

QUALIFICATIONS

- S1 My name is Richard Bate. I hold the degrees of MA in Geography (Cambridge) and MPhil in Town Planning (University College London). I am a Member of the Royal Town Planning Institute. As a planning consultant I am presenting evidence on behalf of the Kent Downs AONB Executive.

LANDSCAPE

- S2 The appeal site lies immediately beyond the boundary of the Kent Downs AONB, at the foot of the scarp slope of the North Downs. It is readily visible from the AONB and lies within the setting of the AONB. Planning policies for the appropriate protection of the setting of the Kent Downs AONB are therefore material considerations in this case. I also show that a significant part of the value of the AONB exists in the quality of the views to and from the chalk scarp, so that damage to the setting of the AONB in locations such as the appeal site would also diminish the enjoyment of the AONB itself.
- S3 The Government's commitment to protecting the settings of AONBs in planning terms is apparent from the support provided to regional planning policies. Policy C3 'Areas of Outstanding Natural Beauty' of the Regional Spatial Strategy for South East England opens as follows:

"High priority will be given to conservation and enhancement of natural beauty in the region's Areas of Outstanding Natural Beauty (AONBs) and planning decisions should have regard to their setting. Proposals for development should be considered in that context."

This policy has been accepted by the Secretary of State through the approval of the Regional Spatial Strategy in May 2009.

- S4 The outstanding beauty of the chalk scarp of the North Downs, together with the views from it over its setting, was the central reason why the AONB was designated in the first place. These features have remained critical to its value and to public enjoyment ever since. A key part of the asset whose setting merits protection is the chalk scarp, while at the same time the setting itself is integral to the experience of that asset. This applies both generally along the length of the AONB and specifically in the Detling to Hollingbourne section.
- S5 From the history of the designation process of the Kent Downs AONB it is clear that the National Parks Commission only wished to designate the 'outstanding' areas of countryside, and no attempt was made to include the setting of those outstanding areas. By seeking the designation as AONB of land south of the A20(M), the County Council was clearly hoping to include what is now the appeal site. That particular request was unsuccessful, though it is reasonable to interpret this area of land as a marginal case.

- S6 The Kent Structure Plan was approved by the Secretary of State in April 1980. In addition to its Key Diagram it included a Countryside and Coast Supplementary Diagram. This indicated amongst other areas the extent of the Kent Downs AONB and of a county-level designation called 'Special Landscape Areas' (SLAs). The Written Statement of the Kent Countryside Local Plan then explains the basis for defining SLAs:
- "In order to arrive at a detailed boundary for each SLA detailed surveys were conducted, analysing landscape quality as objectively as possible and noting the importance of particular pieces of countryside as foreground to more striking scenery."

This is explained further in the Report of Survey at paragraph 4.24 on the definition of SLAs:

"In broadly defining the extent of SLAs, the Structure Plan recognised the importance of preserving the foreground to important scenic features. Thus the North Downs SLA includes a strip of land at the foot of the escarpment...."

- S7 The 'setting' of the Kent Downs AONB in the vicinity of the proposed Kent International Gateway (or indeed elsewhere) has not been defined. There would be difficulties in doing this in terms of drawing lines on a map. For practical purposes what matters is the significance of the landscape asset which would be affected and the degree of impact of the proposed development upon it.
- S8 I wish to emphasise the importance of the landscape asset whose setting would be so badly affected in the way I and others describe. This asset has always been treated as one which relies for a significant part of its merit on the grandeur of the chalk scarp slope of the North Downs. Furthermore, the views from this scarp to beyond the designated area (and back from the setting towards the scarp) have always been integral to the reasons for designation. The Kent Downs was worth designating as a nationally outstanding landscape in part because of the views beyond it into its setting. This perspective on the significance of the asset can be traced through the main statements made about the Kent Downs AONB through its history.
- S9 Finally on the importance to the AONB of its setting and views, public opinion supports the established consensus on what matters most in the AONB. The *Kent Downs Management Plan 2009-2014* (CD 6.3.3) reports the views of the public on the most valued features of the Kent Downs AONB (pages 9-11). 'Scenery and views' are by far the most highly valued quality of the AONB at 83%. Views such as those from the AONB over the appeal site are critical to the value of the AONB and are central to the reasons why people appreciate the AONB so much.
- S10 I conclude that the overwhelming impression throughout the history of the Kent Downs AONB is the importance to the designated area of the chalk scarp of the North Downs and the views from it and to it. By virtue of the

tightly drawn boundaries of the AONB, these views are clearly to (and from) land beyond the designated area. This land can be said to comprise its 'setting'. It is in the foreground of this setting that the appeal site lies. The Kent International Gateway proposal is inherently a major challenge to the purposes for which the Kent Downs AONB was designated, and should be assessed in that light. In particular, I consider that the visual impact of the development on the popular North Downs Way National Trail would be sufficiently detrimental for the appeal to be refused on this ground.

- S11 Taking the landscape issues as a whole, it is clear to anyone who visits the North Downs scarp in the vicinity of the appeal site that the impressive and at times breath-taking views out are a vital component of this special place. The views are expansive and over a fine rural landscape largely undamaged by urbanisation. People thoroughly appreciate and enjoy views from the scarp like this, which are some of the best which South East England has to offer. The Kent International Gateway development would be positioned in the forefront of this setting, extensively overlooked from higher ground. This would be a remarkably massive intrusion, largely replacing countryside with metal, vehicles, industrial activity and dominant straight lines. Avoidance or mitigation of damage to the landscape and to views is to a very large degree impractical.
- S12 Planning policy supports the protection of the setting of the AONB, regionally and locally, and this should be afforded great weight in the decision. The AONB was established not only because of the outstanding quality of its countryside but because of the opportunities it offers to appreciate the views out beyond its boundaries. This setting has been further protected by local landscape protection policies aimed specifically at protecting the setting of this outstanding nationally important landscape. These local policies were established shortly after the AONB was designated and have been held upheld ever since. There is no case for squandering now the achievements of those policies over the years. I recommend that the appeal be refused on landscape grounds.

LIGHT POLLUTION

- S13 Taking a range of points together, I also conclude that the significant adverse light intrusion into the AONB at night should be a ground for refusing the appeal.

NOISE

- S14 The additional noise intrusion into the AONB around the scarp will be perceived more because of its qualities than its volume. It can be expected to affect people's enjoyment of the outstanding landscape. This is contrary to the objectives of national and regional policy for the enjoyment of the countryside. This contributory issue in the AONB should be taken into consideration in the decision.