

CABINET

30 NOVEMBER 2010

MEDWAY LANDSCAPE CHARACTER ASSESSMENT

Portfolio Holder: Councillor Jane Chitty, Strategic Development & Economic Growth

Report from: Robin Cooper, Director of Regeneration, Community and Culture

Author: Brendan Doyle, Senior Landscape and Urban Design Officer

Summary

The Medway Landscape Character Assessment is a technical document to support landscape-related planning decisions within Medway's countryside and urban-rural fringe areas. It provides an evidence base in support of the landscape and countryside policies within the Local Development Framework Draft Core Strategy. It also sets out landscape guidance for planning officers, developers and the local community when considering proposed development within the rural and urban-rural fringe areas of Medway.

An extensive consultation process has been undertaken that has sought the views of statutory consultees in the planning process and key stakeholders. The study has received a high level of support from all parties.

Please note that copies of the Medway Landscape Character Assessment have been circulated separately to Cabinet Members, Group Rooms and are also available at the Chatham Contact Point and on the Council's website via <http://democracy.medway.gov.uk/ieListDocuments.aspx?CId=115&MId=2107&Ver=4>

Further copies are also available from the Cabinet Office. Please contact 01634 332509/332008 for further details.

1. Budget and Policy Framework

- 1.1 The decision is within the council's policy and budget framework. In line with the current development plan framework for the protection and enhancement of the landscape, this study seeks to ensure that landscape character and local distinctiveness continue to be a material consideration when considering planning applications within the countryside.

1.2 The approach adopted is in line with government guidance under Planning Policy Statement 7: Sustainable development in Rural Areas.

2. Background

2.1 The protection of important areas of countryside within Medway was previously secured by the designation of 'Special Landscape Areas' within the now defunct Kent and Medway Structure Plan – principally the North Kent Marshes, and by the designation of 'Areas of Local Landscape Importance' (ALLIs) within the Local Plan. These ALLIs form part of the green hillsides and backdrops to the urban area. They also form green buffers which:

- help to maintain the individual identity of urban neighborhoods and rural communities,
- help to protect the countryside from urban sprawl, and
- provide wildlife corridors.

2.2 The Government no longer supports the rigid designation of landscape areas as a means of controlling development. The Government's Planning Policy Statement 7 (PPS7) – 'Sustainable development in Rural Areas' states that rigid local designations '*may unduly restrict acceptable sustainable development and economic activity*'. In place of these designations, PPS7 states that '*carefully crafted, criteria based policies in Local Development Documents¹, utilising tools such as landscape character assessment, should provide sufficient protection to these areas.*

2.3 This document, The Medway Landscape Character Assessment, has been drafted in response to PPS7.

2.4 Landscape Character Assessment is a recognised tool for assessing, valuing and preparing guidance for landscape at national, regional and local levels. This approach has been endorsed by the UK's ratification of the European Landscape Convention (ELC) in 2007. Supported by Natural England and English Heritage, the ELC seeks to provide a new instrument devoted exclusively to the protection, management and planning of all landscapes in Europe.

2.5 This study has been prepared in line with current national guidance on the preparation of Landscape Character Assessments.

3. Options

3.1 The benefits of this study are as follows:

- It provides a strategic landscape framework for all areas of countryside surrounding Medway;
- It serves as an objective study based on a consistent and recognised methodology, ensuring that new development proposals can be assessed and judged fairly within an overall landscape context;

¹ In Medway's case the Local Development Framework (LDF) and any subsequent Supplementary Planning Documents (SPD's).

- It provides an assessment of existing landscape condition and sensitivity but also provides a set of recommended actions, management guidelines and mechanisms whereby the landscape can be protected and enhanced;
 - It provides a valuable framework and context to inform the development of Green Infrastructure and Open Space Planning within Medway;
 - It can be used as a constructive tool for negotiation and discussion when providing advice to applicants on landscape related matters;
 - It has a potentially valuable role in raising general awareness of the importance of landscape and countryside protection and enhancement within Medway.
- 3.2 There are no obvious disadvantages to approving the aims and content of this document. Planning officers have already been introduced to the study and further training will be arranged to highlight the potential role and additional value that it offers in assessing planning applications. Training will be resourced out of existing budgets.
- 3.3 If the contents and aims of this study are rejected by Cabinet, planning officers, developers and their agents and the wider community would need to follow the range of existing landscape planning tools and guidance notes that are already in existence. It should be noted that in certain important cases these instruments pre-date current guidance and are non-specific to Medway.

4. Advice and analysis

- 4.1 Medway needs to respond to current proposals for major housing and infrastructure development including a new settlement at Lodge Hill, new business parks and energy infrastructure on the Hoo Peninsula. Much of the urban-rural fringe areas are also under considerable pressure from new development.
- 4.2 In the absence of rigid landscape designations, the Medway Character Assessment is an essential tool in ensuring that the change that results from new development can be managed in a sensitive way that respects landscape context and protects and enhances the character and local distinctiveness of the rural and urban-rural fringe areas of Medway.
- 4.3 The study breaks down Medway's countryside into locally distinct character areas. It describes the principal characteristics and issues relating to these areas, assesses condition and sensitivity and recommends actions and guidelines that seek to ensure local distinctiveness is retained and enhanced within the development process.
- 4.4 A Diversity Impact Assessment screening has been completed (Appendix 2). It concludes that no differential impacts of the endorsement of this study could be anticipated and a full impact assessment would not be required.
- 4.5 A delegation is sought for the Director of Regeneration, Community and Culture, in consultation with the Portfolio Holder for Strategic Development and Economic Growth, to make minor amendments to the LCA following review (see section 2 (Action Plan) of the Diversity Impact Assessment).

5. Risk management

Risk	Description	Action to avoid or mitigate risk
<p>A challenge by Developers and their agents during the Core Strategy Consultation process</p>	<p>A potential challenge could be raised that an incorrect, poorly applied or unsound methodology has been followed in preparation of this Landscape Character Assessment document</p> <p>This risk is rated D-3</p>	<p>The methodology and approach adopted within this study has been carefully considered and follows national guidelines. All aspects of this approach have been fully outlined within the introduction and appendices to this report</p>
<p>Publication by government of an updated guidance note on carrying out Landscape Character Assessments.</p>	<p>The current Countryside Agency guidance on Landscape Character Assessments is dated 2002. Updated guidance is being prepared by Natural England but with no firm date for issue. It is likely that future guidance will continue to follow recognised methodology, but with some updates acknowledging new research findings and examples of best practice</p> <p>This risk is rated C-3</p>	<p>A five yearly update of this study has been recommended. When new guidance is issued a judgement can be made on whether recommendations are implemented immediately or within the five year cycle.</p> <p>It would be unwise to delay the publication of this document whilst awaiting updated guidance. The time lapse for reissue is undetermined and current guidance is still valid. Providing an up-to-date landscape study is considered important.</p>

<p>Review and changes to landscape policies by Coalition Government</p>	<p>There is a potential risk that PPS7 guidance on landscape protection and enhancement is reviewed and updated. The change could revoke the shift away from rigid landscape designations towards criteria based policies. However, this seems unlikely in the light of European Landscape Convention objectives, which strongly support the role of Landscape Character Assessments as a way of protecting and enhancing all landscapes.</p> <p>This risk is rated C-2.</p>	<p>The Medway LCA study provides a valuable and objectively assessed evaluation on the current state of Medway's rural and urban-rural fringe landscapes. A change in government landscape guidance policies will not negate the value and importance of this study. Depending on the nature of policy change, the study is capable of an interim or a full update (recommended to take place every five years).</p>
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6. Consultation

- 6.1 A consultation process was undertaken commensurate with the LCA's role as a technical document. This consultation took place during the months of August and September 2009. Statutory (in the planning process) consultees (Natural England, Environment Agency and English Heritage), as well as key stakeholders (Parish Councils, RSPB, Kent Wildlife Trust, Land Securities, Greening the Gateway Kent & Medway, Medway Swale Estuary Partnership, Kent Downs AONB, Friends of North Kent Marshes) were consulted.
- 6.2 A full consultation report that analyses the issues raised and the responses made, has been prepared and is available separately if required. A summary of this consultation report is contained in Appendix 1.

7. Financial and legal implications

- 7.1 Cabinet approval of the Medway Landscape Character Assessment would support the Council in demonstrating that it is applying a consistent and sound methodology through the planning process in seeking to protect, manage and plan for the future of Medway's Countryside.
- 7.2 A consistent approach based on current guidance and a recognised assessment methodology will provide a sound basis to support landscape related planning decisions where these decisions are challenged at appeal. Landscape Character Assessment has recently been used successfully within Medway to defend at appeal a planning refusal based on landscape grounds. Approval of the Landscape Character Assessment as a tool for use in the planning process would give the Landscape Character Assessment more weight as a material consideration in assessing planning applications.
- 7.3 There are no substantial financial implications. Only a small number of planning applications will require consideration in relation to the Landscape

Assessment. Such assessment would be carried out with existing staff resource and would not create the need for additional resource.

8. Recommendation

- 8.1 That Cabinet approves the Medway Landscape Character Assessment as an evidence base for Medway's landscape and countryside policies and as a landscape planning guidance document, and delegates authority to the Director of Regeneration, Community and Culture, in consultation with the Portfolio Holder for Strategic Development and Economic Growth, to make any minor amendments.

9. Suggested reasons for decision(s)

- 9.1 The landscape guidance document will enable better informed planning decisions.

Lead officer contact

Brendan Doyle, Senior Landscape and Urban Design Officer, Gun Wharf Level 3,
01634 332168 brendan.doyle@medway.gov.uk

Background papers:

See Bibliography within the Landscape Character Assessment report.

Appendix 1

Medway Landscape Character Assessment Consultation Responses – Summary Report

Introduction

Initial consultation was undertaken with key stakeholders to agree broad parameters, purpose and scope of study. These included the Development Plans & Research Manager, Rural Strategy Manager and the Green Spaces Development Manager. Broader informal consultation with a wider range of internal and external stakeholders was accessed through regular meetings of the Green Grid Forum. Attendance of this group helped to inform an understanding of different issues and perspectives affecting different stakeholder groups.

Formal Consultation

Key stakeholder groups (Green Spaces, Development Management, Local Plans & Research and Green Grid Forum) were introduced to the study through a series of presentations during the months of August and September 2009. The draft report was issued for Consultation in August 2009 with a seven-week consultation response period. From a total of 34 groups/organisations that were consulted, 21 responses were received. Responses were received from all statutory consultees (Natural England, Environment Agency and English Heritage) and a wide range of other interest groups. A list of all external consultees is attached.

Scope of Consultation

This is a technical document and therefore the consultation process has been targeted at those groups considered to have the most relevant interest and expertise within the area of study. However it was considered relevant to attempt to access the views of the wider community. To achieve this, copies of the draft character assessment were sent to all Parish Councils within Medway. Cliffe and Cliffe Woods Parish Council responded with some detailed comments but no other responses were received.

Summary of responses

Responses divide into general points raised re. structure of report and general approach with a number of more detailed responses. Consultees were generally highly supportive of this piece of work and the approach that has been taken. Some points were raised that identified conflicts (often arising from the priorities of particular interest groups and their areas of expertise – eg. biodiversity versus cultural heritage interests). When analysing the responses in such cases an effort was made to take account of these views but to balance them within an objective overview of the landscape as a whole. The general principle taken was to incorporate all views that seemed appropriate and relevant to the scale and purpose of the study. All four neighbouring authorities were consulted. Two of these authorities (Tonbridge & Malling and Gravesham) responded, and provided a set of useful and supportive comments.

Regeneration in the Countryside

The study considered carefully within its scope the plans for regeneration within the countryside. Of particular relevance were the developing proposals for Lodge Hill Training Estate. The report's author attended several consultation meetings with Land Securities, including meetings with the local community, arranged a guided tour of all significant inaccessible parts of the MOD estate in order to survey and assess these areas and received a detailed and generally supportive response from Land Securities on the draft version of the report. These comments have been analysed and incorporated where considered relevant into the revised draft.

Protected landscapes

Detailed responses were received from Kent Downs AONB Unit, raising useful and important issues. This included a set of comments from the Valley of Visions team.

Table 1 - List of external consultees

	Organisation
1	Environment Agency
2	Natural England
3	English Heritage
4	Gravesham BC
5	Tonbridge & Malling
6	Medway Swale Estuary Partnership
7	Greening the Gateway Kent & Medway
8	Land Securities
9	Kent Wildlife Trust
10	RSPB
11	Kent Downs AONB
12	Valley of Visions
13	Cliffe & Cliffe Woods Parish Council
14	Friends of North Kent Marshes
15	Allhallows Parish Council
16	Isle of Grain Parish Council
17	Frindsbury Extra Parish Council
18	Maidstone BC
19	Swale BC
20	KCC - Heritage
21	Cuxton Parish Council
22	Groundwork Kent & Medway
23	Countryside Forum

Appendix 2

Diversity Impact Assessment: Screening Form

Directorate Regeneration, Community and Culture	Name of Function or Policy or Major Service Change Medway Landscape Character Assessment		
Officer responsible for assessment Brendan Doyle, Senior Landscape and Urban Design Officer	Date of assessment 05/10/10	New or existing? New	
Defining what is being assessed			
1. Briefly describe the purpose and objectives	<p>A Landscape Character Assessment for the rural and urban-rural fringes of Medway. The document has two principal functions. It provides an evidence base in support of the landscape and countryside policies within the LDF Draft Core Strategy. It also provides landscape guidance for planning officers, developers and the local community in consideration of proposed development within the rural and urban-rural fringe areas of Medway.</p> <p>The document is an evidence base that supports landscape and countryside policies in the Core Strategy. Following Core strategy adoption, this document will strengthen the role and benefits of preserving local distinctiveness in the countryside and will underpin the significance of landscape as a material consideration in the determination of planning applications.</p>		
2. Who is intended to benefit, and in what way?	<p>The landscape itself; the communities who live and work in that landscape; visitors and recreational uses of that landscape; developers, investors and landowners. All these groups will benefit from clear guidance on what is distinctive about that landscape, and understanding how it can be sensitively managed and enhanced for the benefit of current and future generations.</p>		
3. What outcomes are wanted?	<p>Clear guidance for planning officers, developers and their agents and the wider community on what is locally distinctive about the rural and urban-rural fringe landscapes of Medway and how they can be protected and enhanced through sensitive and appropriate forms of development.</p>		

4. What factors/forces could contribute/detract from the outcomes?	Contribute <ul style="list-style-type: none"> ▪ Clarity and easy accessibility of document ▪ Endorsement of document by Cabinet ▪ Support of statutory consultees, key stakeholders and the wider community 	Detract <ul style="list-style-type: none"> ▪ Lack of clarity and poor accessibility of document ▪ Document not endorsed by Cabinet ▪ Lack of support from statutory consultees, key stakeholders and the wider community
5. Who are the main stakeholders?	<ul style="list-style-type: none"> ▪ Medway Council ▪ Statutory consultees (Natural England, English Heritage and the Environment Agency) ▪ Relevant interest groups (eg. Kent Wildlife Trust) ▪ The wider community 	
6. Who implements this and who is responsible?	Implementation will be via the operation of the statutory town planning system. Medway Council is responsible as the planning authority.	
Assessing impact		
7. Are there concerns that there <u>could</u> be a differential impact due to <i>racial/ethnic groups</i>?	YES	The Landscape Character Assessment is concerned with achieving a high quality and sustainable environment for all groups living in and accessing the countryside. This study is not targeted at and does not aim to benefit any particular group.
	NO	
What evidence exists for this?	This study has been considered primarily as a technical document by the Planning Authority. It has not therefore been subject to a comprehensive community consultation exercise. No issues relating to this matter were raised during the consultation process that was undertaken. It will be available for further consultation as part of the Pre-publication Draft Core Strategy consultation exercise.	
8. Are there concerns that there <u>could</u> be a differential impact due to <i>disability</i>?	YES	As for 7.
	NO	
What evidence exists for this?	As for 7.	
9. Are there concerns that there <u>could</u> be a differential impact due to <i>gender</i>?	YES	As for 7.
	NO	
What evidence exists for this?	As for 7.	
10. Are there concerns there <u>could</u> be a differential impact due to <i>sexual orientation</i>?	YES	As for 7.
	NO	
What evidence exists for this?	As for 7.	
11. Are there concerns there	YES	As for 7.

could be a have a differential impact due to <i>religion or belief</i>?	NO	
What evidence exists for this?	As for 7.	
12. Are there concerns there <u>could</u> be a differential impact due to <i>people's age</i>?	YES	As for 7.
	NO	
What evidence exists for this?	As for 7.	
13. Are there concerns that there <u>could</u> be a differential impact due to <i>being transgendered or transsexual</i>?	YES	As for 7.
	NO	
What evidence exists for this?	As for 7.	
14. Are there any <i>other</i> groups that would find it difficult to access/make use of the function (e.g. speakers of other languages; people with caring responsibilities or dependants; those with an offending past; or people living in rural areas)?	YES	The document was produced only in English. It will be available online and copies will be available for purchase from the Planning Department.
	NO	
What evidence exists for this?	No request has been made for documents to be made available in other languages	
15. Are there concerns there <u>could</u> be a differential impact due to <i>multiple discriminations</i> (e.g. <i>disability and age</i>)?	YES	As for 7.
	NO	
What evidence exists for this?	As for 7.	

Conclusions & recommendation		
16. Could the differential impacts identified in questions 7-15 amount to there being the potential for adverse impact?	YES	No differential impacts were identified that would suggest there could be a potential adverse impact.
	NO	
17. Can the adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or another reason?	YES	
	NO	
Recommendation to proceed to a full impact assessment?		
NO	This function/ policy/ service change complies with the requirements of the legislation and there is evidence to show this is the case.	

NO, BUT ...	What is required to ensure this complies with the requirements of the legislation? (see DIA Guidance Notes)?	Minor modifications necessary (e.g. change of 'he' to 'he or she', re-analysis of way routine statistics are reported)
YES	Give details of key person responsible and target date for carrying out full impact assessment (see DIA Guidance Notes)	

2. Action plan to make Minor modifications		
Outcome	Actions (with date of completion)	Officer responsible
An updated plan as required	Minor modification will be agreed by the Director of Regeneration, Community and Culture	Robin Cooper

Planning ahead: Reminders for the next review	
Date of next review	The Landscape Character Assessment is a landscape planning document that aims to provide guidance to planning officers, developers and their agents and the wider community. It is intended that the document will be reviewed on a five yearly basis
Areas to check at next review (e.g. new census information, new legislation due)	To check boundaries are still valid and make any recommendations for change.

<p>Is there <i>another</i> group (e.g. new communities) that is relevant and ought to be considered next time?</p>	<p>No</p>	
<p>Signed (completing officer/service manager) Brendan Doyle</p>	<p>Date 18/11/10</p>	
<p>Signed (service manager/Assistant Director) Stephen Gaimster</p>	<p>Date 18/11/10</p>	