



Kent Downs AONB Unit

Representor Number **592**

Issue 7 / Policy S44

Issue 7 – 2<sup>nd</sup> May AM

**vii) Are the proposed allocations S43 and S44 justified and deliverable? Are the limits on the number of pitches and the other detailed criteria justified?**

The AONB Unit considers that the allocation of site S44 for an additional 4 pitches would fail to conserve and enhance the Kent Downs AONB.

The primary legislation relating to AONBs 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 both local and central government) shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB.

Further to this, the Government has confirmed that local planning authorities should very strictly limit new traveller site development ‘in open countryside that is away from existing settlements or outside areas allocated in the development plan’ (Planning Policy for Traveller Sites, August 2015). In 2015, the Policy was updated, at paragraph 27 to confirm that within AONBs and a handful of other specified protected areas, the usual requirement for a lack of up to date 5 year supply of deliverable sites to be a significant material consideration when considering applications for gypsy sites on a temporary basis, is not applicable.

National planning policy in respect of AONBs is set out in paragraphs 115 and 116 of the NPPF. Para 115 of the NPPF specifies that ‘great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty....’

In addition to being in conflict with the NPPF, the allocation of this site is also not considered to comply with the Council’s own proposed policy HOU16 which requires local services and facilities to be readily accessed from the site, as it is contended that the site is not located on the outskirts of the village of Westwell as stated at para 4.409, rather the location is in the open countryside, well over a kilometre from the village.

In addition to local plan policy, the Kent Downs AONB Management Plan, Second Revision 2014 to 2019 is also of relevance. The Management Plan has been adopted by all local planning authorities in the Kent Downs, including Ashford Borough Council. The national Planning Policy Guidance confirms that AONB Management Plans can be a material consideration in planning decisions and local plan preparation.

The following policies from the Kent Downs AONB Management Plan are considered to be of particular relevance to the proposed allocation:

**SD1** The need to conserve and enhance the natural beauty of the Kent Downs AONB is recognised as the primary purpose of the designation and given the highest level of protection within the statutory and other appropriate planning and development strategies and development control decisions.

**SD2** The local character, qualities and distinctiveness of the Kent Downs AONB will be conserved and enhanced in the design, scale, setting and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements which are adopted as components of the AONB management Plan.

**SD3** New development or changes to land use will be opposed where they disregard or run counter to the primary purpose of the Kent Downs AONB.

**SD8** 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.”

**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.

The Kent Downs AONB Management Plan can be downloaded at:

<http://www.kentdowns.org.uk/guidance-management-and-advice/management-plan>

The proposed allocation would result in an intrusion into the open countryside, beyond an established line of development to the north-west that would be unrelated to existing features on the site and would fail to respond positively to the existing character and quality of the landscape. The character of the local area is one of a rural area comprising a mix of woodland and arable fields. Despite the presence of the M20 and railways nearby, the local area retains a rural character. The Kent Downs AONB Unit does not agree with the conclusion of the Sustainability Appraisal that ‘because of its location between the railway and the motorway, development would not harm the landscape character of the AONB’. Opportunities should be taken to enhance the landscape, not to further degrade it. The rear part of the site would be visible in views from the motorway, unlike the front part of the site which is currently occupied and which is largely screen by existing vegetation. The required provision of acoustic protection along the northern boundary of the site would further fail to conserve the natural beauty of the AONB as would the introduction of the additional traffic associated with the provision of the proposed extra pitches, which would impact on the rural tranquillity of Watery Lane.

The allocation of the rear part of the site as an additional gypsy site for four pitches would not, in our view, meet the test of conserving and enhancing the Kent Downs AONB. The Kent Downs AONB Unit therefore objects to this allocation and considers the policy to be inconsistent with paragraphs 110 and 115 of the NPPF and therefore Unsound and should be omitted as a proposed allocation.