

Local Plan Panel Meeting		Agenda Item:
Meeting Date	29 November 2018	
Report Title	Swale Local Landscape Designation Review and Recommendations	
Cabinet Member	Cllr Gerry Lewin, Cabinet Member for Planning	
SMT Lead	Emma Wiggins	
Head of Service	James Freeman	
Lead Officer	Anna Stonor	
Key Decision	No	
Classification	Open	
Recommendations	<p>Recommend to Cabinet that they agree:</p> <ol style="list-style-type: none"> 1. the recommendations set out in the Swale Local Landscape Designation Review and Recommendations 2018; 2. that in the emerging local plan the ‘settings’ element of policy DM 24 <i>Conserving and enhancing valued landscapes</i> be updated in response to this review. 	

1. Purpose of Report and Executive Summary

- 1.1. This report updates the Panel on work connected with the preparation of the Local Landscape Designation Review.
- 1.2. Attached to this report at Appendix III is the *Swale Local Landscape Designations: Review and Recommendations*, October 2018. The review and recommendations document presents the findings of the review of local landscape designations (LLDs) conducted by independent landscape consultants LUC.
- 1.3. The review included a consultation with stakeholders over the winter of 2017-18 and a stakeholder workshop in September 2018.
- 1.4. The Panel is asked to agree to accept the recommendations made in the Swale Local Landscape Designations Review and Recommendations 2018 and that in the emerging local plan the ‘settings’ element of policy DM 24 *Conserving and enhancing valued landscapes* be updated in response to this review.

2. Background

- 2.1. Local landscape designations within Swale currently consist of Areas of High Landscape Value (Kent Level) and Areas of High Landscape Value (Swale Level) and are identified on the Proposals Map of the Council’s Local Plan at

www.cartogold.co.uk/swale/ . The purpose of these designations is to conserve and enhance these landscapes as set out in Policy DM 24 of the Swale Local Plan 2017.

- 2.2. Following the adoption of the Local Plan in July 2017 the Planning Policy team began the process of commissioning a review of Local Landscape Designations. These had previously been reviewed in 2003 by Jacobs (Babtie) Ltd and via an interim review undertaken by Swale Borough Council in 2014 (see CD/053 and CD/090 at swale.gov.uk/examination-document-library/).
- 2.3. The brief for this review asked that consultants examine all of the locally designated landscapes in the borough and their boundaries and make recommendations for any changes (extensions or deletions). They were also required to consider the designation of new areas. The brief highlighted: the areas set out for review in the Interim Review of Local Landscape Designations and Important Local Countryside Gaps (SBC, 2014); the area between Rhode Common, Brenley Corner and Boughton; the area around Sandbanks, Graveney and Goodnestone; the area between Osiers Farm (Teynham) and Lynsted; the area south of Bapchild to Rodmersham Green and Dungate; the Sheppey Hills between Minster, Eastchurch and Warden; the coastline of North Sheppey and the northern edge of the AONB within Swale, including the setting of the AONB. The brief also asked the consultants to use their professional experience as well as the stakeholder responses to ascertain any further areas for assessment and designation.
- 2.4. Members are reminded that the Kent Downs Area of Outstanding Natural Beauty is a national designation and is not part of this review. Significant built up areas are also excluded, because landscape designations relate only to rural areas.
- 2.5. The agreed recommendations from the Local Landscape Designation Review will be used, as part of the evidence base for the preparation of the emerging local plan and as a material consideration in decisions about planning applications. The agreed designations will also be incorporated into the Proposals Maps for the emerging local plan.
- 2.6. One recommendation from this review is that in the emerging local plan, only one level of local landscape designation is used instead of the two existing layers (the Area of High Landscape Value (Kent Level) and the Area of High Landscape Value (Swale Level)). Having two layers of local landscape designation is a legacy of the Kent-wide Structure and Countryside Plans and are not as relevant now that these plans no longer exist. The criteria that has been used in this review is consistent across all landscapes assessed and the recommendation from the consultants is that one level of designation is appropriate. The proposed one layer of local landscape designation will be called 'Area of High Landscape Value'. Having one level of local landscape designation makes the designation simpler to understand and apply in practice.

2.7. Following the outcome of the Local Plan Panel meeting to discuss the Landscape Designation Review on 29th November, statements of significance will be prepared for each Local Landscape Designation. For ease of use this will be in a separate, stand-alone, document. The statements will be based on the evaluations from the Review and Recommendations Report and include a summary of identified qualities. These statements will be an accessible tool to enable easy use and application of the local landscape designations.

3. NPPF and valued landscapes

3.1. The NPPF, published in July 2018, states at the start of paragraph 170: *Planning policies and decisions should contribute to and enhance the natural and local environment by a) **protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);** b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;...*

3.2. Paragraph 171 continues: *Plans should: distinguish between the **hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework;** take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.*

3.3. The NPPF does not define valued landscapes. However, there is a consensus amongst planning, law and landscape professionals that designated landscapes are likely to be considered ‘valued’ for the purposes of paragraph 170, but also that non-designated areas can also be ‘valued.’ Case law indicates that to be valued in the context of the NPPF there needs to be something special or out of the ordinary that can be defined and that to be valued a site is required to show some demonstrable physical attributes rather than just popularity.

3.4. The retention of local landscape designations in Swale is therefore in line with the NPPF and its hierarchy of international, national and local designations. The Local Landscape Designation Review will provide the evidence to support Swale’s local designations by: elucidating the ‘special’ landscapes within the borough that are valued; defining the attributes and identifying the qualities that make these areas worthy of local designation; ensuring a robust and criteria based approach to defining locally designated landscapes; and providing a way to ensure local values, as identified through local stakeholder views, have been used to inform and strengthen the local landscape designations.

- 3.5. Across Swale there may be areas with a high quality landscape which are popular and locally valued and possess features, attributes or qualities of value but which are not local landscape designations. This can often be a question of scale – landscape designations are appropriate for large swathes of land but not for pockets of high value - or because they don't meet the range of criteria set out in this review.
- 3.6. It should be noted at this point that all landscapes in Swale have been assessed as part of the Landscape Character and Biodiversity Appraisal (LCA) (CD/063 at <https://www.swale.gov.uk/examination-document-library/>) which advocates an 'all landscapes' approach and which can be used to assist decision making and guide development across the borough including in areas which are not designated. As demonstrated below, the LCA has been used as a framework for this study.

4. Methodology

4.1. The Landscape Consultants conducting this review, LUC, followed a staged approach to the local landscape designation review, as follows:

- Stage 1 - Method development including identifying the assessment criteria
- Stage 2 - Desk review – including the review of the landscape value stakeholder consultation, a first sieve of the 42 Swale Landscape Character Areas (LCAs) and a review of existing Local Landscape Designations and previous reviews.
- Stage 3 - Evaluation and field surveys
- Stage 4 – Stakeholder workshop and preparation of final recommendations

4.2. Stage 1 - The assessment criteria were defined by LUC using best practice guidance and experience of similar projects, refined to reflect the particular landscape of Swale. Table 4.1 of Appendix III sets out in full the assessment criteria in the Swale Evaluation Framework. In summary, the five criteria considered are:

- Local distinctiveness and sense of place.
- Landscape quality (condition and intactness).
- Scenic qualities.
- Landscape values (including stakeholder views).
- Natural and cultural attributes/associations.

4.3. Stage 2 - Desk Review. This was a first sieve approach to identify areas of search for LLDs (Appendix 3 of Appendix III to this report) and used input from

the stakeholder consultation. Under the framework of Swale's 42 Landscape Character Areas, LUC used a matrix approach (using the five criteria outlined in 4.2 above) to reach decisions about whether separate Landscape Character Areas should be taken forward as future LLD areas of search. The results of the desk review are presented in Table 5.1 of Appendix III. This highlights the Landscape Character Areas that were taken forward for detailed Stage 3 evaluation and field survey. Please note that some areas which did not meet the criteria in the Stage 2 desk review were taken forward to Stage 3 due to their relationship with existing LLDs, as a result of a recommendation in the 2014 Interim Review, the project brief and officer input or due to the high number of stakeholder representations.

- 4.4. Stage 3 – Evaluation and field surveys. Following on from Stage 2, thirteen candidate areas were evaluated in detail (see 5.5-5.6 of Appendix III).
- 4.5. Following the initial evaluation and field surveys draft recommendations were presented at a Stage 4 stakeholder workshop. At the workshop LUC presented an outline of the study, including how the consultation results had been utilised, showed the draft results of the evaluation and discussed key issues.
- 4.6. Further to this workshop LUC evaluated the feedback received, reviewed their draft recommendations and prepared the final Review and Recommendations report (Appendix III). This completed Stage 4.
- 4.7. The results of LUC's evaluation can be found in Chapter 6 of Appendix III where all recommendations are fully explained and justified. A brief officer summary of these recommendations is presented in Appendix I to this report.
- 4.8. As a result of the review, and in particular stakeholder feedback (parish councils and AONB Unit), LUC have also recommended that the emerging local plan's landscape policy, DM24 *Conserving and enhancing valued landscapes*, be reviewed and updated with regard to the AONB's setting. The setting of the Kent Downs' AONB is, broadly speaking, the land outside this national designation which is visible from the AONB and from which the AONB can be seen. LUC have recommended to officers that an updated policy should mention by name the Landscape Character Areas to the north of the AONB, specifically areas of similar character to the AONB or where the special qualities of the AONB can be appreciated. The Panel is therefore also asked to recommend to Cabinet that as the local plan policies are developed the 'settings' element of the landscape policy is explored and updated in response to this review.

5. Proposal

- 5.1. As one element of the technical evidence base for the emerging Local Plan, *The Swale Local Landscape Designations Review and Recommendations* (Appendix III) contains independent professional recommendations, informed by stakeholder involvement. The Panel is asked to recommend to Cabinet:
 - that they agree the *Swale Local Landscape Designations Review and Recommendations, October 2018* as a material consideration for use in development control decisions, as evidence to inform the emerging Swale

Borough Local Plan and as the local landscape designations to be included within the Proposals Maps for the next iteration of the Swale Borough Local Plan (due to be adopted in 2023).

- that as part of the emerging local plan work the ‘settings’ element of policy DM 24 *Conserving and enhancing valued landscapes* be updated in response to this review.

6. Alternative Options

- 6.1. An alternative option for Panel Members is not to accept the recommendations of the *Swale Local Landscape Designations Review and Recommendations*. However, the review is a robust and up to date piece of evidence and this approach is not recommended as it would not be using the best available evidence.
- 6.2. A further option for Panel Members is to decide to proceed through the local plan process without local landscape designations, and instead rely on the Landscape Character Appraisal to make decisions regarding the borough’s landscapes. This review has demonstrated that local landscape designations are popular as they are relatively straightforward to use and clearly demonstrate the local landscapes of most value in the borough. The use of local landscape designations is in line with the NPPF and for these reasons this option is not recommended.

7. Consultation Undertaken or Proposed

- 7.1. Understanding the value placed on the landscape by local stakeholders has been an integral part of this review. In the winter of 2017/18 the Planning Policy team wrote to Council Members, parish and town councils, statutory and non-statutory stakeholders and groups/residents who expressed an interest to identify the landscapes which they valued, highlighting these on a map. Stakeholders were also asked to comment on the criteria used for the assessment.
- 7.2. Responses were received from 29 different stakeholders and were forwarded in full to LUC. Chapter 3 and Chapter 5 (particularly Table 5.1) of the review and recommendations report (Appendix III) explains how the representations were used in the review. As noted above in 4.3, as a result of the stakeholder feedback some Landscape Character Areas which didn’t meet the criteria for evaluation were nevertheless taken forward for detailed Stage 3 evaluation and field survey.
- 7.3. A brief officer summary of the representations received can be found in Appendix II to this report. Members are asked to note that this summary has been prepared solely as an appendix to this paper. The consultants LUC used

the full stakeholder feedback produced in the consultation in the preparation of their review and recommendations.

7.4. As stated above responses for areas/sites within the AONB and urban areas were excluded from the evaluation as these areas are not included in the scope of the review.

7.5. Copies of the stakeholder feedback received can be found in the Members' Room at Swale House.

7.6. Twelve stakeholders attended the stakeholder workshop on 18th September 2018. A list of those whose attended can be found in Appendix II of this report.

8. Implications

Issue	Implications
Corporate Plan	Supports the Council's corporate priorities for a borough and a community to be proud of.
Financial, Resource and Property	Within Local Plan budget.
Legal and Statutory	None anticipated at this time.
Crime and Disorder	None anticipated at this time.
Environment and Sustainability	The Local Plan process will be subject to Sustainability Appraisal.
Health and Wellbeing	None at this time.
Risk Management and Health and Safety	None at this time.
Equality and Diversity	The Local Plan process will be subject to a Community Impact Assessments at appropriate points.
Privacy and Data Protection	Data has been processed in a manner compliant with GDPR.

9. Appendices

- 9.1. Appendix I – Officer summary of evaluation recommendations from the *Swale Local Landscape Designation Review and Recommendations*
- 9.2. Appendix II – Officer summary of stakeholder engagement responses and stakeholder workshop attendee details
- 9.3. Appendix III – *Swale Local Landscape Designations: Review and Recommendations*, LUC, October 2018

10. Background Papers

- 10.1. None