

Land North of Moat Road, Headcorn, Kent

Rebuttal to JFA Planning Review of the EDP LVIA for 23/504471/OUT

edp5739_r003

QA: CMy/BCo_EDa/GLe_180124

1 RESPONSE TO JFA ENVIRONMENTAL PLANNING REVIEW OF EDP LVIA - 23_504471_OUT-REVIEW_OF_LVIA-6070119

Executive Summary

- 1.1 The JFA Environmental Planning review of the Landscape and Visual Impact Assessment (LVIA) (edp5739_r002) produced by The Environmental Dimension Partnership Ltd (EDP) includes a review of the full report and assessment, and centres on three main issues; (1) the contention that the site has not been designed to consider its topography, and as a result would be widely visible; (2) that the LVIA is deficient in a number of ways; and (3) that the proposals do not provide sufficient Public Open Space (POS) and do not relate well to their context generally.
- 1.2 The below response sets out why this is not an agreed position, and (among other things) notes the lack of consideration of the submitted photomontages as important (as they substantially address the contentions around visibility). It also clarifies why the LVIA is not deficient (with reference to GLVIA3) and sets out how the proposals address their topographic and built context (including the Bovis scheme).

Introduction

- 1.3 This response provides a commentary on the review made in relation to the LVIA produced by EDP to accompany planning application 23/504471/OUT. The comments have been provided by JFA Environmental Planning and are dated December 2023.
- 1.4 Set out below is a response to the review, set out under the same headings provided in the JFA review.

Material Considerations

- 1.5 The review sets out the correct, relevant planning policies as being SP17, DM1 and DM30 (the LVIA also considered Policy DM3 as relevant) but does not refer to the draft allocation of the site referenced as site LPRSA310.

- 1.6 The review identifies (paragraph 2.3) that the site sits within a 'Landscape of Local Value' (LLV) (although refers to this differently) as identified on the MBC Proposals Map (Policy SP17).
- 1.7 At paragraph 2.3 it is suggested that the Local Character Area (LCA) Guidelines for the Headcorn Pastures "*are at odds with the proposals, and would constrain development*". As reviewed in the LVIA (paragraph 4.6) the guidelines are very generic and do not take account of the need in the district to develop on green field sites, so the guidelines aren't that useful, especially given that the site is a draft allocation, and some conflict with the guidelines in this regard is inevitable.
- 1.8 At paragraphs 2.4 to 2.10 the review provides a review of 'Policy Opportunities' and a description of the site and its context, and although this is broadly accurate, a number of points require a response:
- Paragraph 2.4 suggests there are no detracting features – in fact, the site is influenced by the substation at the south-western corner and also the adjacent development and derelict barns/buildings along Moat Road;
 - Paragraph 2.4 suggests that "*The proposals do not take the opportunity to provide sufficient open space and recreation*". The proposals provide a policy compliant level of POS, measured at 3.29 hectares (ha), which amounts to c.45% of the site area. This ultimately is a matter for the Case Officer and is not relevant to the consideration of landscape and visual impact;
 - The review considers the topography of the site to be a 'knoll', with 'relatively steeply sloping' land to the south and falling 'noticeably' to the north, and to be visually prominent as a result. The LVIA acknowledges the site as being on a 'spur' and considers the land to the north and south to be gently sloping. Review of the LVIA supporting photoviewpoints – and particularly Photoviewpoints EDP 8, 9 and 11 – show that the fall of topography in these areas;
 - Paragraph 2.6 suggests that the topography falls gently to the south – this is only true as far as the River Beult (c.100m) before the land actually levels out, or even starts to rise gently;
 - Paragraph 2.7 considers the site's juxtaposition with Headcorn, but the description does not mention the new Bovis development immediately north of the site, which is visible from Stonestile Road, and when moving around the area generally. This is important as it provides a developed context;
 - Related to the above, the review suggests that the site 'is visible and prominent' in views from the north (e.g. Stonestile Road), whereas as shown by Photoviewpoint EDP 9 the main part of the site is not visible at all – some trees on its western and northern boundary are visible to the right of the Bovis development, but it is not considered to be prominent; and
 - Paragraphs 2.9 and 2.10 review the Headcorn Conservation Area, and the relationship to/potential impacts on this. It is beyond the remit of the LVIA, and Landscape

Practitioners, to consider the potential harm to the Conservation Area (or any heritage assets). A separate note has been provided in respect of heritage matters.

Adequacy of Information to Support a Planning Application

- 1.9 The LVIA was authored by Charles Mylchreest, a Chartered Member of the Landscape Institute and Director of EDP, a Registered Practice of the Landscape Institute. The LVIA follows published guidance (including GLVIA3), and there is no criticism of the approach taken, albeit there are a number of comments on the assessments made, which are addressed sequentially below with reference to the paragraph numbers in the JFA review.
- 1.10 In terms of the principal concern (paragraph 3.1), i.e. that there is a failure of the LVIA to “*be impartial and dispassionate, presenting information and reasoning accurately and in a balanced way...*”, it is relevant that it is entirely routine for different practitioners to have a difference of opinion when either describing features of the landscape or considering the effects upon them. The important point is that overall (and as set out below) the variations in both description and assessment are well within the parameters of professional subjective judgement.
- 1.11 The key areas of disagreement are considered below.

Topography

- 1.12 Whilst the LVIA doesn't reflect the highest point at paragraph 4.26 (suggesting 20-30m rather than up to 33m), this is only a minor omission, and this paragraph is talking about the site's general topography in any case. The description in the LVIA – that the site is 'relatively elevated', is on a 'spur' and is 'gently undulating' is considered an accurate description of the site and its topographic context. The subtle difference in description between EDP and JFA is well within the realms of subjective judgement and description and is not something which undermines the LVIA.

Visibility Assessment

- 1.13 Paragraph 3.4 suggests that the visibility assessment is 'mis-leading' and 'inadequate', and doesn't follow best practice, primarily due to the fact the assessment was undertaken without full leaf fall. It references paragraph 1.13 of the LVIA as admitting this. Paragraph 1.13 acknowledges the fact that the assessment was undertaken before leaf fall, but confirms that a worst case assessment has been undertaken. There is also no comparative photography provided by JFA to verify the assertions made.
- 1.14 In terms of best practice, GLVIA is clear in stating that it is not essential for summer and winter assessments/photography to be provided, but that consideration of the impact of a lack of leaf cover should be given (GLVIA paragraph 6.28). The LVIA does this, as stated at paragraph 1.13.
- 1.15 The photoviewpoints and photomontages provided as part of the LVIA follow the relevant guidance contained within LI Technical Note TGN 06/19 Visual Representation of development proposals. Therefore, assertions to the contrary are incorrect.

- 1.16 Although the field appraisal was undertaken in summer conditions (like the JFA appraisal), the assessment within the LVIA represents the ‘worst case’ on the basis of experience of undertaking such assessments in this manner. The concern that there is a “*lack of winter analysis and views from the network of Footpaths to the south of the site*” is not considered accurate.
- 1.17 As noted above, the open parts of the site itself are not visible from Stonestile Road, although the vegetation on its northern and western boundary is. The comments that ‘the site can clearly be seen’ and that it is ‘visually prominent’ are different to the findings of the LVIA. There is no mention of the Bovis scheme, which is clearly visible from Stonestile Road in front of the proposed site.
- 1.18 Given the LVIA included a number of verified photomontages to illustrate the views from those areas of greatest visibility – that is from Moat Road, from the south and from the west – it is noted that these have not been referenced at all in the JFA review. These would have provided clarity to a number of their principal concerns.

The Conservation Area and Heritage Assets

- 1.19 The LVIA includes a consideration of heritage assets at paragraphs 2.18, 3.6 to 3.8, and 4.32. It is also considered as part of the consideration of Value at Table EDP 4.1. The contention at paragraph that “*However, the LVIA makes no reference to Heritage Matters at all, and this, as part of the landscape “time-depth”, is a deficiency.*” is therefore incorrect.
- 1.20 With regards to the offset provided to Moat Road, this has not changed since the previous application, with the only change to the layout being the extension of the landscape buffer along the eastern edge.

Constraints

- 1.21 Paragraph 3.7 suggests that LVIA paragraph 3.21 underplays the constraints on the site. Paragraph 3.21 concludes by stating the “*...site and immediate local area are unconstrained (in policy terms)*”. This paragraph only relates to planning policy constraints, so this assertion is misleading.
- 1.22 The LVIA provides a robust and comprehensive consideration of the constraints facing the site, including topography, which is identified at paragraph 3.8 of the review as an omission. Consideration of topography was a key thread in the sensitivity assessment at LVIA paragraphs 4.9 to 4.16; in fact, it is arguably the main point discussed given it addresses the contents of the published sensitivity assessment.
- 1.23 Indeed, topography is widely acknowledged as one of the key constraints and sensitivities throughout the LVIA, and the photomontages were provided specifically to “*represent those areas considered of greatest sensitivity or where the greatest level of change is predicted*” – this relates directly to areas where the elevated nature of the site might result in the most elevated effects. In this regard the proposals are for bungalows on the northern edge of the site, which correlates with the higher parts of the site.

- 1.24 Paragraphs 3.10 to 3.12 consider the landscape strategy and realignment of the footpath which runs through the site. The LVIA sets out in detail how the landscape strategy complements the site and areas of built development, in line with best practice.
- 1.25 With regards to the contention at paragraph 3.11 that “*The impacts on the diversion of the footpath are not considered*”, it is presumed that this is referring to the actual potential footpath diversion of KH590, rather than impacts upon users of it. The application does not include the potential diversion of the footpath, as the details regarding its treatment and possible relocation will be dealt with as part of the Reserved Matters application.
- 1.26 It is also not certain at this stage whether the footpath will require diversion or not; were it a requirement of the Local Planning Authority (LPA) to not have a diversion, this could be accommodated within the parameters.
- 1.27 In terms of visual impacts, footpath KH590 is fully assessed in the LVIA, with users predicted to have an elevated experiential effect. This would be the case whether the footpath was diverted or not, with the surroundings of the route changing fundamentally.

Townscape Issues

- 1.28 Although not necessarily related to landscape and visual matters, a number of clarifications are considered useful:
- Latterly, the settlement has grown to the west, as well as to the east, as demonstrated by the Bovis development to the north of the site; and
 - It is entirely appropriate (from a design and townscape perspective) for the DAS to make reference to those new developments within the village (as well as the original village core) as this is the emerging, and contemporary, vernacular that is developing.

Open Space

- 1.29 As noted above, the proposals provide a policy compliant level of POS, measured at 3.29ha, which amounts to c.45% of the site area. This ultimately is a matter for the Case Officer and is not relevant to the consideration of landscape and visual impact.

How These Deficiencies Have Influenced the Masterplan

- 1.30 There are a number of criticisms of how the masterplan has responded to its context at paragraphs 4.1 and 4.2. This review fails to acknowledge the presence of the Bovis development to the north, which both sits at a similar elevation to the site and is of a similar proposed size and scale in terms of storey heights. This provides a more contemporary and relevant context than other parts of Headcorn and is relevant to decisions made in respect of layout and building heights. It is also relevant that the proposals indicate bungalows on the northern edge of the site, reflecting the highest parts of the site.
- 1.31 Regarding the points made at paragraph 4.2, the LVIA provides a complete and robust analysis of visibility of the proposals from the north and south, and goes further than most LVIA's in providing a number of verified photomontages from key visual receptor locations around the site. Perhaps the most compelling of these in terms of the sites relationship to

its topographical context is the photomontage for Photoviewpoint EDP 8 within Appendix EDP 4 of the LVIA. Even at Year 1 (pre-maturation of the landscaping) the proposed housing is no more noticeable than the existing buildings in the view. The housing is glimpsed through gaps in the surrounding tree cover, in the same way as housing on the edge of the village. This contradicts the assertion that the site – whether with or without development upon it – is, or would be, prominent in views from the south.

- 1.32 In terms of the proposed mitigation, it is correct that there is an element of structure planting at lower elevations within the site, but the JFA review omits reference to the structure planting, and existing vegetation, located running east to west through the centre of the site, and broadly on the southern edge of the higher parts of the site. As demonstrated by the Year 15 photomontage for Photoviewpoint EDP 8, this provides some longer-term screening of the higher buildings. This demonstrates a sensitive response to the site constraints, for the most sensitive views.

Conclusions

- 1.33 The main points covered in the conclusion are included in the comments above. Whilst the LVIA is considered to provide a robust and comprehensive consideration and assessment of the site and proposals, a set of winter viewpoint photography could be included to provide added comfort to the LPA on the assessments made.

2 RESPONSE FROM COUNTRYSIDE ACCESS IMPROVEMENT PLAN OFFICER - 23_504471_OUT-KCC_PROW-6065571

- 2.1 The Public Right of Way (PRoW) and Access Service have placed a Holding Objection based upon impacts to the PRoW network, and in particular PRoW KH590. A response to the landscape and visual matters (only) is provided below – matters relating to s106 contributions and requirements of a Management Scheme are dealt with elsewhere.

“Landscape and Visual Impact Assessment – S6 refers to the “greatest level of anticipated changes is likely for PROW users” – hence our request for developer contributions as above as mitigation for this impact.

2.17 – this section appears to refer to a site in Essex and is therefore incorrect within this application. We require full amendment and detail as necessary and relevant to this site.”

3.11 – refers to Section 2 which is the above incorrect section.”

- 2.2 **Response:** This is an error in the drafting of the LVIA, and reference should be made to paragraphs 3.11 and 3.12, but the reference to Section 2 is correct.

“4.28 – again shows the impact on PROW use and the visual changes which would occur as a result of the development.

7.32 Predicted effect on PROW users – 7.33 states that the route of KH590 will “change slightly”, however the drawings show a proposed diversion that would be significant, again engagement with the applicant is therefore required.

7.34 states that this “will alter the experience of the route entirely” see our request for mitigation; construction management would be agreed and approved as part of the above PROW Management Scheme; overall we consider the impact on PROW users to be significant both within site and across the wider Network.”

- 2.3 **Response:** There is no obvious disagreement with the assessments within the LVIA here, just a statement that the LPA requires further information on the diversion and future management of the PRow.