

Planning and Transportation 13 November 2017 Cabinet Advisory Board

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

No

Borough Landscape Character Assessment 2017

Final Decision-Maker	Cabinet
Portfolio Holder(s)	Cllr Alan McDermott – Portfolio Holder for Planning and Transportation
Lead Director	Lee Colyer – Director of Finance, Policy and Development
Head of Service	Karen Fossett – Head of Planning
Lead Officer/Author	David Scully – Landscape and Biodiversity Officer
Classification	Non-exempt
Wards affected	All

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

1. That the consultation responses to the draft Landscape Character Assessment 2017 be noted and the proposed amendments be agreed; and
2. That, subject to the proposed amendments and other minor wording changes or correction of typographical errors to be approved by the Head of Planning, the revised document be formally adopted by the Council as a Supplementary Planning Document for use in planning decisions and to inform and supplement planning policies of the Council.

This report relates to the following Five Year Plan Key Objectives:

- A Prosperous Borough – the document is a key piece of evidence for the emerging Local Plan and will be used to guide planning applications as part of the development management process.
- A Green Borough – the purpose of the document is to support the Council's policy of conserving and enhancing the Borough's high quality landscape.

Timetable

Meeting	Date
Management Board	25 October 2017
Cabinet Advisory Board	13 November 2017
Planning Policy Working Group	21 November 2017
Cabinet	7 December 2017

Borough Landscape Character Assessment 2017

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The Draft Borough Landscape Character Assessment 2017 is intended to replace the existing Supplementary Planning Document and as such it was required to undergo a formal process of public consultation before adoption by the Council, as required by statute and the Council's constitution.
 - 1.2 The document was prepared by external consultants in accordance with government guidance and involved desk-top and field work as well as focused public engagement.
 - 1.3 It was approved by Cabinet for formal public consultation which took place between 2 May and 12 June 2017.
 - 1.4 This report presents the results of that consultation asking members to note the responses received and to agree changes proposed in response to those comments and other recommended changes.
 - 1.5 This report recommends approval of the Borough Landscape Character Assessment 2017, amended as proposed, and for a formal resolution of the Council for it to be adopted as a new Supplementary Planning Document for use in planning decisions and to inform and supplement planning policies of the Council. (A copy of the consultation draft can be accessed via the link at the end of this report; a paper copy can also be viewed in the Members' Room.)
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2. INTRODUCTION AND BACKGROUND

- 2.1 The existing Landscape Character Assessment for the whole Borough was prepared in 1999/2000 and so is close to being considered out of date. There have been some physical changes in the landscape which are not reflected in the existing document including major developments such as the A21 improvements, a series of solar farms and new housing and in addition agricultural changes such as the loss of hop gardens.
- 2.2 The Council is also in possession of more up-to-date information about the landscape, in particular historical elements including ancient woodland, historic parks and gardens, former railways lines and historic farmsteads that all need to be reflected in the assessment.
- 2.3 In addition there have been some changes including the publication of more recent guidance on methodology and the publication of the National Planning Policy Framework (NPPF) 2012, requiring a slightly different approach to landscape values which can only be addressed by a full revision.
- 2.4 A revision is also considered timely as preparation of the new Tunbridge Wells Borough Local Plan is underway and the revised Landscape Character

Assessment will be a key piece of evidence to assist in the preparation of the plan and will be a key tool in the delivery of the plan.

- 2.5 Some other pieces of evidence also need to draw on a landscape assessment and so having an updated assessment has helped inform other studies to ensure that the whole of the evidence base for the new Local Plan is as up to date and as robust as possible.
- 2.6 Preparation has been in accordance with current guidance (An Approach to Landscape Character Assessment October 2014 Natural England NE 579) and has involved extensive desk-top studies and field work visiting every character area. This has been supported by a series of public workshops in three locations across the Borough, and an open consultation on the existing landscape assessment.
- 2.7 The resultant document is not hugely different in general terms to the existing document but has been entirely re-written and contains many new descriptions and additions. In particular it has for each character area a new section on valued Features and Qualities to meet the requirements of the NPPF and a section on Landscape Strategy to give direction to any intervention.
- 2.8 The revised document also contains a User's Guide and includes information on the issue of light pollution.
- 2.9 Whilst the overall objectives remain the same, the 'Conserve and Enhance' and the 'Detractors and Opportunities' sections have been updated.
- 2.10 These additions and revisions have added to the length of the document and so to improve accessibility/readability the structure and format have been reordered and presented in two parts; the first, a basic introduction, user's guide, Borough overview and detailed character areas, and the second, the methodology and background information.
- 2.11 The consultation on the draft elicited comments from 14 respondents (one was counted twice) and these together with any recommendations for changes are set out in Appendix A 'Consultation responses'. It is proposed that these recommendations are incorporated with final editing to be approved by the Head of Planning Services.
- 2.12 A full summary of responses is set out in section 5 of this report but in essence comments were mostly on detailed points and have been categorised as seven supportive, five neutral and one negative.
- 2.13 In addition comment on the draft was invited from Dr Nicola Bannister who was responsible for preparing the Historic Landscape Characterisation of the Borough to ensure wording and description to historical matters were properly conveyed in the final report. Her schedule of recommendations is set out in Appendix B 'Comments by NRB on historical content'. It is proposed that these are incorporated with final editing to be approved by the Head of Planning Services.

2.14 Natural England did not provide comments during the consultation but officers requested some comments as they consider it important to get the views of the statutory consultee on such matters. They eventually replied on 25 October 2017 (Appendix D) apologising for the delay and the limited comments due to pressure of work. They supported the document stating:

“We recognise the public consultation and in particular the innovative approach of using ESRI StoryMap and the “your View” app as part of the evidence to produce this LCA. A Landscape Character Assessment SPD (LCA) has an essential role in plan-making as a core component of the environmental evidence base and underpins a planning authority’s approach to landscape protection and enhancement and guide the drafting of landscape, design and green infrastructure policies in Local Plans and Neighbourhood Development Plans. It also has an important role in identifying the capacity of areas to accept new built development and in shaping development allocations.”

2.15 In addition they suggested that we consider additional guidance/explanation on climate change and ecosystem services. These are recommendations only and are not within current published guidance. Without undertaking significant new work it will not be possible to fully integrate these issues within such a document and there are arguments that it would not necessarily be appropriate. However, it would be relatively easy to incorporate wording to ensure that these issues are considered by applicants as part of any landscape assessment alongside consideration of the SPD. We are in discussion with the consultants who wrote the SPD, who are also advisors to Natural England, as to how best to do this. It is proposed that some wording is incorporated as part of the final editing, based on the advice of the consultants, to be approved by the Head of Planning Services.

2.16 Officers have also carried out their own review of the draft and have noted that a number of updates and corrections are required. These are set out in Appendix C ‘Schedule of corrections and updates’. It is proposed that these are incorporated with final editing to be approved by the Head of Planning Services.

3. AVAILABLE OPTIONS

- 3.1 Decide not to adopt the document and seek to rely upon the exiting study
This would expose the Local Plan and Development Management decisions to some risk as they would be relying upon a document that could be deemed as out of date.
- 3.2 Reject the proposed changes and adopt the draft document
This may result in a document that is subject to more frequent challenge and may undermine the Council’s approach to future consultations.
- 3.3 Adopt the document as proposed
The document has been prepared by independent consultants in accordance with government guidance and has involved desk-top and field work as well as focused public engagement and final public consultation. It is considered a robust piece of valuable evidence to support preparation of a new Local Plan

and should be adopted as a Supplementary Planning Document to fully support decision making.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The option being recommended to members is set out at paragraph 3.3 above namely: that the draft document be adopted subject to the recommended amendments as a Supplementary Planning Document to support the development of the new Local Plan and to inform future Development Management decisions.
- 4.2 Documents formally adopted by resolution of the Council as Supplementary Planning Documents carry greater weight in planning decisions.
- 4.3 The quality of the landscape of the Borough is high or very high and is much valued by its residents. It is an intrinsic part of the appeal that the area has for those living here or visiting as tourists. The publication of the document demonstrates the Council's commitment to the landscape of the Borough and supports the corporate priority of a Green Borough.
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5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 Cabinet approved the consultation draft without change. As mentioned above the public consultation elicited comments from 14 respondents (one was counted twice) and these together with any recommendations for changes are set out in Appendix A 'Consultation responses'. Comments mostly raised detailed points and the appendix responds to each point explaining why changes are being proposed or suggests no change where it is felt that a change is not appropriate.
- 5.2 Some submissions are very wordy and not all of the submitted material is of direct relevance to this document and so where appropriate these comments have been noted. The submission can be categorised as seven supportive, five neutral and one negative. **Supportive** are those that offer clear and strong support for the document as a whole, **neutral** are those who have just made comment on points but expressed no view either way in terms of overall support or objection and **negative** are those that question or object to the document.
- 5.3 Those who have expressed support include parish councils, the Town Forum, CPRE. Historic England, a statutory consultee, stated:

"Historic England fully endorses the Landscape Character Assessment and supports its adoption as Supplementary Planning Document. It is a thorough and comprehensive analysis of the subject that fully encapsulates the elements of the historic environment that contribute to the Borough's rich and diverse character."

5.4 As part of its detailed comments and some concerns CPRE stated:

“This is generally a well-researched document which will provide an excellent long term reference and policy document on historic evolution of the landscapes, their valued features and qualities, detractors, changes and opportunities. CPRE are pleased to see that the Council propose to adopt the assessment as a Supplementary Planning Document.”

5.5 Those who were neutral included a parish council, a Local Planning Authority, Environment Agency and the High Weald AONB Unit. The comments from the High Weald Unit are particularly unexpected as apart from some detailed points of criticism they questioned the very principle of the methodology and its application as an SPD. A long explanation is given in Appendix A but just to reiterate the document follows current best practice and guidance and is in conformity with the NPPF and has received strong support from key stakeholders.

5.6 The one objection is from a developer who thinks it should be an evidence base document rather than an SPD.

5.7 The Planning Policy Working Group will be consulted on this issue on 21 November 2017.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 Following resolution by Cabinet the amendments as proposed or amended by Cabinet will be made to the document and subject to final approval by the Head of Planning Services it will be published on the Council’s website.

6.2 An email will be sent to all consultees who made comment on the draft document.

6.3 A training session(s) will be organised for planning officers and members on use of the new publication.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Legal including Human Rights Act	Part 2 of the Planning and Compulsory Purchase Act 2004 provides for the preparation of Local Development Documents (LDDs), including those which do not form part of the statutory development plan and are consequently described as Supplementary Planning Documents (SPDs). As a consequence of amendments to the PCPA 2004 made by Section 180 of the Planning Act 2008, SPDs do not need to be produced in accordance with the Council’s Local	Jo Smith, Planning Lawyer 16/10/2017

	<p>Development Scheme (LDS) or to be accompanied by a Sustainability Appraisal.</p> <p>The recommendation in this report does not therefore contain any legal implications for the Borough Council</p>	
Finance and other resources	The preparation and consultation on this document is within existing budgets and resources allocated for the preparation of the Local Plan.	David Scully, Landscape and Biodiversity Officer 16/10/2017
Staffing establishment	There are no staffing implications	David Scully, Landscape and Biodiversity Officer 16/10/2017
Risk management	This is not a matter for the risk register	David Scully, Landscape and Biodiversity Officer 16/10/2017
Environment and sustainability	<p>The report demonstrates the Council's commitment to the environment and in particular contributes to the discharging of its duty under</p> <p><u><i>Section 40, National Environment and Rural Communities Act 2006:</i></u> <i>"40(1) Every public authority must, in exercising its functions have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."</i></p> <p><i>And, if the area in question is in the AONB:</i> <u><i>Section 85, Countryside and Rights of Way Act 2000</i></u> <i>"85(1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty."</i></p>	David Scully, Landscape and Biodiversity Officer 16/10/2017
Community safety	No implications	David Scully, Landscape and Biodiversity Officer 16/10/2017
Health and Safety	No implications	David Scully, Landscape and Biodiversity Officer 16/10/2017
Health and wellbeing	No implications	David Scully, Landscape and Biodiversity Officer 16/10/2017

Equalities	The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no apparent equality impact on end users.	David Scully, Landscape and Biodiversity Officer 16/10/2017
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8. REPORT APPENDICES

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

- Appendix A: Consultation responses
- Appendix B: Comments by NRB on historical content
- Appendix C: Schedule of corrections and updates
- Appendix D: Comments of Natural England

9. BACKGROUND PAPERS

- Borough Landscape Character Assessment 2017
http://www.tunbridgewells.gov.uk/_data/assets/pdf_file/0017/140381/290817_Draft_Landscape_Character_Assessment_SPD.pdf