Tonbridge and Malling Borough Council

LOCAL DEVELOPMENT FRAMEWORK

CORE STRATEGY

POSITION STATEMENT No CS07

Special Landscape Areas

GOSE (62.02)
CPRE (173.04)
Kent County Council (175.11/12)
Ramac Holdings (182.01)
Bridgewood Rochester Trust (297.02/03)
Special Landscape Areas

1 Introduction

1.1 This Position Statement addresses issues relating to the designation of Special Landscape Areas (hereafter referred to as SLAs) and the policy applying to them under Policy CP8 of the Core Strategy.

1.2 Planning Policy Statement 7 (PPS7) – Sustainable Development in Rural Areas

1.3 Paragraph 24 of PPS7 suggests that carefully drafted, criteria-based policies, utilising tools such as landscape character assessment, should provide sufficient protection for highly valued areas of landscape outside nationally designated areas. Rigid local designations may unduly restrict acceptable, sustainable development and economic activity in rural areas.

1.4 Paragraph 25 recognises that local landscape designations should only be maintained where criteria-based planning policies cannot provide the necessary protection. Consideration needs to be given to the justification for retaining existing local landscape designations. Such designations should be based on a formal and robust assessment of landscape qualities.

2 The Council's Position

2.1 The following options for Countryside Protection are considered in Section 2 of the Preferred Options Report:

Option 1 To retain the three SLAs in the Borough.

Option 2 To retain a policy protecting the AONB but delete the SLA and rely on a criteria-based policy to protect the countryside and the setting and separation of settlements generally.

Option 1 was chosen because of the robustness of their justification and the importance of protecting the character and appearance of these areas. The retention of the SLA was considered to be appropriate but only where it covers large swathes of land within the Borough outside the AONB.

2.2 The Key Diagram indicates where the SLA Policy will apply. As it says in para 6.2.22 of the Core Strategy detailed boundaries will be shown on the Proposals Map. As is the case with other proposals which can be identified on the adopted Proposals Map it was not considered necessary to specifically identify the areas to which this policy applies until

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1 RD 1.16 PPS7 Sustainable Development in Rural Areas
2 RD 5.4 Preferred Options Report
such time as the revised Proposals Map is prepared. On reflection, although it can be interpreted from the Key Diagram, it would have perhaps been better if the Council had published the actual changes to the extent of the area in the Submission Proposals Map DPD. For the avoidance of doubt, the areas to be excluded from the SLA as shown on the Local Plan are shown on the maps at Annex A. These areas mainly comprise small isolated pockets abutting the AONB, none of which are extensive enough to be categorised as areas of County-wide importance.

2.3 The SLA was originally defined by Kent County Council in the Structure Plan following a detailed and objective landscape assessment. The Panel Report (February 2005) on the Examination in Public into the Kent and Medway Structure Plan considered the principle of SLAs in paragraphs 7.42 – 7.55 (relevant extract attached at Annex B). This was informed by “Working Paper 9 Special Landscape Areas: Designations Review” prepared by Babtie Group Ltd for Kent County Council in September 2003. It found that the SLAs were designated following a formal county-wide assessment of countryside quality. The Cobham Review informed the Kent Structure Plan 1996 and this was based on Countryside Agency Landscape Assessment Guidance criteria related to quality, visual unity, sense of space and conservation. The Babtie Assessment reaffirmed but rationalised the definition of those SLAs, in particular removing any confusing overlap with AONB designations that had previously existed. It concluded that SLAs will provide a proper and desirable level of certainty in the protection of important landscapes. The Panel found that the SLAs in Kent were soundly based on a series of rigorous formal assessments that appear to have found general acceptance and respect. They concluded that the SLAs should be retained but reviewed in the context of the Regional Spatial Strategy (The South East Plan).

2.4 Core Policy CP8 policy is worded in such a way as to protect the landscape character of the SLAs. It is not intended to be a rigid designation which unduly restricts acceptable, sustainable development and the economic activity that underpins the vitality of rural areas. It is only development that is harmful to the landscape that should be resisted in such areas.

3 Response to Representations

3.1 There have been 7 representations from 5 different respondents in relation to Special Landscape Areas. The following is a synopsis of the main issues raised with the Council’s response to each point shown in italics.

(1) The designation should be deleted as it is a blanket designation which is not in accordance with PPS7. PPS7 advocates the use of a criteria-based policy utilising landscape character assessment instead. (Government Office for the South East [62.02] and Bridgewood Rochester Ltd [297.02])

Response: It is considered that the designation is justified as the SLAs have been defined following a detailed and objective landscape assessment on a consistent basis across the whole county. They are therefore, by definition, not a “local” designation to which PPS7 is referring (see para 2.3 above).

3 RD 3.3 – Working Paper 9 – Special Landscape Areas – Designation Review
(2) The SLA covering Mereworth Wood should be upgraded to an AONB. (Tonbridge & Malling CPRE [173.04])

Response: AONBs are nationally designated and the Borough Council does not have the power to designate areas as AONB or alter the extent of existing areas.

(3) The wording of the policy should be changed to provide for development in exceptional circumstances. (Ramac Holdings Ltd, SS/182.91)

Response: Proposals for development will be considered on their merits in the context of their impact on SLAs. There may be exceptional circumstances which justify a departure from the policy but these do not need to be specified in the policy itself.

(4) The deletion of the area of Special Landscape Importance to the North East of the M2 should be shown in an Annex to the Core Strategy. (Bridgewood Rochester Ltd, [297.03])

Response: This representation relates to an Area of Local Landscape Importance and not a SLA. The area in question is not shown as a SLA on the Core Strategy Key Diagram. Areas to be deleted from the SLA are shown in Annex A.

(5) The names of the SLAs should be referred to by their designated names as Policy EN5 of the Kent and Medway Structure Plan4. (Kent County Council, [175.11/12])

Response: On the basis that the Structure Plan will no longer exist at about the time or soon after the adoption of the Core Strategy it is not considered necessary to ensure conformity with the terminology of the Structure Plan. The descriptions in para 6.2.21 are virtually the same as in the Structure Plan but provide a local context.

4 Conclusions

4.1 The Borough Council believes that the SLAs have been designated using objective procedures of landscape assessment and on a consistent basis across the County. As such they are not a local designation. They are of at least County-wide importance. They are not intended to be a rigid designation which unduly restricts development but are intended to protect landscape quality which is of strategic significance. The designation of SLAs within the Core Strategy is considered to be sound and they should not be deleted.
ANNEX B

Kent and Medway Structure Plan Panel Report  Chapter 7 - Environment

7.40 As in the case of Strategic Gaps, the designation of SLAs follows long-established strategic planning practice in Kent. It is established, however, that Strategic Gaps perform a specific anti-coalescence function. This is quite distinct from the protective aim of SLAs, to which we now give separate consideration.

Main Issues

7.41 The matters for consideration are:

- whether the continued designation of Special Landscape Areas is appropriate with reference to current national and regional planning policy, or whether the aims of policy E5 could equally be met by a criterion-based approach to landscape area assessment;
- if SLAs are retained in the Plan, whether there are grounds for a further SLA to be designated at Romney Marsh;
- other aspects of the wording of policies and explanatory text in Chapter 4 of the Plan.

Special Landscape Areas in Principle

Evolving Policy

7.42 It has long been national policy, set down in the former PPG7, that local countryside designations could unduly restrict acceptable development and economic activity and should only be maintained or extended, on the basis of formal assessment of the qualities of the countryside, where there is good reason to believe that normal planning policies cannot provide the necessary protection.

7.43 The recently published PPS7, replacing PPG7, carries forward and reaffirms this advice. Paragraphs 24 and 25 first recognise that certain landscapes outside national designations, such as AONBs, are highly valued locally. However, the Guidance goes on to state that local landscape designations, such as SLAs, should only be maintained or, exceptionally, extended where it can be clearly shown that carefully drafted, criterion-based planning policies, using tools such as landscape character assessment, cannot provide the necessary protection. This provision is again predicated upon the concern that rigid local designations may unduly restrict acceptable, sustainable development and the economic activity that underpins the vitality of rural areas.

7.44 It is evident that, historically, including via the EiP in 1996 into the currently adopted Kent Structure Plan, that SLAs based on formal assessment of countryside quality have provided an effective tool of strategic planning in the County, complementing adjacent AONB designations and protecting areas of local value. An impressive amount of detailed professional work has been completed and is ongoing on behalf of KCC/MC and the respective local planning authorities in relation to landscape character assessment.

7.45 At County level, the Cobham Review informed the 1996 EiP and led to the adoption of the same range of SLAs as appear in this Plan. That review was based on Countryside Agency Landscape Assessment Guidance criteria related to quality, visual unity, sense

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7 CD KMD 5:9 - 7/7 - February 2005
of space and conservation. The Babtie Assessment of 2004\(^8\), encompassed in Working Paper 9 to this EiP\(^9\), reaffirmed but rationalised the definition those SLAs, in particular removing any confusing overlap with AONB designations that had previously existed.

7.46 Notably, neither of these studies were briefed to review the AONBs themselves. That is a matter beyond the jurisdiction of KCC/MC and evidently unlikely to receive attention at national level in the foreseeable future. Accordingly there is no justification to defer consideration of the SLA provisions of this Plan pending any such review, as one participant suggests. We therefore proceed to consider the matter of SLAs on the basis that the AONBs as currently designated are unlikely to change in the foreseeable future.

7.47 At District level, it is clear that studies are still in progress, partly in response to the preference in PPS7 for criteria-based assessment over local area designation, to establish such criteria locally and also to identify local landscapes that nevertheless justify area protection. There is nothing in PPS7 to prevent such local designations being made, whether or not SLAs remain in the Plan.

7.48 It is our task simply to assess, on the basis of current circumstances, whether the Plan should designate SLAs or, alternatively, place reliance upon the formal assessments that lie behind them and incorporate these into SPG as a database of future criteria-based consideration of development proposals.

Current Justification

7.49 We respect the views of those participants who correctly cite the danger, highlighted in PPS7, of SLAs causing undue restriction to sustainable development in a manner detrimental to rural communities. This applies equally to the increasing need for farm diversification in support of the changing agricultural economy as to major development.

7.50 Two further important considerations were voiced by the NFU: that the aim of the Spatial Strategy should be positively to conserve the countryside in response to changing farming practice and not negatively to “freeze” the rural landscape, which has historically always altered to reflect the needs of agriculture; and that the object of PPS7 in paragraph 2, is actively to “facilitate and promote” sustainable rural development, as distinct from merely having regard to the well-being of communities, in the terms of Policy E5.

7.51 We accept that the retention of SLAs could have adverse economic implications if they resulted in inflexible planning restraint and we acknowledge that, by Policies E1 to E3, the Plan already provides criteria for protecting the Kent coast, its countryside and landscapes, and in paragraph 4.10 anticipates the developing role of LDDs to use existing data to establish criteria-based assessment methodology appropriate to each District and to justify any area designations on a truly local basis.

7.52 However, we do not believe that the available countryside or landscape assessments could be readily translated into effective criteria-based provisions for landscape protection in the broad strategic context of this Plan. Historically, moreover, the SLAs of the Plan are soundly based on a series of rigorous formal assessments that appear to have found general acceptance and respect.

7.53 Furthermore, the terms of Policy E5 itself are not preclusive of acceptable development and in our view could be made more compliant with the spirit of PPS7. In particular it should go beyond the published PEC and refer to “facilitating” rural community well-being, for reasons set out above.

\(^8\) CD KMD 5:8
\(^9\) CD KMD 1:9
The process of LDF formulation is in its early stages and, in our opinion, the existing SLAs, as put forward in this Plan, will provide a proper and desirable level of certainty in the protection of important landscapes, at least for the next few years. Thereafter, the question of their inclusion in future RSS or SRS, or associated SPG, should be fully reviewed.

On balance we therefore conclude that Policy E5 and the SLAs should remain in the Plan, subject to the modification to its wording and explanatory text that we recommend below. Importantly, the paragraphs leading up to Policies E3 and E5 should be more explicit in their reference to the future role of LDDs to protection landscape interests using primarily a criteria-based approach, and to the need for future review of the need for a SLA policy of RSS status.

Romney Marsh

In line with paragraph 25 of PPS7, there should be no extension of existing SLAs in the Plan unless there is exceptional justification. This is necessarily a higher test than needs to be applied to the established SLAs considered above, which specifically excluded Romney Marsh over several years, following repeated formal assessment.

In the case of Romney Marsh, the Panel recommended in connection with the EIP in 1996, prior to the adoption of the current KSP that Romney Marsh should not be designated an SLA. This was on grounds that the wild, remote marshland had been adversely affected by modern development and partly lost to arable farming and gravel extraction.

Since that time a National Nature Reserve (NNR) has been designated at Dungeness as well as a Special Area of Conservation (SAC) over most of the Dungeness SSSI and the Shepway Local Plan applies identifies Romney Marsh as a Local Landscape Area (LLA). Most recently the vulnerability of the wildlife and landscape interests of the Marsh has fallen under scrutiny as the site of a proposed windfarm. However, that is not a matter upon which it is for us to offer any opinion, and the fact that SLA status would aid resistance to such development is not an approach we can properly entertain.

It is important not to confuse the considerable nature conservation value of Romney Marsh with its visual landscape, albeit the two are naturally linked. It is evident that the high level wildlife protection measures in place act for themselves, whilst the open landscape suffers impact by major man-made development, particularly Dungeness Power Station and its associated overhead transmission facilities and transport connections, as well as past mineral working.

That is not to say that the landscape of Romney Marsh should be “written off” as permanently beyond repair, and it is for the LDD preparation and review process to establish in time whether the LLA status should be perpetuated, depending on any degree of recovery in the light of planning policy then applying.

However, on the representations before us, there is, in our judgement, currently no new circumstance to justify exceptional designation under current policy. We accordingly conclude that Romney Marsh should not be accorded SLA status in the Plan, but we consider that its landscape and biodiversity interests can derive appropriate protection from other policies of the Plan.

Further Modifications

In addition to the modifications identified above, we consider that several further improvements should be made to this part of the Plan as follows:
7.63 KCC/MC accepted at the EIP that there is an inconsistency of terminology running through Policies E1 to E5, and their associated explanatory text, with regard to their overall objectives. These are essentially - in order - the "protection", "conservation" and "enhancement" of the interests that form the subject of the respective policies. In order to avoid uncertainty, this part of Chapter 4 should therefore be modified to ensure the consistent use of this hierarchy of terms throughout.

7.64 Further, there is some confusion in the use of the terms "countryside" and "landscape" within paragraphs 4.7 to 4.10 and Policy E3 under the heading of "Landscape Character". In fact the section is primarily cast in terms of "Countryside Character". To avoid undue overlap with the section immediately following on "Designated Landscapes", we propose that the whole "Landscape Character" section be re-titled "Countryside Protection", with commensurate modifications to the text and the title of Policy E3. Further modification to paragraph 4.10 and Policy E3 is desirable, on lines suggested by Medway Countryside Forum (MCF), in anticipation of future criteria-based landscape character assessment in LDDs, pursuant to PPS7.

7.65 With regard to Policy E5, we do not consider that the PEC achieves the clarity sought. We therefore propose an alternative form of words to modify the reference to communities inside the SLAs in terms of facilitating their economic and social wellbeing, in terms of PPS7 as noted above, and otherwise to clarify the phraseology. The introductory paragraph 4.14 should also be modified to give an unequivocal signal that a future review of SLA designation is required in the RSS.

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**Recommendations – Landscape Designations**

**Chapter 4**

- The Policies E1 to E5 and paragraphs 4.1 to 4.15 inclusive should be modified as necessary to maintain consistent application of the terms "protect", "conserve" and "enhance" with respect to environmental interests.

- Title before paragraph 4.7 should be modified to: "Countryside Character".

- Paragraph 4.10 should be modified to refer to the role of LDDs in developing criteria-based landscape assessment.

- The title of Policy E3 should be modified to: "Protection and Enhancement of Countryside Character".

- Paragraph 4.14 should be modified to indicate that the designation of SLAs will be reviewed in the process of preparing Regional and Sub Regional Spatial Strategies.

- The final paragraph of Policy E5 should be modified to:

  "The primary objective of designating Special Landscape Areas is the protection, conservation and enhancement of their landscapes, whilst having regard to the need to facilitate the social and economic well-being of the communities situated within them."

- The first paragraph of Policy E3 should be modified by the addition of the following sentence: "Where locally significant landscapes are formally assessed, they may be identified in LDDs".

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February 2005