

Policy & Resources

23/09/2015

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

URGENT Decision Referral from Strategic Planning, Sustainability & Transportation Committee 08/09/2015: Landscapes of Local Value

Final Decision-Maker	Policy and Resources Committee
Lead Head of Service	Rob Jarman: Head of Planning & Development
Lead Officer and Report Author	Steve Clarke: Principal Planning Officer Spatial Policy
Classification	Public
Wards affected	All

This report makes the following recommendations to this Committee:

The report is provided to the committee to inform the debate on the referral under consideration and makes no recommendation. The committee must chose to:

- endorse the original Committee decision, or
- agree the proposed amendment as set out in the referral.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all – Securing an attractive environment for residents and visitors to the Borough by preserving and or enhancing its countryside and landscape is a key element of this priority.

Timetable

Meeting	Date
Policy and Resources Committee	23/09/2015

URGENT Decision Referral from Strategic Planning, Sustainability & Transportation Committee 08/09/2015: Landscapes of Local Value

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report relates to the referral to the Policy & Resources Committee of the decision of the Strategic Planning Sustainability & Transportation Committee at its meeting on 8 September 2015 made in relation to Agenda Item 13: Landscapes of Local Value.
 - 1.2 It sets out the desired outcomes of the referral and addresses each in turn.
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2. REASONS FOR URGENCY

- 2.1 The revised policy SP5 to which this decision relates is due to undergo regulation 18 consultation commencing on 2 October 2015 for a four week period. Any delay to the consideration of this decision referral will have a consequential effect on the period of consultation and potentially the timetable for the Local Plan.

3. INTRODUCTION AND BACKGROUND

- 3.1 The concept of Landscapes of Local Value was introduced within the Maidstone Borough Local Plan Regulation 18 Consultation Draft published in March 2014 as part of policy SP5. The Landscapes of Local Value (LLV) included in the Regulation 18 draft were as follows:
 - The Greensand Ridge
 - Medway Valley
 - Len Valley
 - Loose Valley
- 3.2 The responses to the Consultation process were reported to Strategic Planning Sustainability & Transportation Committee on 14th July 2015 and subsequently deferred to the meeting held on 18th August 2015. The deferral was to 'enable Officers to provide further consideration of the Low Weald and to produce a larger scale map of the area under consideration.'
- 3.3 A revised report was presented to Strategic Planning Sustainability & Transportation Committee on 18 August 2015. This recommended a further 'Setting of the Kent Downs AONB LLV'. The decision of the committee following consideration of the report is set out in Appendix One.
- 3.4 A further report was brought to Strategic Planning Sustainability & Transportation Committee on 8 September 2015. The report as published recommended that an additional area to the east of Lenham be included within the 'Setting of the Kent Downs AONB LLV' together with an addition to the south of the Greensand Ridge LLV of the landscape character area 'Ulcombe Mixed Farmlands' which conjoined the Greensand Ridge LLV and

which was proposed as a consequence to be re-named as the Greensand Ridge and Low Weald LLV.

- 3.5 Following publication of the report and prior to the meeting on 8 September, Members of the Strategic Planning Sustainability & Transportation Committee and Substitute Members together with Officers undertook a mini-bus tour of the LLV areas to be considered at the meeting on 8 September. Following the tour and a further review of existing policy applying to the areas proposed; at the meeting on 8 September an amendment to the recommendation was tabled in an Urgent Update Report. This recommended that the entirety of the proposed Setting of the North Downs AONB LLV be deleted and not designated and that the proposed additional area to be added to the Greensand Ridge LLV should also not be designated. The Urgent Update Report is attached at Appendix Two
- 3.6 At their meeting on 8 September 2015, the Strategic Planning Sustainability & Transportation Committee considered the report and urgent update report and their decision is attached as Appendix Three
- 3.7 Subsequent to this decision and in accordance with required procedure, a minimum of three Councillors (seven in fact) referred this decision to the Policy and Resources Committee for further consideration. The referral notification is attached at Appendix Four.
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4. DESIRED OUTCOME OF REFERRAL

- 4.1 The referral notification at Appendix Four sets out the desired outcome. To assist the committee this is replicated below. The paragraphs are produced as per the original decision and the referral requests the deletion of the text that has been crossed through and the addition of the text that is in bold.

Paragraph 5.78 to read: 'The Low Weald covers a significant proportion of the countryside, in the rural southern half of the Borough. The Low Weald is recognised as having distinctive landscape features: the field patterns, many of which are medieval in character, hedgerows, stands of trees, ponds and streams and buildings of character should be protected, maintained and enhanced where appropriate. ~~The necessary protection for the area of the Low Weald outside the boundaries of the rural service centres as defined on the policies map is provided under the criteria of policy SP5.'~~'

and

"Criterion 6 sentence to read: 'The Greensand Ridge, Medway Valley, Len Valley ~~and Loose Valley~~ **and Low Weald**, as defined on the policies map, will be protected, maintained and enhanced where appropriate as landscapes of local value;'"

5. RESPONSE AND REASONS FOR RECOMMENDATIONS

- 5.1 As indicated in paragraph 2.1 above, Landscapes of Local Value were introduced within the Maidstone Borough Local Plan Regulation 18 Consultation Draft 2014. Four areas were identified. The Greensand Ridge and the Medway, Len and Loose Valleys.
- 5.2 The Decision Referral at Appendix Four states that the Low Weald was identified as a Special Landscape Area in the currently adopted Maidstone Borough-wide Local Plan 2000 and endorsed at the public inquiry into that plan and questions why it has been removed [from the current draft Local Plan].
- 5.3 The Low Weald has not been removed from the draft Maidstone Borough Local Plan, it did not form part of the initial Regulation 18 Consultation draft in March 2014.
- 5.4 The reason for this is that since the Maidstone Borough-wide Local Plan (MBWLP) 2000 was adopted, in which the Special Landscape Areas were designated following their 'signposting' in the Kent Structure Plan, there has been a clear change in Government Policy on the issue of landscape designations.
- 5.5 This was foreshadowed in the former Planning Policy Guidance Note 7 and Planning Policy Statement 7 (that superseded PPG7), both of which were published after the current Borough-wide Local Plan was adopted and which were then in turn superseded by the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG). Both PPG7 and PPS7 indicated that local landscape designations would need substantial and specific justification and both placed a reliance on landscapes with national designation as having the highest protection whilst at the same time recognising the intrinsic character and beauty of the countryside as a whole.
- 5.6 The NPPF (paragraph 17) 'recognises the intrinsic character and beauty of the countryside and the need to support thriving rural communities within it,' as one of the 12 core land-use planning principles underpinning plan-making and decision-taking that are set out in the NPPF. However in a clear change from the advice in force at the time the MBWLP 2000 was adopted paragraph 113 of the NPPF states

'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.'
- 5.7 The NPPF is also very clear (paragraph 114) that great weight should be given to conserving landscape and scenic beauty in National Parks the Broads and AONBs which have the highest status of protection in relation to landscape and scenic beauty.
- 5.8 The NPPG also emphasises that planning should recognise the intrinsic character and beauty of the countryside. It states that Local Plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape, and makes it clear that this

applies to not only designated landscapes but also the wider countryside. It advocates where appropriate, the preparation of Landscape Character Assessments (as has been undertaken in Maidstone Borough) as a tool to help understand the character and local distinctiveness of the landscape and to identify features that give it a sense of place and to help inform, plan and manage change.

- 5.9 Policy SP5 is a criteria-based strategic policy framed in line with the advice in the NPPF and the NPPG. The approach and proposed designation of Landscapes of Local Value adopted in the draft Maidstone Borough Local Plan has taken into account the findings of the Landscape Character Assessment undertaken of the Borough and also the context of the NPPF's reference to the hierarchy of international, then national and then local designations.
- 5.10 Councillors are reminded that in the MBWLP 2000 only a proportion of the Low Weald was actually designated, largely centred on the east of the Borough including Headcorn but not stretching as far as Staplehurst or Marden (with the exception of a small area immediately east of Staplehurst unconnected to any other part of the Low Weald SLA).
- 5.11 It is also recognised that the geology, topography, general character and field patterns etc. of the Low Weald have not changed since the MBWLP 2000 was adopted and that it remains attractive countryside.
- 5.12 The key change is the move required by the NPPF and NPPG to a criteria based policy based on evidence from an up-to date Landscape Character Assessment undertaken in accordance with Natural England guidance and advice. It is this that forms the backbone of policy SP5 and its supporting text as drafted and the reason why the Low Weald is not proposed as a Landscape of Local Value.
- 5.13 In accordance with the advice in the NPPF and NPPG and the criteria set out in policy SP5 itself, despite not fulfilling the required criteria to merit specific designation, the Low Weald is still and will be recognised as countryside that due to its intrinsic character and beauty is worthy of protection.
- 5.14 Councillors should also be aware that adjoining authorities have no plans to replicate Landscape of Local Value or similar designations in their Development Plans.
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6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The revised policy SP5 and its supporting text will be the subject to further Regulation 18 Consultation, commencing Friday 2 October 2015 for 4 weeks.
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7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Keeping Maidstone Borough an attractive place for all: Securing an attractive environment for residents and visitors to the Borough by preserving and or enhancing its countryside and landscape is a key element of this Corporate Priority	Rob Jarman: Head of Planning & Development
Risk Management	A sound evidence base and further public consultation on policy amendments will minimise the risk of policy SP5 being found unsound on examination into the local plan	Rob Jarman: Head of Planning & Development
Financial	There are no financial implications arising from this report	Head of Finance & Resources
Staffing	The Regulation 18 consultation will require staff resources but, given that this will be a focused consultation on key policy changes only, the consultation can be managed within existing staff resources	Rob Jarman: Head of Planning & Development
Legal	There are no legal implications directly arising from this report, although the Legal Team continues to provide advice and guidance on local plan matters and to review any legal implications of reports	Legal Team
Equality Impact Needs Assessment	There are no specific implications arising from this report	Policy & Information Manager
Environmental/Sustainable Development	There are no specific implications arising from this report	Rob Jarman: Head of Planning & Development
Community Safety	There are no specific implications arising from this report	Rob Jarman: Head of Planning & Development
Human Rights Act	There are no specific implications arising from this report	Rob Jarman: Head of Planning & Development
Procurement	There are no specific	Head of

	implications arising from this report	Finance & Resources
Asset Management	There are no specific implications arising from this report	Head of Finance & Resources

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix One: Decision of the SPS&T Committee relating to Landscapes of Local Value 18 August 2015
- Appendix Two: SPS&T Committee 8 September 2015: Urgent Update Report for item 13 Landscapes of Local Value
- Appendix Three: Decision of the SPS&T Committee 8 September 2015 relating to Landscapes of Local Value
- Appendix Four: Decision referral notification

9. BACKGROUND PAPERS

None