to ensure restoration plans are updated as information on best species to tolerate climate change becomes available.

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

The AONB Unit is generally nervous as to the implications of allocating sites/zones for renewable energy development due to interpretations that are inevitably placed on such exercises that in turn lead to undesirable pressures within the AONB and other sensitive areas.

#### **Section 4 Employment and the local economy**

**Issue EMP1. How should we ensure that enough business space is provided in the right locations to support growth?**

##### **Option EMP1C – (preferred option)**

Two existing employment land allocations are within the Kent Downs AONB, both in rural locations unrelated to existing settlement and surrounded by open countryside with little in the way of public transport (at Highland Court and Barham). Opportunities for expanding these sites or intensifying the existing use are considered to be extremely limited due to conflict with the primary purpose of AONB designation i.e. conservation and enhancement of natural beauty. Within the AONB, smaller, workshop type units or conversion of existing redundant buildings are more likely to be able to be provided without compromising AONB objectives.

**Issue EMP7. How can we support the delivery of new, high quality tourist accommodation to boost overnight stays and support the local economy?**

##### **Option EMP7C**

Approximately 28 per cent of the District lies within the Kent Downs AONB. Within the AONB it will be important to ensure any tourist accommodation is appropriate in scale, design and location to meet national AONB policies and conform with the AONB Management Plan 2021 to 2026. Within the AONB we would welcome a focus on smaller proposals that are well related to existing settlements, re-use of existing buildings and a particular emphasis on encouragement of lower cost accommodation for walking and cycling groups, especially with a year round offer and located to be able to serve users of the North Downs Way, as a shortage for this type of accommodation has been identified as part of the EXPERIENCE project, a new sustainable tourism project to develop a long-lasting experiential off-season visitor economy for Kent, led by the Kent Downs AONB Unit, part funded by Canterbury City Council.

**Issue EMP8. How should we support the growth and development of the rural economy?**

As stated under issue EMP1, the two existing employment land allocations that are within the Kent Downs AONB are both in rural locations unrelated to existing settlement and surrounded by open countryside with little in the way of public transport (at Highland Court and Barham). Opportunities for expanding these sites or intensifying the existing use are considered to be extremely limited due to conflict with the primary purpose of AONB designation i.e. conservation and enhancement of natural beauty. The initial allocation of both sites was justified due to existing development of these sites. Further development at both would appear to require encroachment outside of any previously developed areas. The development at Highland Court has, in the main, comprised of large scale industrial style

#### **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.

units that while not particularly visible in the wider landscape, could not be regarded as meeting the key AONB test of conserving or enhancing natural beauty.

However, it is recognised that employment opportunities in the rural area including the AONB is important and promoting sustainable forms of social and economic development is the secondary purpose of AONB designation, however this is subject to the proposals conserving and enhancing the environment. Within the AONB therefore the focus should be on facilitating smaller, workshop type units or conversion of existing redundant buildings that can be achieved without compromising AONB objectives, rather than expansion of the two existing sites at Highland Court and Barham.

## **Section 5 Town centres and local facilities**

### **Issue TCLF4. How can we best support our village centres?**

Support Option TCLF4B. In order for rural communities to thrive and be vibrant, it is essential that they have good access to services, social and community links, places to meet, places for recreation, community activities and engagement. The AONB Management Plan 2021 to 2026 is generally supportive of opportunities that provide for vibrant communities, providing needs being met in ways that support the character, qualities and characteristics of the landscape (Principle VC4).

## **Section 6 Movement and Transport**

No comment.

## **Section 7 Historic and Natural Environment**

### **Issue NE3. How should we protect and enhance biodiversity and green and blue infrastructure?**

The Kent Downs AONB Unit supports Option NE3C (preferred option) – require new developments to enhance existing, or provide new, green infrastructure to conserve, and where possible enhance blue infrastructure, plus a 20% biodiversity net gain

This option builds on Option NE3B, emphasising the importance of both green and blue spaces.

It would increase the requirement for biodiversity net gain from 10% to 20%. This would support one of the principles in the Kent Downs AONB Management Plan 2020-2025 as well as work at a regional level.

### **North Downs LLD**

#### **Option NE4F (preferred option) – keep the North Downs LLD with the boundary changes suggested**

The AONB Unit is supportive of this approach, as it makes little sense to have the current overlap. It will be important to ensure that the policy wording for the LLD and AONB makes the higher level of protection for the AONB. The proposed revised boundary North Downs LLD is important for both its inherent landscape character but also as forming part of the

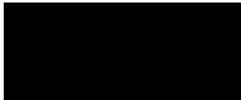
#### **Enhancing landscapes and life in the Kent Downs**

setting to the Kent Downs AONB and recognition of this in the Local Plan would be welcome and help support the AONB Management Plan 2021 to 2026 Principle SD 8.

### **Section 8 Sustainability Appraisal**

No comment to make.

I hope the above comments are of assistance to you. I would be happy to discuss these in further detail of this would be helpful.



**Katie Miller**

**Planning Manager, Kent Downs AONB Unit**

02 August 2021

### **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.