

**Item Arising Day One (14.10.2023) Sessions**  
**Matters Issues and Questions for Examination**

**Matter 1**

**Issue 3 – Sustainability Appraisal**

**Q 6** How was the Kent Downs Area of Outstanding Natural Beauty (AONB) taken into account as part of the appraisal of sites in the SA?

**Ans 6** The Local Plan fails to acknowledge that only St. Margaret's and Kingsdown are totally affected by this designation and the protections so afforded. None of the other four such designated Local Centres, Wingham, Eastry, Shepherswell and Eyethorne\Elvington have any such protections as listed below for St. Margaret's by DDC in -

“ED3 Selection of Site Allocations – Housing Sites Addendum – April 2023”

“St. Margaret's - Summary of main constraints at settlement: Heritage: Conservation Area, Listed Buildings. Environmental: AONB, Heritage Coast, SAC, SSSI, Groundwater Protection Zones 1, 2 and 3, Flood Zone 3, Coastal Change Management Area, Highways:...”

Kingsdown has similar protections in a similar location abutting the existing development of Walmer.

St. Margaret's lies wholly within the AONB and the village in its lesser three parts lies detached from each other part, or any other settlements, bounded on one side by the sea.

The NPPF gives detailed and specific guidance on how development should be permitted and proceed within the AONB under sections 176 and 177 below -

NPPF and AONB

“176. 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 these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks.

The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

177. When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, 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.”

In the Sustainability Appraisal 7.15 Table 7.1 September 2022 - The Vision Themes and Strategic Objectives there was included the following –

“To conserve and enhance the District’s biodiversity and green infrastructure, including international, national and locally protected landscapes and coastlines, all designated wildlife sites, priority habitats and species and to enhance ecological connectivity between them, delivering a net gain in biodiversity.

To conserve and enhance the District’s important natural landscapes and water environments, to ensure these assets can continue to be experienced and valued by residents and visitors and are protected from inappropriate development.”

These Vision Themes are the “gold standard” and one of the tests by which the Local Plan has been assessed by the district’s residents. DDC’s proposals within the Local Plan, set in the AONB, reveal their intentions to be at marked variance with their very recent Mission Statement and for the standard to have not been met.

St. Margaret’s was considered, but remained a larger village and not designated a Local Centre in the Adopted Core Strategy 2010 of the previous Local Plan because DDC then acknowledged the special setting in which it lay. Capel-le-Ferne which has open land without the AONB for development was in former Local Plan as Local Centre has now reverted to a Larger Village status. St. Margaret’s and Capel-le-Ferne have similar populations. The recent designation of St. Margaret’s as a Local Centre by DDC in this Local Plan reverses that decision and brings the proposed developments in the local plan into direct conflict and opposition with the national policies set out in the NPPF. As such, the plan is unsustainable in this parish in the ways described within the plan.

The Kent AONB was not taken into account, in any meaningful way, when appraising the sites in the SA. The Local Plan needs to fully recognize that St. Margaret’s and Kingsdown are larger villages within the context of national planning and restore the village status for the Local Plan to be Legally Compliant.

Gerald Irvine,

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