Email from Jenny Bate  
Kent Downs AONB  
To Shepway District Council  
30th April 2012-04-30

Suggested mendments to CSD4

Further to our meeting on Thursday please find attached suggestions for amendments to CSD4 which would cover the Kent Downs AONB and go towards removing our reservations regarding the revised (January 2012) policy CSD4.

However our concerns over the soundness over the concept of the 'Strategic Corridor and the implications this has for challenge to the AONB and its setting still remain.

- The concept has not been tested through proper process:the public have not been properly consulted at the right stage.

- The policies SS1 SS3 and CSD3 and the settlement heirarchy table 4.3 conflict with the conservation and enhancement of the AONB and therefore make it impossible for the LPA to carry out its Duty of Regard (under section 85 of the CROW Act). Furthermore these policies are in conflict with revised policy CSD4.

In the context of these problems it is even more important that a robust and defendable policy converying the AONB and the delivery of its objectives through the Kent Downs Management Plan and associated Guidance, such as the Kent Downs Landscape Design Handbook (already adopted by Shepway BC), is provided.

**A Rural Development Policy**

Including a new policy in the Shepway Core strategy that will meet our concerns is difficult in the context of the structure of the Core Strategy. All countryside, landscape and biodiversity issues have been placed in the section relating to Green infrastructure. We highlighted this problem continuously in our previous consultation responses both at issues and options stage and in July 2011 in our comments on the Submitted Core Strategy. We would have preferred an overarching policy relating specifically to landscape biodiversity and geodiversity.

Para 113 of the NPPF states that:
Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

We provide examples of Core strategies that have included policies covering the AONB:

Examples of AONB policies in Adopted Core strategies:
Havant Borough Core strategy March 2011 (Pages 69 and 70, Policy CS12)
Sevenoaks Core strategy February 2011 (pages 57 and 58, Policy LO8)
The Tonbridge and Malling Core strategy September 2007 - (Page 33 POLICY CP7)
The Shepway Core Strategy needs to be clear on AONB policy so that Developers know what they can and can't do and planners and others can see whether a development proposal is in accordance with the plan or not. At present the CS policies are unclear and in conflict with one another so that they are not fit for purpose:

- There are conflicts between the policies SS1 SS3 and CSD3, and CSD4 is weak when read in context of, and conflicts with SS1 SS3 and CSD3.

- Furthermore no criteria have been set out on how to conserve and enhance the AONB – for instance high quality design is necessary if there is any development in a designated area or its setting. Reference to implementation policies such as the Kent Downs Management Plan would help to ameliorate the impact of the concept of the ‘Strategic corridor’ and the settlement heirarchy, on encroachment and impact on the KDAONB.

If further amendment to CSD4 is the route that Shepway wish to pursue it is important that the Kent Downs Management plan and associated guidance is mentioned in the policy to reflect properly the criteria for conserving and enhancing the AONB. (This includes the importance of high quality design in designated areas mention of which is lacking in the Shepway CS). It is also important that this policy is given priority over other Core strategy policies with which it conflicts.

Suggested amendments are set out below in red and italic:-

**Policy CSD4**

*Green Infrastructure of natural networks, open spaces and recreation*

Improvements in green infrastructure (GI) assets will be actively encouraged by Shepway District Council working with partners and developers in and around the sub region; including through pursuing opportunities to achieve net gains in biodiversity, and positive management of areas of high landscape quality or high coastal/recreational potential.

Green infrastructure will be protected and enhanced and the loss of GI uses will not be allowed, other that where a significant quantitative or qualitative net GI benefit is realised or it is clearly demonstrated that aims of this strategy are furthered and outweigh its impact on GI. Moreover:

Development must avoid a net loss of biodiversity-

The highest level of protection in accordance with statutory requirements will be given to protecting the integrity of sites of international nature conservation importance.

A high level of protection will be given to nationally designated sites (SSSI and Ancient Woodland) where development will avoid any significant impact.

Appropriate and proportionate protection will be given to habitats that support higher level designations, and sub-national and locally designated wildlife/geological sites (including Kent BAP habitats, and other sites of nature conservation interest).

*Development will not be proposed in the LDF, or otherwise permitted, which would be detrimental to conserving and enhancing the Kent Downs AONB, including their landscape, wildlife and geological interest other than in exceptional circumstances.*

Planning decisions will have close regard to the need for conservation and enhancement of natural beauty in the Kent Downs AONB and its setting, which will take priority over other planning considerations and development will only then be acceptable where in accordance with the Kent Downs AONB Management plan and its supporting guidance documents. Development must not jeopardise the protection and enhancement of the distinctive and diverse local landscapes in Shepway (especially where these support the setting of the AONB) and reflect the need for attractive and high quality open spaces throughout the district.