Examination of the Shepway Core Strategy Development Plan Document

SUBMISSION BY
THE KENT DOWNS AREA OF OUTSTANDING NATURAL BEAUTY UNIT

Matter 1: Spatial Strategy, Development Distribution & Environment
[Core Strategy Policies SS1, SS3, SS4, CSD4]

Is the Core Strategy’s spatial strategy and intended distribution of development sufficiently justified and consistent with the local evidence base and national policy? Has sufficient consideration been given to relevant environmental factors?

As the DPD for examination is the July 2011 Core Strategy document, the comments previously made by the Kent Downs AONB Unit still apply. These are briefly summarised for the benefit of other participants in the oral session, but this Statement focuses mainly on the proposed changes since then by Shepway DC and on the requirements to make the Plan sound.

At the time of writing, the final National Planning Policy Framework is about to be published. Indications are that this will continue the principal protections for Areas of Outstanding Natural Beauty currently contained in PPS7, and we have made that assumption. Our contribution at the Examination may need to change if this assumption proves incorrect. The abolition of the South East regional plan removes policies relevant to the AONB. We have previously provided a table of short amendments needed to the Shepway Core Strategy to ensure that key planning policies for the appropriate protection and treatment of the AONB remain in place. The ‘future proofing’ of AONB policy in a Core Strategy in this way in a district council in Kent has recently been accepted by the Inspector examining the Sevenoaks Core Strategy.

1.1 Is the Strategic Corridor proposed in Policy SS1 robustly defined and adequately justified – specifically in respect of the Kent Downs Area of Outstanding Natural Beauty?

No. The Strategic Corridor is without justification. It cuts across the Kent Down AONB as if the nationally designated landscape was not there at all. This land is treated in exactly the same way as other land nearby, and it is therefore clear that no attention has been paid in any meaningful way to complying with national policy for the protection of this landscape. Furthermore, there are sensitive areas outside the AONB but within its setting which will also need sufficient protection so that the merit of the AONB is not compromised, notably around Hawkinge (mainly within the AONB), Sellinge, Westenhanger and Lymne. The Strategic Corridor does not appear to have been tested against other options and there is little explanation as to how expanding the villages close to the A20 will achieve the Plan’s aims. In particular, Strategic Need B (‘The challenge to enhance the management and maintenance of the rich natural and historic assets of Shepway’) includes the intention to ‘Manage sensitive landscapes shaping the character of the district, especially on the edge of settlements or within the Kent Downs AONB and its setting’ (paragraph 3.4.4). The Strategic Corridor through the AONB is diametrically opposed to this aim. The Plan argues that this strategic corridor is fundamental to the future of Shepway (paragraph 2.34), in which case we consider the Plan not only unsound by virtue of this policy but fatally flawed by it.

At the very least, the Plan could not be sound while Policy SS1 identifies the AONB and its setting within the Strategic Corridor. An evaluation of options would need to assess where development might suitably go instead, or whether the overall quantity of development has been elevated to a locally unsustainable level. Modest development in
villages along the A20 to meet clearly local needs – rather than as a repository for the District’s growth aspirations – may well be acceptable, but the wholesale expansion of these settlements as a matter of principle is not.

We note that Policy SS1 includes reference to "....accommodating major new development within the Strategic Corridor (outside of the AONB)....". This is a step in the right direction, and we welcome as necessary the Council’s proposal to amend this to include "and without material impact on its setting". However, the actual proposals, such as at Westenhanger, are nonetheless within the setting. It is important that policies are implemented effectively so that there can be faith in those policies, and that the AONB is not protected only by lip service. Furthermore, Hawkinge is mainly within the AONB, so the reference in Policy SS1 to "consolidating Hawkinge’s growth" requires to be substantially tempered by this large village’s AONB location.

The large majority of the District’s housing development proposals are expected to be provided in the Strategic Corridor (about 7,000 of the 8,750+ dwellings by 2031, paragraph 4.45). Whilst many of these will be on brownfield sites within the main towns covered by this very wide corridor, the option remains open for substantial housing development in or in the setting of the AONB. The limited reference to AONB in the Council’s Core Strategy policies reinforces our concern about the way the Strategy as a whole will be interpreted by the Council in future and by Inspectors on appeal.

As an illustration of our concern, the Core Strategy identifies Lympne and Stanford/Westenhanger as ‘Primary Villages’ and Elham, Lyminge and Sellinge as ‘Rural Centres’. Even the Primary Villages – the lowest level of identified settlement – are expected “to contribute to strategic aims”, which will doubtless mean housing (not simply meeting local needs). This leaves open the possibility that significant development could be allowed in settlements which ought properly to be protected by sympathetic AONB policies. Hawkinge is promoted as a Service Centre for Shepway, “to accommodate development appropriate to Shepway”. However, this is an AONB-edge village, though section 4.3 fails to acknowledge this or reflect this fact in its proposals. The Core Strategy gives the impression here that AONB designation is irrelevant to policy development, but that is incorrect and the approach is inconsistent with Government policy and the Plan therefore unsound. Nonetheless, Hawkinge is specifically identified as within the Strategic Corridor in Policy SS1, so Policy SS1 in effect also neglects the AONB in respect of Hawkinge.

The Core Strategy proposals as they affect the AONB have been put forward without a landscape assessment to establish the scope for built development that could be acceptable. Insufficient attention has therefore been paid to this nationally designated landscape, so the generalised policies of land supply and growth in the Strategic Corridor cannot be sound on that basis.

1.4 Does the Core Strategy as submitted take sufficient account of relevant legislation and national policy in respect of biodiversity and landscape conservation – notably in respect of international nature conservation sites and the Kent Downs AONB? If not, are the changes now proposed by the Council (for example to Policies SS1 and CSD4) sufficient to address any soundness/legal compliance failings? [Are additional safeguards needed arising from the Appropriate Assessment in respect of international nature conservation sites at Dungeness?]

The Kent Downs AONB Unit is disappointed that the Core Strategy pays such modest attention to the AONB, one of the District’s finest assets. Chapter 2 presents ‘Strategic Issues’ and does include a section on ‘Environment and Natural Assets’. However this fails to mention the Kent Downs AONB, while devoting space to matters such as country
parks. We welcome the Aim in paragraph 3.4 bullet 4 to manage sensitive landscapes within the AONB and its setting, but this is not translated into a self-contained policy to conserve and enhance the AONB. We would expect such a policy because:

- the District contains a substantial area of AONB which should shape the pattern of its development;
- the loss of the South East Plan makes a strategic approach to AONB all the more necessary;
- the setting of the AONB is especially important in the Kent Downs, including in Shepway, because of the North Downs scarp and the views from it, and this needs specific attention in local policy;
- the Core Strategy will replace the Shepway Local Plan which contains Policy CO3 on the AONB.

The Core Strategy does not refer to the statutory Kent Downs AONB Management Plan 2009-2014, adopted by Shepway DC, or to the Kent Downs AONB Landscape Design Handbook in the context of accommodating built development. Both documents can help the delivery of Core Strategy policies, and the Management Plan can influence policy. As an illustration within Kent, Tonbridge & Malling BC’s Core Strategy addresses the AONB in Policy CP7, and the other documents are referred to in their Development Management DPD.

The limited attention to the AONB is all the more remarkable as the District Council has a ‘duty of regard’ to it under the Countryside and Rights of Way Act 2000. The means by which this duty can be applied have been indicated helpfully and clearly by Natural England in their 2010 publication *England’s statutory landscape designations: a practical guide to your duty of regard*.

Policy CSD4 on Green Infrastructure fails to mention the Kent Downs AONB. This is a remarkable omission, as if the AONB was separate from the concept. We would expect landscape character assessment and the role of the wider countryside to feature here, rather than Green Infrastructure be viewed as a matter of narrow networks and accessible recreation features. It is difficult to see how the Plan can be effective with this omission.

The amendment C8 proposed to Policy CSD4 goes some way to remedying the deficiencies of this policy, indicating that the Policy cannot be considered sound without it. We recommend the inclusion of the amendment proposed. The proposed changes in the January 2012 document which relate to protection of the AONB need to be linked to a delivery mechanism for the adopted and current Kent Downs AONB Management Plan.