

# Strategic Planning, Sustainability and Transport Committee

14 July 2015

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

Yes

## Landscapes of Local Value

<b>Final Decision-Maker</b>	Strategic Planning, Sustainability and Transport Committee
<b>Lead Director or Head of Service</b>	Rob Jarman, Head of Planning and Development
<b>Lead Officer and Report Author</b>	Sue Whiteside, Spatial Policy Team Leader, and Chris Berry, Consultant Planner
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	All wards

### This report makes the following recommendations to the final decision-maker:

1. That the amendments to draft policy SP5(6) and the supporting text for Landscapes of Local Value, as set out under Section 4 “Preferred Option” of the report, be approved for further public consultation (Regulation 18 consultation).
2. That the officer responses to the representations received during public consultation on the draft Maidstone Borough Local Plan 2014 (Regulation 18<sup>1</sup> consultation) for policy SP5 (6) Landscapes of Local Value, as set out in Appendix A, be approved.
3. That the draft map identifying five Landscapes of Local Value, including the addition of the setting of the Kent Downs AONB, attached at Appendix B, be approved for further public consultation (Regulation 18 consultation).

### This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Policy and Resources Committee	N/A
Council	N/A
Other Committee	N/A

<sup>1</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012

# Landscapes of Local Value

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report describes the process of identifying landscapes of local value for protection by policies within the Maidstone Borough Local Plan. The draft Maidstone Borough Local Plan 2014 includes four landscapes of local value and the report is recommending a fifth area: setting of the Kent Downs AONB.
  - 1.2 Maidstone has a substantial rural hinterland, and the countryside areas will continue to be subject to considerable pressure for development. The local plan should address the important issue of landscape protection in addition to that afforded by national designation, and the draft Maidstone Borough Local Plan 2014 identifies four such areas in Policy SP5. The National Planning Policy Framework (NPPF) encourages the protection of valued landscapes through a criterion based approach to their identification.
  - 1.3 Seven criteria are applied to previously identified and newly proposed landscapes of local value, supported by landscape character and capacity assessments. Five areas satisfy the majority of the criteria and these may be seen as comprising landscapes of local value for public consultation.
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## 2. INTRODUCTION AND BACKGROUND

- 2.1 Maidstone Borough is predominantly rural in nature and much of the rural landscape is of high quality with valuable agricultural and ecological resources. The countryside areas are highly accessible to those living and working in the urban areas, complemented by an extensive and well-used public rights of way network, and they also act as a major asset to attract new investment into the borough. This proximity to the urban area brings with it pressures arising from an increased level of demand for houses which needs to be balanced by recognising that the countryside has an intrinsic value that should be conserved and protected for its own sake.
- 2.2 A significant amount of work has been undertaken over the years at both county and district levels to assess and review landscape quality and character, culminating in the identification of Special Landscape Areas (SLA) in former structure and local plans. These included the North Downs SLA, Greensand Ridge SLA and a small proportion of the High Weald SLA. The Low Weald SLA was a later addition in the Maidstone Borough-wide Local Plan 2000. It is clear that the geology and topography of these areas has not changed.
- 2.3 The most significant landscape area in the borough is the nationally designated Kent Downs Area of Outstanding Natural Beauty (AONB) which covers over 27% of the borough to the north, and formed the largest part of the North Downs SLA designated in the adopted local plan 2000. This is a visually prominent landscape that contributes significantly to the borough's high quality of life. It is an important amenity and recreation resource for both Maidstone

residents and visitors and forms an attractive backdrop to settlements along the base of the North Downs scarp. It also contains a wide range of natural habitats and biodiversity.

- 2.4 The currency of SLAs was first challenged by the introduction of national advice in the former Planning Policy Statement 7 Sustainable Development in Rural Areas 2004 (since superseded by the NPPF) which stated:

*“The Government recognises and accepts that there are areas of landscape outside nationally designated areas that are particularly highly valued locally. The Government believes that carefully drafted, criteria-based policies in LDDs, utilising tools such as landscape character assessment, should provide sufficient protection for these areas, without the need for rigid local designations that may unduly restrict acceptable, sustainable development and the economic activity that underpins the vitality of rural areas.” (PPS7, 2004, paragraph 24).*

- 2.5 Legislative support for strategically designated areas such as SLAs was thus gradually withdrawn, and the responsibility for the identification of locally significant landscape areas for protection became a local responsibility.
- 2.6 The NPPF makes distinctions between the hierarchy of international, national and locally designated sites, whereby protection is commensurate with their status, but the framework still encourages the protection of locally valued landscapes. The Inspector at a recent appeal for 46 houses in a Warwickshire village stated that the examples of landscape in which development should be restricted set out in the NPPF<sup>2</sup> are not exclusive because, if they were the only valued landscapes for the purposes of the framework, the NPPF would say so. The Inspector ultimately concluded that the harmful impacts of development outweighed the benefits of developing the site. The systematic and consistent approach of the council’s landscape sensitivity study lent weight to the Inspector’s findings, as did the ministerial statement<sup>3</sup> urging decision makers to ensure that development is suitable for the local context.
- 2.7 Local plans can designate strategic landscapes of local value, provided a strong case for their protection is made. Hence the draft Maidstone Borough Local Plan 2014 identified four landscapes of local value under policy SP5 (6): the Greensand Ridge, and the river valleys of the Medway, the Loose and the Len.
- 2.8 A number of representations were submitted during public consultation on the draft local plan and the comments on landscapes of local value, together with officer responses and recommendations, are set out in Appendix A of the report. Consequently, a review of currently designated areas and newly proposed areas of strategic significance has been undertaken, and the methodology used to identify landscapes of local value is clarified.

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<sup>2</sup> “For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion” (NPPF paragraph 14, footnote 9).

<sup>3</sup> Landscape character and prematurity in planning decisions, Brandon Lewis MP, 27 March 2015

2.9 Accordingly, general criteria for assessing landscapes of local value which are relevant to conditions in Maidstone are drawn initially from the Landscape Character Assessment Guidance for England and Scotland Topic Paper 6<sup>4</sup> and subsequent planning practice guidance published in 2014 on Landscape Character Assessment. Best practice elsewhere, including Guidelines for Landscape and Visual Assessment<sup>5</sup>, provide further guidance on the criteria which may be applied to ascertain where landscapes should be retained for their intrinsic value.

2.10 Relevant criteria for assessing landscapes of local value have been developed for Maidstone, and areas for consideration should be:

- i. Part of a contiguous area of high quality landscape;
- ii. Significant in long distance public views and skylines;
- iii. Locally distinctive in their field patterns, geological and other landscape features;
- iv. Ecologically diverse and significant;
- v. Preventing the coalescence of settlements which would undermine their character;
- vi. Identified through community engagement;
- vii. Providing a valued transition from town to countryside.

2.11 Further specific local evidence of landscape value in Maidstone is provided by the Landscape Character Assessment (March 2012, amended July 2013) and the Landscape Capacity Study: Sensitivity Assessment (January 2015). These assessments used a systematic and consistent approach to identify landscape characteristics throughout the borough and categorise areas according to their condition and sensitivity in landscape terms.

2.12 Together, the application of the criteria and the evidence provided by the landscape character and sensitivity assessments enable the identification of landscapes of local value, and provide the council with the justification to protect valued landscapes which are in good condition and highly sensitive to significant change.

2.13 In addition to the four landscapes of local value identified under policy SP5(6) of the draft local plan 2014, two further areas have been included for consideration in response to the consultation comments that refer to previously designated SLAs: the North Downs, which covered the Kent Downs AONB and its setting, and the Low Weald. The AONB has national landscape protection so the area under consideration in this report is the setting of the AONB. It is important to note that areas are selected on the basis of satisfying criteria for assessing landscapes of local value, and the following six areas were initially identified on this basis.

- Greensand Ridge
- Loose Valley
- Medway Valley

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<sup>4</sup> The Countryside Agency and Scottish National Heritage, 2002

<sup>5</sup> Landscape Institute and Institute for Environmental Management and Assessment

- Len Valley
- Setting of the Kent Downs AONB
- Low Weald.

2.14 Table 1 shows how the criteria set out in 2.10 relate to the specific areas which have been identified through previous assessments and consultation, indicating the characteristics which are most significant in denoting landscape quality. The asterisks in the table indicate where the criterion has been satisfied for the area identified, and areas which satisfy at least four of the criteria are regarded as suitable for inclusion in the local plan as landscapes of local value. This analysis provides the evidence to strengthen the protection of landscapes of local value as identified in policy SP5 of the draft local plan 2014.

Areas	Criteria						
	Part of a contiguous area of high quality landscape	Significant in long distance public views and skylines	Locally distinctive in their field patterns, geological and other landscape features	Ecologically diverse and significant	Preventing the coalescence of settlements which would undermine their	Identified through community engagement	Providing a valued transition from town to countryside
	i	ii	iii	iv	v	vi	vii
Greensand Ridge	*	*	*	*		*	
Loose Valley			*		*	*	*
Medway Valley		*		*	*	*	*
Len Valley			*		*	*	*
Setting of the Kent Downs AONB	*	*	*	*		*	
Low Weald				*	*	*	

Table 1: Landscape value criteria matrix

2.15 The Greensand Ridge and the setting of the Kent Downs AONB score highly in the matrix as valued landscapes, and the three river valleys score well and are particularly valued for their function as a transition from town to countryside. These valleys are an important local characteristic of Maidstone and have influenced the distinctive pattern of growth of the town.

2.16 The Low Weald meets three of the landscape value criteria, one of which is a landscape identified through community engagement (which all areas satisfy). The council must be careful that it does not diminish the value of local landscape protection through extensive coverage in the countryside, which may not be defensible at examination into the local plan. The case for designating the Low Weald is not considered robust enough. It is therefore recommended that the Committee approves one additional landscape of local value for policy SP5 (6): the setting of the Kent Downs AONB.

- 2.17 As a further calibration of the selection process, each of the five recommended landscapes of local value was revisited in the Maidstone Landscape Capacity Study: Sensitivity Assessment 2015 with regard to the comparative sensitivity of landscape character areas to possible development. This exercise has helped to refine the boundaries of the recommended landscapes of local value.

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### 3. AVAILABLE OPTIONS

- 3.1 The analysis outlined in this report leads to the consideration of policy amendments to protect landscapes of local value as identified in policy SP5 (6) of the draft Maidstone Borough Local Plan 2014.
- 3.2 Option 1: Do nothing and retain draft local plan policy SP5, which identifies four landscapes of local value. It is clear that at least one new area scores highly in the assessment so this option is not recommended.
- 3.3 Option 2: Designate the setting of the Kent Downs AONB as a landscape of local value under policy SP5 (6). This option scored highly as a contiguous area of high quality landscape with significant long distance public views and skylines. The landscape is locally distinctive in its field patterns, geology and other features. The setting of the Kent Downs AONB is recommended as a fifth landscape of local value, to be subject to further public consultation.
- 3.4 Option 3: Designate the Low Weald as a landscape of local value. The Low Weald is not a contiguous area of high quality landscape with significant long distance public views and skylines, and the landscape area scored lowest in the assessment. Extensive coverage of landscapes of local value is likely to diminish their value, and the council should focus on the most highly prized landscapes it wishes to protect and can justify. The Low Weald is not recommended as a landscape of local value.

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### 4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The Committee is recommended to approve the following amendments to policy SP5 of the draft Maidstone Borough Local Plan 2014 in respect of landscapes of local value, and to approve the revised policy for further public consultation (Regulation 18). The amendments reflect the recommended option set out in Section 3 of the report. Additions to the policy are in **bold text** and deletions are in ~~strike through text~~.

Landscapes of local value

- 4.2 The council will protect its most valued landscapes which are in good condition. In addition to the Kent Downs AONB and sites of European and national importance, the borough includes significant tracts of landscape which are in good condition and are highly sensitive to significant change. **Landscapes of local value have been identified according to criteria relating to the character and sensitivity of the areas:**

- i. **Part of a contiguous area of high quality landscape;**
- ii. **Significant in long distance public views and skylines;**
- iii. **Locally distinctive in their field patterns, geological and other landscape features;**
- iv. **Ecologically diverse and significant;**
- v. **Preventing the coalescence of settlements which would undermine their character;**
- vi. **Identified through community engagement;**
- vii. **Providing a valued transition from town to countryside.**

4.3 **Development proposals within landscapes of local value should, through their siting, scale, mass, materials and design, seek to contribute positively to the conservation and enhancement of the protected landscape. Designated areas include the setting of the Kent Downs AONB, including parts of the Greensand Ridge, together with and the borough's river valleys of the Medway, the Loose and the Len river valleys.** These landscapes were highlighted as areas of local value by the public through previous consultations.

4.4 **The setting of the Kent Downs AONB comprises the land to the south of the North Downs escarpment which is to some extent compromised by the presence of the M20 motorway and railway lines but still provides relatively uninterrupted views of the nationally designated landscape area. It is characterised by open grassland which is generally used for livestock grazing or arable cultivation.**

4.5 The Greensand Ridge lies to the south of Maidstone and is defined by the scarp face of the Ridge with extensive views across the Low Weald to the south. It is characterised by frequent small blocks of coppice and deciduous woodland, extensive orchards and frequent oasts, with ragstone being a predominant material in walls and buildings

4.6 The Medway Valley is characterised by the wide River Medway and steep valley sides where the valley incises the Greensand and is crossed by distinctive ragstone bridges. The area lends itself to much recreational land use including the Medway Valley Walk, although some sections are more wooded and remote in character. The Loose Valley lies to the south of Maidstone and is characterised by the Loose stream, mill ponds and springs with steep wooded valley sides, mature native woodland and traditional mill buildings and cottages. The Len Valley lies to the east of Maidstone and is bordered by Bearsted to the west. It is characterised by the River Len, historic mills and a network of pools with remnant orchards.

Policy SP5 Countryside

6. The **setting of the Kent Downs AONB, the Greensand Ridge, the Medway Valley, the Len Valley and the Loose Valley**, as defined on the policies map, will be protected and maintained as landscapes of local value.

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## 7. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- a. The draft Maidstone Borough Local Plan has been subject to public consultation in accordance with Regulation 18. The representations submitted in respect of landscapes of local value are set out in Appendix A of the report, together with officer responses and recommendations.
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## 8. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- a. The draft policy for landscapes of local value will be subject to further public consultation (Regulation 18) before being included in the Publication version of the local plan (Regulation 19).
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## 9. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	The adoption of the local plan will assist in the delivery of the council's corporate priorities.	Rob Jarman, Head of Planning & Development
<b>Risk Management</b>	A sound evidence base and further public consultation on policy amendments will minimise the risk of policy SP5 being found unsound at examination into the local plan.	Rob Jarman, Head of Planning & Development
<b>Financial</b>	There are no financial implications arising from this report. Failure to produce a robust policy would have significant financial implications for the Council.	Zena Cooke, S151 Officer & Ellie Dunnett, Finance
<b>Staffing</b>	The Regulation 18 consultation will require staff resources but, given 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
<b>Legal</b>	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
<b>Equality Impact Needs Assessment</b>	N/A	Anna Collier, Policy & Information Manager
<b>Environmental/Sustainable</b>	N/A	Rob Jarman,



<b>Development</b>		Head of Planning & Development
<b>Community Safety</b>	N/A	Rob Jarman, Head of Planning & Development
<b>Human Rights Act</b>	N/A	Rob Jarman, Head of Planning & Development
<b>Procurement</b>	N/A	Rob Jarman, Head of Planning & Development, & Zena Cooke Section 151 Officer
<b>Asset Management</b>	N/A	Rob Jarman, Head of Planning & Development

## 10. REPORT APPENDICES

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

- Appendix A: Maidstone Borough Local Plan Regulation 18 Consultation 2014 – landscapes of local value policy SP5(6) consultation issues and responses
- Appendix B: Landscapes of Local Value Map

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## 11. BACKGROUND PAPERS

None