

**A REVIEW OF THE LANDSCAPE AND VISUAL IMPACT ASSESSMENT (LVIA)
SUBMITTED IN RESPECT OF LAND AT ALBION ROAD, MARDEN KENT**

Planning Application Ref 23/504068/OUT

Prepared for
Maidstone Borough Council

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BRINGING NATURE TO THE HEART OF DESIGN

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1. INTRODUCTION

1.1 JFA Environmental Planning were instructed by Maidstone Borough Council (MBC) in October 2023 to review the above LVIA and assess its adequacy in terms of providing sufficient information to the local planning authority (LPA) to evaluate the application. Part of this included the adequacy of the LVIA in terms of its conformity with the standards set by The Guidelines for Landscape and Visual Assessment (2013) (GLVIA)

1.2 The site was visited on 25 October 2023 by Jaquelin Clay BSc MSc CMLI FAE, a Chartered Landscape Architect with many years of experience in landscape and visual assessment. She is the author of this report.

1.3 During her site visit, she viewed the site from all of the Viewpoints (VPs) provided in the LVIA and walked around the entire site and viewed the site from northern, western and southern boundaries. Access directly east of the site was not possible.

1.4 The LVIA was then reviewed, and relevant parts of the Design and Access Statement (DAS) were also examined. The analysis that follows is the result of the above work.

1.5 The points of concern will be discussed in the following sections, but the key points that arise out of this analysis are:

- The wrong national and local plan policies are cited and considered in the LVIA. This significantly and materially affects the robustness of the applicant's analysis.
- The baseline landscape analysis is incomplete. While it identifies the sites key landscape elements and features, it fails to fully consider other factors, in particular landscape value, and the setting of listed buildings.
- It evaluates the sensitivity of the landscape at a lower ranking than the published guidance¹. The justification for this is weak and partly relates to the flawed policy analysis.
- The visual baseline lacks key view analysis, especially in relation to what the DAS considers visually sensitive areas. Views are not provided from at least one key viewpoint.

¹ MBC Landscape Capacity Study: Sensitivity Assessment 2015 and Maidstone Landscape Character Assessment Mar 2012 amended 2013.

2. LVIA INTRODUCTION SECTION

2.1 This section sets out the background to the LVIA. It is noted at 1.6 that landscape related mitigation measures minimise impacts. However, as this is an outline application, such measures (e.g. the Landscape strategy Plan) are only illustrative. How will these be relied upon in the context of this application?

2.2 At paragraph 1.7 it is stated that the LVIA conforms to GLVIA3rd ed. However, it is not made clear to what degree it conforms and why there were any variations from the guidance. This should set this out more fully.

2.3 At 1.8 the LVIA says that the landscape/visual assessment has been incorporated into the design. However, the steps taken to do so are not made clear. The DAS goes into some considerable depth in setting out site analysis, topography, parts of the site that may potentially be visible if developed, but the DAS exercise seems independent of the LVIA.

3. LVIA POLICY SECTION

National Policy

3.1 The LVIA (dated August 2023) quotes at length from completely irrelevant parts of the NPPF (Aug 2021) The quoted policies are of relevance to town planning. The only relevant section of the NPPF in relation to the landscape assessment of this site is Paragraph 174, subsections a) and/or b). This site is within the countryside and Para 174 applies. This part of the NPPF is not mentioned and considerably weakens the LVIA analysis as it is not considering the correct National policy.

Local Plan Policy

3.2 As for national policy, either irrelevant policy is cited or key policies are ignored. The Adopted Local Plan sets out a range of Strategic Policies and forty one Development Management Policies The LVIA cites four Policies, one concerning spatial strategy and three which are concerned with development management. No strategic policies are cited:

- SSI – General Spatial Strategy
- DM1 – Principles of Good Design
- DM3 – Natural Environment and Development
- DM19 – Open Space and Recreation

3.3 An LVIA should consider first the strategic policies, such as SP17. This states that development would not be permitted that would harm the character and appearance of the countryside. In citing LP Policy SS1 (Criterion 11) it cites an irrelevant part of that policy. This is not an housing allocation site in the adopted Local Plan. The main focus of SS1 is clear: future housing development should be primarily focused on the urban area of Maidstone. Marden is identified in the Local Plan as a rural service centre, but allocation of land in these areas is secondary and only within the defined settlement boundaries

3.4 The three DM policies listed above are cited. These may be relevant in planning terms to the proposals, but are not relevant to the landscape assessment process. If the assessment had taken account of Policy SP17 then a consideration of Policy DM30 (Design Principles in the Countryside) as the site lies in a countryside location. The criteria for DM30 would have to be met. This is not considered..

3.5 The difficulty with setting out the wrong policy framework for consideration of landscape/visual effects means that the entire analysis is flawed. The LVIA needs to be set in the correct policy context to have any authority and value as an analytic tool. In parts the LVIA is more akin to a Planning Statement than an assessment of landscape and visual impact.

4. LANDSCAPE BASELINE

4.1 The landscape baseline is set out in Section 3 of the LVIA. It does consider features and elements, but uses the Landscape Character Assessments to describe the site. It would seem clearer to describe the site fully as per GLVIA3². A number of elements key to its character are not considered. Of particular concern is the failure to consider landscape value. Here the LVIA failure to cite the correct NPPF policy is an issue: Para 174a refers to “valued” landscapes. For the LVIA to draw the correct conclusion a determination of value is essential.³

4.2 The LVIA cites value a number of times (Table 1, Policy SS1, paragraph 32., paragraph 3.23 – third section, paragraphs 3.4.1 and 4.4.3), without ever providing an assessment of the value of the landscape.

4.3 The listed buildings are briefly described. Two non-designated heritage assets (NDA) are not considered. One of these is Holder’s Cottage, 30m from the site. The landscape setting of this NDA should have been considered as well as any listed or NDA closest to the site. The relationship of the

² See Section 3.15 GLVIA3 – especially spatial variation, geographic extent, history, condition, the way the landscape is experienced, and the value attached to it.

³ As per LI Technical Guidance Note 02/21 Valued Landscapes

site to the Marden Conservation Area is not mentioned at all. It is around 200m from the northern edge of the site, and any effects of the proposals on the CA in landscape terms should have been discussed. There is no assessment of the landscape setting of any of the heritage assets. The baseline section is brief (See 3.3.1.1) but there is no conclusion and it is not followed through in the impacts section. As there is no historic landscape analysis, there is no consideration of the application site having an historical relationship with any listed buildings, NDAs or the Conservation Area. All of these should have been investigated and greater note of the conclusions of the Heritage Assessment taken.

4.4 The landscape baseline description is not particularly clear in putting the site in context. This may be because the LVIA is avoiding the use of countryside as a descriptor. The site is clearly countryside outside of the built up area of Marden. It has a strong relationship with fields to the south and small-holdings to the east. The field west of the site adjacent to Thorn Road will remain countryside. This is not well described. It is not a transitional landscape and is clearly well-related to countryside to the south and west.

5. LANDSCAPE SENSITIVITY ANALYSIS

5.1 For some reason that is not clear, the LVIA divides the area of analysis into 3 Sections, Area A is the site, Area B is new housing on Seymour Drive in Russett Grove and area C is the land south of the site. This seems neither relevant or useful; the analysis should focus on the site itself and its sensitivity to change. There is nothing in the relevant SPDs ⁴ to suggest that this site is anything other than as described (eg, typical of Staplehurst Low Weald LCA) , and that the sensitivity of the site is High.

6. VISUAL ANALYSIS

6.1 This section of the LVIA first discusses the Zone of Theoretical Visual Influence (ZTVI). It does not correctly describe the digitised process as it consists of a two step analysis, first the “bare earth” digital capture followed by the “augmented” data capture which takes into account the screening effects of buildings and vegetation. While a digital ZTVI is not essential, it can be helpful and would have been in this case, for reasons discussed below in paragraph 6.3

6.2 After reviewing the data and visiting the site, the Zone of Visual Influence (ZVI) (LVIA Fig 5) seems broadly correct.

6.3 Seven representative views were selected. The photography seems accurate and the Viewpoints chosen seem representative. However, one key area of potential visibility was not field tested. This is the area between Thorn Road and Footpath KM278. The ZVI shows this as an area of visibility. The

⁴ MBCs Landscape Character Area Assessment; MBCs Landscape Capacity Study – Sensitivity Assessment

DAS analysis (and my site visit) both suggests that development on the south-facing slope could potentially be visible, and this is the reasoning within the DAS for showing reduced elevations in buildings on the portion of the application site. Here is where a digitised ZTVI would have been useful.

6.4 It would follow therefore that there is some site analysis suggesting this potential for visibility within the LVIA. It is recommended that the applicant provide a Verified View of the proposals from a location on a PROW within the ZVI, preferably from PROW KM 278. The base photography should be taken after full leaf fall (December to March) when the site screening by vegetation is reduced. The location should be where the site is not screened (or little screened) by intervening vegetation. The photomontage should be prepared in line with LI Technical Guidance Note 06/91 Type 4 and should be at minimum a wire frame of the proposed development as seen from the chosen location.

6.5 The Viewpoint Analysis shows that the site is well screened from the west, east and south-east. This screening is in part the result of trees and shrubs present on the site itself and hence under the control of the applicant. It should be noted that some screening is the result of intervening vegetation (especially from the south-east) which is not under the control of the applicant, such as field boundaries and hedgerows of other landowners.

7. IMPACT ANALYSIS

7.1 Section 5 sets out the impacts of the proposals and divides these into Landscape Impacts and Visual Impacts. It also separates out Construction Phase and Operation Phase impacts. It then undertakes a matrix analysis of the impacts and assigns various levels of magnitude of impact.

7.2 The description of the impacts is broadly correct. There will be a complete change of landscape character across the site.(Area A in the LVIA) There will be some green space retained but its character will change from countryside to urban development. This is contrary to policy, especially SP17 and DM30 as the development will harm the appearance and character of the countryside. According to the matrix analysis, the magnitude of harm is High initially but reduces to Moderate in the long term.

8. CONCLUSIONS

8.1 The LVIA provided by the applicant is deficient in a number of areas. Its key deficiency is its failure to provide the correct policy analysis. As a result of this, it sets the entire assessment process in the wrong context, failing to consider the site under policies, both National and Local, that protect the countryside.

8.2 Further weakness is shown in the landscape baseline, where site history/time depth and the site's landscape value are not analysed. This weakens the analysis, particularly as landscape value is alluded to a number of times in the LVIA.

8.3 The visual baseline lacks a detailed analysis of views from part of the Zone of Visual Influence where the proposals are most likely to be seen. A good deal of site analysis was undertaken by the applicant's architects to reduce likely visibility of the site. This needs to be demonstrated in a Verified View as discussed above.

8.4 It is concluded that the LVIA does not provide sufficient information to the local planning authority to approve the development, and that as it stands, the proposals are not policy-compliant.

9. REFERENCES

1. Department for Levelling Up, Housing and Communities. 2023. The National Planning Policy Framework. 76pp
2. Jacobs. 2012 (rev 2013) Maidstone Landscape Character Assessment. 493pp
3. Jacobs 2015. Maidstone Landscape Capacity Study: Sensitivity Assessment. 95pp
4. Landscape Institute and IEMA. 2013. Guidelines for Landscape and Visual Assessment 3rd ed.) 169pp
5. Landscape Institute 2021. Technical Guidance Note 02/21 Valued Landscapes. 47pp
6. Maidstone Borough Council. 2017. Adopted Local Plan . 335pp
7. Ministry for Housing, Communities and Local Government. 2021. National Planning Policy Framework. 75pp

