

fabrik

Monks Lake, Staplehurst Road, Marden

Landscape & Visual Proof of Evidence

Andrew Smith

on behalf of Mr David Padden and the Hertsfield
Residents Association

PINs ref: APP/U2235/W/20/3259300

January 2025

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Appendix A: Report on Landscape and Visual Matters, 17th March 2021		

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Image showing character of the western bund from the drive of Hertsfield Barn (fabrik, 2025)

1.0

Introduction

1.1 Qualifications

My name is Andrew Smith. My qualifications include a BSc (Hons) degree and an MSc in Landscape Ecology Design and Management. I am a member of the Landscape Institute and a Chartered Landscape Architect (CMLI).

I have close to 30 years post qualification experience in landscape planning and design. I have prepared landscape and visual assessments either as standalone documents or co-ordinated as part of environmental statements; and both the outline and detailed design of a range of residential, commercial, mineral and waste development projects throughout the UK. I sit on both the South Downs National Park and the Design Southeast Design Review Panels. I have appeared as an expert witness on both landscape and visual issues.

I am familiar with the Appeal Site and its surroundings having undertaken the preparation of this proof of evidence and additionally the written representations for the 2021 Hearing and the report as part of the 2015 Appeal (both of these are contained within Appendix A of this proof).

1.2 Instruction

fabrik Chartered Landscape Architects have been appointed by David Padden and the Hertsfield Residents Association to prepare this landscape and visual proof of evidence as an update to the written representations of Andrew Smith dated 17 March 2021 and the earlier submissions of 31st March 2015 (contained as an appendix to the written representations for ease of reference and included as Core Document 9.40).

1.3 Declaration

The evidence which I have prepared and provide for this Appeal in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institute. I confirm that the opinions expressed are my true and professional opinions.

1.4 Proof Scope

The previous representation is included as an appendix (A) to this proof. That was prepared in 2021 and included an appendix on the appeal hearing submissions in 2015. This proof therefore supplements and updates the information contained in that previous representation.

This proof of evidence therefore covers the following:

- Additional information
- Landscape and Visual Change: This section describes the changes to the landscape since 2021;
- Landscape Policy Changes. This section sets out the changes to landscape related policy since 2021;
- Matters Arising and Conclusion. This section sets out key points of note in landscape and visual terms and conclusion.

This proof has been prepared in regard to the Guidelines for Landscape and Visual Impact Assessment Third Edition (Landscape Institute and Institute of Environmental Management and Assessment, 2013) Core Document 9.34.

2.0

Additional Information

In addition to the 2004 Visual Analysis section of the 2015 Hearing Submission (refer to pdf page no. 115 of Appendix A), the photo opposite shows the character of the landscape in 2004, prior to the construction of the Appeal Scheme. The fishing lakes are visible as part of the flat valley landscape.

Views occur to the Greensand Ridgeline 'backdrop' which is identified as 'an important element' in the Council's Landscape Capacity Study: Sensitivity Assessment, Jan 2015 (Maidstone Borough Council/Jacobs) occur over the valley landscape. With the Appeal Scheme in place, the bunds predominantly obscure views to this important backdrop, as evidenced in the 2015 photo viewpoint 6 (refer to pdf page no. 126).

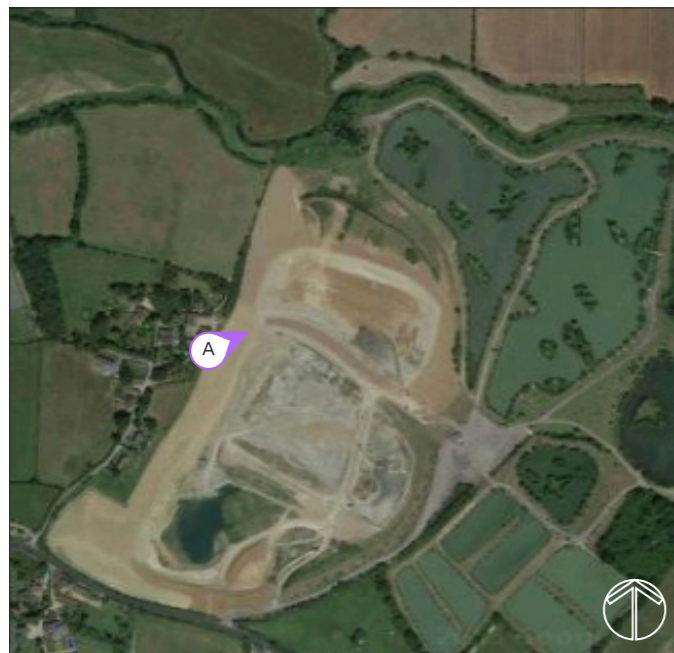


Figure 1 – Approximate photo location



Photo A – Photo showing Appeal Site landscape in 2004

3.0

Landscape and Visual Change

A field survey was carried out on 17th January 2025 to understand the current landscape conditions and the degree of openness associated with the viewpoints, as identified in the 2021 Report (refer to Appendix A). Those viewpoints identified as truncated previously were not revisited as there has not been a significant change in the landscape altering the openness of these views. The extent of the visual envelope associated with the fishing lakes and bunds has therefore not significantly altered.

Access to the footpath KM129 to the north of the Appeal Site, between Stile Bridge to the west and Lower Farm Road to the north-east (the location of which is shown on the plan opposite) was restricted due to the presence of an overgrown thicket of brambles together with areas of deep mud. It is clear that this route is therefore not well used.

With the exception of the implementation of new orchards in the wider landscape (which doesn't wholly obscure views of the Appeal Site); the growth of existing planting in the local area; and the implementation of planting around the edges of the fishing lakes themselves, no further change to the landscape has occurred.

The significant area of planting (shown in dark green) on the western and southern facing slopes, shown on the Proposed Masterplan (FURSE Landscape Architects, 2011) as included as Figure 5.2.2 in Appendix A has still not been implemented.

Whilst there is some minor settlement of levels evident where the top of the bund forms the skyline in views from the south and west, there has been no significant change in the height of the bunds (as shown on the image on page 3 of this proof).

The Appeal Site, comprising the perched fishing ponds and associated tall bunds, continues to sit above the flat valley landscape.

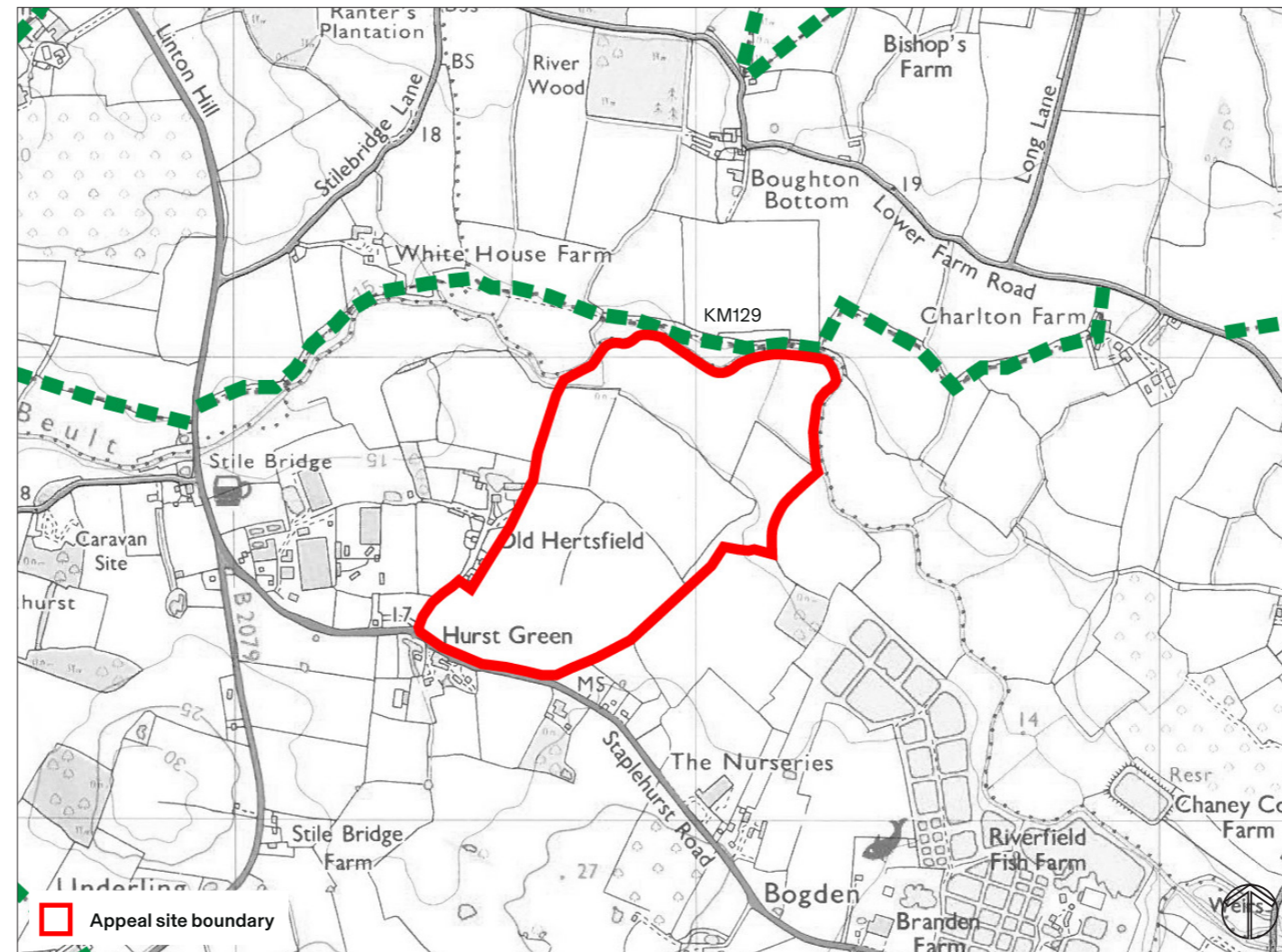


Figure 2 – Plan showing Public Rights of Way

4.0

Landscape Policy and Landscape Character Update

4.1 Introduction

In this section, I set out the updated extracts of policy and landscape character context from that contained in my Representation of 17th March 2021 (included as Appendix A), alongside the policies cited in the associated Statement of Case (Core Document 8.4). My emphasis is added throughout this section relative to pertinent matters.

4.2 National Planning Policy Framework (NPPF)

The following sections of the December 2024 NPPF are pertinent to the Appeal Site and it's environs:

Section 2 - achieving sustainable development, para 8, subsection c relating to an environmental objective, states:

"to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change..."

Section 12 - achieving well-designed places. Para 131:

"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities..."

Para 132:

"... Design policies should be developed with local communities so that they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics..."

Para 135:

"Planning policies and decisions should ensure that developments:

a. will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b. are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c. are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d. establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e. optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f. create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

Para 137:

"Design quality should be considered throughout the evolution and assessment of individual proposals..."

Section 15 - conserving and enhancing the natural environment. Para 187:

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

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 nest and most versatile agricultural land, and of trees and woodland..."

4.3 National Planning Practice Guidance (NPPG)

The NPPF is supported by the on-line resource Planning Practice Guidance (PPG) There are a number of sections of relevance, as set out below.

Planning for well-designed places and the sub-section on 'How are well-designed places achieved through the planning system?' are set out at para 001 (ID: 26-001-20191001) which states: "...To be read alongside this guidance, the National Design Guide sets out the characteristics of well-designed places and demonstrates what good design means in practice.

... significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Good design is set out in the National Design Guide under the following 10 characteristics:

- context
- identity
- built form
- movement
- nature
- public spaces
- uses
- homes and buildings
- resources
- lifespan

The National Design Guide can be used by all those involved in shaping places including in plan-making and decision making."

4.4 County Minerals and Waste Policy

The following sections of the Kent Minerals and Waste Local Plan 2013-30 (Adopted September 2020) are pertinent to landscape and visual issues:

Bullet point 3 of the 'Strategic Objectives for the Minerals and Waste Local Plan' which states: *"Ensure minerals and waste sites are sensitive to both their surrounding environment and communities, and minimise their impact on them."*

Policy CSW11 on the Permanent Deposit of Inert Waste, which states that permission will be granted where:

- a *"it can be demonstrated that the waste cannot be managed in accordance with the objectives of Policy CSW2*
- b *it is for the restoration of landfill sites and mineral workings*

c *environmental benefits will result from the development, in particular the creation of priority habitat*

d *sufficient material is available to restore the site within agreed timescales".*

Policy CSW 2 relates to waste hierarchy and therefore not a landscape and visual matter.

4.5 Borough Planning Policy

Extracts of the Maidstone Borough Council Local Plan Review 2021-2038 (Adopted 20 March 2024) pertinent policies relevant to landscape and visual matters are set out below.

Policy LPRSP9 on Development in the Countryside which states:

2. *"Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and will not result in significant harm to the rural character and appearance of the area."*

Policy LPRSP15 on the Principles of Good Design which states:

2. *"Respond positively to, and where possible enhance, the local, natural, or historic character of the area. Particular regard should be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage;*

5. *Respect the amenities of occupiers of neighbouring properties and uses... by ensuring that proposals do not result in, or its occupants are exposed to... overlooking, or visual intrusion... to occupiers;*

6. *Respect the topography and respond to the location of the site and sensitively incorporate natural features such as natural watercourses, trees, hedges, and ponds worthy of retention within the site. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used as positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area;"*

LPRQD4 on Design Principles in the Countryside which states:

2. *"Impacts on the appearance and character of the landscape would be appropriately mitigated. Suitability and required mitigation will be assessed through the submission of Landscape and Visual Impact Assessments to support development proposals in appropriate circumstances."*

4.0

Landscape Policy and Landscape Character Update (Continued)

4.6 Local Planning Policy

Policy NE 3 on Landscape Integration of the Marden Neighbourhood Plan (Made July 2000) states: *"All proposed developments should be designed to integrate into their surroundings in the landscape and contribute positively to the conservation and enhancement of that landscape. Dense hedgerow planting with native species is the preferred boundary treatment if the strengthening of existing hedgerows or restoration of lost hedgerow boundaries is not possible..."*

4.7 Landscape Character

National Level

The Low Weald National Character Area 121 (NCA 121) has now moved onto a digital platform (copyright dated 2025) with the pertinent key characteristics refined as follows:

- *"Broad, low-lying, gently undulating clay vales..."*
- *A generally pastoral landscape with arable farming associated with lighter soils on higher ground and areas of fruit cultivation in Kent. Land use is predominantly agricultural...*
- *Field boundaries of hedgerows and shaws (remnant strips of cleared woodland) enclosing small, irregular fields... Rural lanes and tracks with wide grass verges and ditches.*
- *The Low Weald boasts an intricate mix of woodlands, much of it ancient, including extensive broadleaved oak over hazel and hornbeam coppice, shaws, small field copses and tree groups, and lines of riparian trees along watercourses. Veteran trees are a feature of hedgerows and in fields.*
- *Many small rivers, streams and watercourses with associated watermeadows and wet woodland.*
- *Abundance of ponds, some from brick making and quarrying, and hammer and furnace ponds, legacies of the Wealden iron industry."*

5.0

Matters Arising and Conclusion

I have prepared this landscape and visual proof of evidence as an update to my 2021 representations (as included in Appendix A). It has provided an update on the landscape and visual baseline conditions; an update on national level landscape and design related policy; and an update on national level landscape character.

The landscape character assessments have been reappraised from the national to the district level, through updated site appraisal and interpretation of existing assessments.

This proof has confirmed that the landscape proposals on the western and southern bunds have still not been implemented.

At the local level, I maintain the contextual landscape as having a strong fit with both the Kent County Council character assessment 2004 (where the northern parcel of the Appeal Site sits within the Beult Valley, and the southern parcel within the Low Weald Fruit Belt). There also remains a good fit with the 2013 District level character assessment and the 2015 Sensitivity Assessment where the fishing lakes are described as an 'incongruous' element and whereby 'artificial earthworks' should be 'resisted'.

I maintain my opinion as set out in my 2021 representation, that the design process has not followed a robust approach, first appraising the site both physically and visually, then analysing the local landscape characteristics to ensure that the proposals complement and reinforce the existing contextual landscape, drawing on and positively responding to the local level character guidance.

Whilst vegetation has grown around the ponds and within the local landscape, the height and steep gradient of the bunds as implemented remain incongruous in the local flat valley landscape. The Appeal Scheme therefore results in a poor quality design response, at odds with the requirements of the design, landscape and character sections of the NPPF, the Kent Minerals and Waste Local Plan, the Maidstone Local Plan and the Marden Neighbourhood Plan.

In conclusion, I maintain that the unauthorised development that currently exists upon the Appeal Site and the landscape design response related to the 2011 and 2019 applications have provided, and continue to propose incongruous schemes that:

- Harms landscape character;
- Fail to respond to visual receptors and the harm residential amenity; and therefore
- Does not accord with relevant national, regional, borough and local policy.

Appendix A

2021 Written Representation



Written Representations

Monk Lakes, Staplehurst Road, Marden

Report on Landscape and Visual
Matters prepared for Mr David Padden

17 March 2021

Andrew Smith
BSc (Hons), MSc, CMLI
fabrik Limited

Ref: D2306/AS

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- 1.0 Introduction
- 2.0 Scope of Report
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- 4.0 Description of the Landscape of the Appeal Site
- 5.0 Description of the Development Proposals
- 6.0 Consideration of Key Landscape Issues relating to the Development Proposals
- 7.0 Summary and Conclusions

References

Appendices (in separate bound document)

Appendix 1.0 fabrik report on Landscape and Visual Matters, 31 March 2015

Appendix 2.0 MBC Landscape Character Assessment Amended, July 2013

(Abstract)

1.0 Introduction

Personal Qualifications

- 1.01 My name is Andrew Smith. My qualifications include a BSc (Hons) degree and an MSc in Landscape Ecology Design and Management. I am a member of the Landscape Institute and a Chartered Landscape Architect (CMLI).
- 1.02 I have over 25 years post qualification experience in landscape planning and design. I have prepared landscape and visual assessments either as standalone documents or co-ordinated as part of environmental statements; and both the outline and detailed design of a range of residential, commercial, mineral and waste development projects throughout the UK. I have appeared as an expert witness on both landscape and visual issues.
- 1.03 I am familiar with the Appeal Site and its surroundings having undertaken the preparation of this report and additionally a report to support the Appeal in 2015 (the latter is appended to this report).

2.0 Scope of Report

Appeal

- 2.01 Mr David Padden has appointed fabrik to prepare a report on landscape and visual matters in response to the Appeal against the refusal of planning, 12 March 2020.
- 2.02 This report illustrates that the development on the ground now, and those documented in the Enforcement Appeal scheme represent ‘minor changes’ from the 2012 scheme, which in itself was vastly at odds with the 2003 consent. The current scheme remains inconsistent with landscape related policy, harms local residential amenity and, at odds with the view of the Council, harms the local landscape character of the area to the extent that this should have remained a reason for refusal.
- 2.03 It is additionally noted that whilst the landscape impact assessment of the scheme does review that scheme against the historic baseline condition of the site prior to land raising operations, having acknowledged that this was a requirement of the judicial review outcome in 2015, its assessment is very limited and the associated outcomes, subsequently depended upon by both the Officers in their committee report (para 7.14) and the Appellants in their Statement of Case, are incorrect.
- 2.04 The report covers the following matters:
- Section 3 – Landscape Character – updated background and guidance;
 - Section 4 – a review of the landscape related submittals, including the LVIA and associated addendum;
 - Section 5 – a description of the landscape design of the development proposals;

- Section 6 – consideration of the key landscape issues relating to the development proposals;
- Section 7– summary and conclusions.

2.05 The report includes separately bound of appendices which should be read with it. Additionally, the report refers to a number of key documents which are also referenced in this report. My evidence should be read in conjunction with that of Mrs Rebecca Lord who deals with Planning and Policy Matters and Dr Paul Ellis who deals with Hydrogeology and Flooding and Mr Chris Griffiths who deals with matter of Heritage.

Landscape and Visual Impact Appraisal Methodology

2.06 This landscape report has been prepared in relation to Guidelines for Landscape and Visual Impact Assessment Third Edition (Landscape Institute and Institute of Environmental Management and Assessment, 2013).

3.0 Landscape Character – updated background and guidance

General

3.01 I have identified and set out in this section relevant updated landscape evidence base that is relevant to the landscape and visual issues arising from the development. All matters of policy are addressed in the report of Mrs Rebecca Lord.

3.02 In relation to key documents to following remain current:

- The Landscape Assessment of Kent, Kent County Council/Jacobs Babbie (2004);
- Maidstone Landscape Character Assessment 2012 (amended 2013), Maidstone Borough Council/Jacobs.

3.03 Typically landscape character assessment consider an area's landform, land cover, landscape elements and its culture and heritage as it is the assemblage of these aspects that informs the character of an area.

3.04 To reiterate the Landscape Character through the Landscape Character Assessment Cascades, the Appeal Site is as below:

Character Level	Landscape Character Area	Description/ key characteristics
National	JCA 121 – Low Weald.	A landscape that where <i>'broad, low lying and gently undulating clay vales underlie a small-scale intimate landscape enclosed by an intricate mix of small woodlands, a patchwork of field and hedgerows.'</i> Additionally, where <i>'grasslands predominate on the heavy clay soils while lighter soils on higher ground support arable cropping in a more open landscape'.</i>

County	The Beult Valley	<ul style="list-style-type: none"> - <i>flat low-lying land around incised river channel</i> - <i>Rural open landscape of mixed farming.</i> - <i>Small slow flowing river of high ecological value</i> - <i>Sparse but historic settlement</i> - <i>Many historic bridging points</i> - <i>Frequent small ponds in upper floodplain.</i>
	Lower Weald Fruit Belt	<ul style="list-style-type: none"> - <i>Flat or gently undulating mixed farmed landscape of dwarf trees, arable, hops and pasture. Remnant alder and poplar windbreaks</i> - <i>Broad Verged lanes with ditches</i> - <i>Frequent groups of Oasts</i>
Borough	Beult Valley	<ul style="list-style-type: none"> - <i>Low lying broad shallow valley of meandering River Beult and Hammer Stream within Low Weald</i> - <i>Many ponds and watercourses with important ecological interest</i> - <i>Species rich native hedgerow field boundaries with mature oak trees as imposing hedgerow trees and sometimes within field where hedgerows have been removed</i> - <i>Mixed agriculture with large filed supporting arable cultivation and small riverside fields with pasture</i> - <i>Sparsely scattered small woodlands</i>

Condition and guidelines

County Level

3.05 At the County level and in relation to the Beult Valley the level overall condition is described as poor, the sensitivity as low with the summary of actions to 'Create'. This is to be achieved through the introduction of open bankside and some intermittent riparian vegetation, the creation of a wider

riparian corridor, the creation of small woodlands on the upper edge of the floodplain and large pastoral enclosures in the exiting open fields.

3.06 In relation to the Lower Weald Fruit Belt the character areas overall condition is described as good, the sensitivity moderate with the summary of actions to 'Conserve and Enforce'. This is to be achieved through the conservation and management of tree stock, the reinforcing of field patterns and the reinforcing of the ecological interest of ditches and water courses.

3.07 The County Character description remains the best fit for the baseline prior to 2003 – (see para 4.12 of this report) with its differentiation between the northern and southern parcels provides a more accurate fit for the Appeal Site at time of the 2003 Application.

Borough Scale

3.08 At the Borough level and in revelation to the Beult LCA it remains pertinent that in the 2013 assessment, at para 58.7 it is noted that (my underling); "in the middle of the area, at Monks Lakes and Riverfield Fish Farms there is an extensive system of manmade rectangular ponds. As part of the development, there has been extensive land raising and earth modeling along the A229 and the artificial sloping landform appears rather incongruous on the valley side. There is extensive planting of weeping willow along the roadside which also adds to the artificiality of the landscape".

3.09 Additionally at para 58.15 It is noted that "There is a coherent pattern of elements, where the meandering river, historic bridges, ancient standards

oaks, and thick native hedgerows over the relatively flat topography bind the landscape together. There are generally few visual detractors, although the artificial fishing lakes on the A229 are particularly incongruous”.

3.10 Later in the same paragraph it is stated that “the cultural integrity is variable and has declined with changed agricultural practices towards intensive arable cultivation. The traditional field patterns and hedgerow boundaries are reasonably intact in some areas, but elsewhere the land use has changed from predominantly pastoral land uses to larger arable field units and manmade fishing lakes”.

3.11 In the Council’s 2013 landscape character assessment the character area is described as one that is in a Moderate Condition, is of a high sensitivity and requires conservation and restoration.

Local Level - fabrik 2015

3.12 In 2015 fabrik carried out a local level landscape character assessment of the study area. This was done in accordance with fabrik methodology which is drawn from the ‘Guidelines for Landscape and Visual Impact Assessment’ (GLVIA), Third Edition (Landscape Institute and Institute of Environmental Management and Assessment, 2013).

3.13 The assessment revealed the contextual landscape as having a strong fit with both the Kent County Council character assessment 2004, where the northern parcel of the Appeal Site sat within the Beult Valley, and the southern parcel within the Low Weald Fruit Belt. There was also a good fit with the 2013 District level character assessment where the fishing lakes are described as an ‘incongruous’ element.

3.14 The fabrik landscape assessment also assessed the baseline prior to 2003 through reference to historic mapping, aerial photography, photography from 2004. This data was in the Appendices to the Report on Landscape and Visual matters dated March 2015 and the landscape and visual baseline was in the text of that document. The Appeal Site character was articulated in detail at section 6.0 of that document. Both are that Report and the appendices are attached as Appendix 1.0 to this report.

Landscape Capacity Assessment

3.15 As an update to the above the Council's published the Councils Landscape Capacity Study: Sensitivity Assessment Jan 2015 (MBC/Jacobs) (Abstract attached at Appendix 2.0) 'determines the broad comparative sensitivity of landscape character areas within the borough to possible development.'

3.16 The methodology is based upon Landscape Character Assessment Guidance for England and Scotland: Topic Paper 6 Techniques and Criteria for Judging Capacity and Sensitivity (The Countryside Agency and Scottish Natural Heritage).

3.17 Whilst it is understood that this is a guidance documents it is of note that the Landscape Character Sensitivity is **High** and the Visual Sensitivity is **Moderate**. The overall landscape sensitivity is **High**. It is landscape that is sensitive to change. This is agreed with by the Officers in their committee report, para 7.17.

3.18 Under guidelines and mitigation the final bullet states (my underlining):

- *Integrate the fishing ponds in the landscape by using more appropriate plant species. Resist further artificial earthworks.*

4.0 Description of the Landscape of the Appeal Site

Introduction

4.01 In this chapter the report describes the Appeal Site at the time of the 2019 ES for the application 11/1948.

4.02 The Report on Landscape and Visual matters dated March 2015 (Appendix 1.0 of this report) described the scheme at the time of the 2015 Enforcement Appeal. It was data that enabled an assessment of impact to be made for the initial proposal, the impact at the time of the enforcement and the impact as it stood in 2015.

4.03 The following provides a brief overview of what has occurred since 2015.

Topography

2015

4.04 The grading works progressed from the characteristic 'flat low-lying land' of the Beult Valley from inception to 2015, illustrated in the LIDAR data 2012. As illustrated in the Appendices to the Report on Landscape and Visual matters dated March 2015 (Appendix 1.0 to this report) the 'changes estimates' for that up to 2012 are shown on Geometric Figure 9 (fabrik proof figure 6.16). This illustrated that between 2002 and 2012 the bunds to the southern parcel had elevational changes of up to 7.5 m. The high points were to the bund enclosing Lake 2 and the eastern edge of Lake 1. The high points lay in close proximity to the western boundary of the Appeal Site and the setting of Hertsfield Barn and the outlook of Hertsfield Cottages.

4.05 Since that time both the PBA work and the subsequent Mott MacDonald work, instructed by the Council, show that the same high points now have

been modestly reduced and the changes at closer to 6.0m. Such levels are reported in the Officer committee report. At para 7.51 they state that .. *'the overall height of around 6.2m above neighbouring levels..'*

Land Cover and Vegetation

4.06 Following the initial loss of the northern parcel which had been wet grassland (associated with the northern parcel in 2003) and the arable field units which had been subdivided by characteristic hedgerows with standard trees into small to medium field units (associated with the southern parcel) the land cover has evolved to become fishing lakes, hardstanding and earthworks covered by vegetation.

4.07 The vegetation has seen the replacement of the wet grassland with edge, grassland associated with the edge of the visiting lakes, marginal planting, and associated tree and understory planting. Again, the extent of vegetation cover is shown on the Mott Macdonald survey and in the photography within the Statement of Common Ground associated with the Appeal, figures 7-15 and 17-19.

Public Access, Footpaths and Public Rights of Way

4.08 In 2003 there was no public access through the Appeal Site. The lakes now operate and have open access across the Appeal Site for those who have paid to use the fishing lakes.

4.09 In relation to the adjacent footpath, KM 129 this receptor would have had a medium to high value, a high susceptibility and a medium to high sensitivity. The outlook of this has changed significantly by 2012 and the character of that change in outlook is little different today, accepting that there has been

some maturation of the vegetation and limited amendments to earthworks, that make up the backdrop of the change.

Landscape Character

- 4.10 The Landscape character of the Appeal Site has been explained in detail in Chapter 4.0 of the Report on Landscape and Visual matters dated March 2015 (Appendix 1.0 of this statement). This should be read in full alongside this statement.
- 4.11 In summary prior to construction there was a good fit with the local landscape character assessments. The northern parcel was of a pattern, form and vegetation cover that was very characteristic of the Borough and County Landscape Character Assessment and the character of the River Beult. Its value was medium; it's susceptibility to the proposed changes high and its sensitivity medium to high.
- 4.12 fabrik's assessment of the Enforcement Appeal Site revealed that the southern parcel was more accurately described in the 2004 Kent County Council (KCC) Landscape Character Assessment where this parcel was well related to the Low Weald Fruit Belt, as evidenced by the map regression study and due to the fact that it lay on the higher more fertile ground and that it was subdivided by characteristic hedgerows and standard trees. The KCC report is its summary actions sought to 'conserve and enforce' this landscape character. Its value would have been medium, its susceptibility to the proposed change high its resultant sensitivity medium to high.

4.13 By 2008 the earthwork implemented had significantly changed the landscape character. To the northern parcel the landscape became dominated by the emerging Puma and Bridges Lakes providing a more permanent wetland character to the floodplain. The resultant assessment led to a value of medium, a susceptibility that was low and a sensitivity that is low.

4.14 Changes to south were more negatively significant with:

- the removal of the field pattern;
- the removal of the defining internal hedgerows and standard trees;
- the raising of the land with engineered bank up to 7-8m above existing;
- the introduction of the large-scale ponds.

4.15 As a result the value at that time was reduced to low, with a low susceptibility to change and a low sensitivity.

2011 and Current

4.16 Whilst the landform had been raised since 2008, whilst there has been a small degree of reprofiling, localised reduction in the height of the earthworks and whilst there is some planting in the form of grass and trees (with maturation of the latter between 2012 and 2019 as evidenced in the photographs 7-15 and 17-19 of the Statement of Case), the assessment of landscape and the considerable change, with associated harm to character has not significantly changed since 2008.

Visual analysis

4.17 To support the 2015 Enforcement Appeal fabrik undertook a visual impact assessment of the setting of the Appeal Site to assess the extent to which the Appeal Site is visible from its surroundings and subsequently the degree of impact upon the visual receptors that has arisen from the Appeal scheme (Refer to Appendix 1.0) of this report. The assessment was based on grading degrees of visibility and is determined from a visual inspection of the Site and its context form roads, public rights of way and properties. Additionally, historic photographs were assessed to provide further visual understanding of the Appeal Site and its proposals prior to the commencement of the works. Whilst this is not typical this had to occur due the inadequacy of the data associated with both the 2003 and 2011 applications.

4.18 The 2015 visual appraisal was carried out on both 24th February and 18th March. The weather was variable with good visibility. Due to the seasonal timing of the survey, where the seasonal vegetation has no leaf cover the views illustrate the worst-case scenario with the potential for some views to change in nature with the increase in leaf cover.

4.19 In summary the visual appraisals have revealed that:

Pre 2003

4.20 There was no photographic evidence of views, prior to development, to or from the northern parcel of the Appeal Site. However, in the officers delegated report (MA/03/0836) 12th December 2003 the officer refers to the Landscape Character Assessment and Landscape Character Guidelines 2000 which show the Appeal Site as – “very open: rural and unspoilt”.

4.21 Views of the southern parcel are apparent in photographs within appendix 3.5.1. of the Report on Landscape and Visual matters dated March 2015 (Appendix 1.0 of this report). Viewpoints VP 1 and 2 (2004) were taken from Oast Cottages and the Barn to the east of Oast Cottages, taken prior to the commencement of any works and they clearly show that the southern parcel had similarly open views that extended across the Appeal Site to the distant horizon. VP 3 (2004) was taken from the rear of Hertsfield Cottages. This image reveals the open nature of the view, the internal boundary hedgerows and trees and the view to a distant horizon.

2008-2015

4.22 By 2008 there was again little photographic evidence of the internal changes to the southern parcel but the bunding to the west of the southern parcel was clearly illustrated in photographs (Appendix 3.5.2. (VP 1-6 2008) of the Report on Landscape and Visual matters dated March 2015). Views to the interior of the Appeal Site had been lost and the bunds are of such a height that they formed a new horizon close to the dwellings. These viewpoints would have had values ranging from low to medium, would have been of medium to high susceptibility (high being Hertsfield Barn) to the proposed change associated with the 2003 consent and would have had a low to medium to high sensitivity.

4.23 Whilst there is no photographic evidence from 2003, the 2015 fabrik visual assessment confirmed the visual relationship of the Appeal Site from the footpath to the north (KM129). Thus, if properly assessed at the time of the 2003 application, this would have been described as a visual receptor of low

value, one with a medium to high susceptibility to the 2003 proposals and one with a low to medium sensitivity.

2011

4.24 It was noted that in 2011 the application LVIA by Furse (the landscape architects instructed by the appellant to prepare landscape documents in support of their 2011 application) assessed a limited number of viewpoints, 8 in total (only 4 from the wider landscape setting). They made no attempt to make an assessment of the impact prior to October 2010. Their resultant visual impact was thus based on a feathering out of the unlawful enforcement works as opposed to an assessment of the 2011 proposals against both the enforcement scheme and the 2003 baseline conditions. Their visual residual effect that ranged from no notable change to slight positive was therefore incorrectly positive.

2015

4.25 The fabrik visual assessment (2015) picked up visual changes at that time Appendix 3.5.4 of the proof (Appendix 1.0 of this report). The assessment revealed that:

Open Views

4.26 This assessment revealed that Open Views into the Appeal Site existed from:

- The transient visual receptors of the A229 and Hertsfield Lane (VP 9);
- From the private residences adjacent to the Appeal Site, including Hertsfield Cottages, the Oast Cottage and Hertsfield Barn (VP 1, 2, 3, 6, 7, 8);

- There are also Open Views of part of the Appeal Site from the north, from footpath KM129. This is evident in VP 28, 29 and 30).

Partial Views

4.27 Partial views of the Appeal Site existed from:

- Adjacent to the Garden Centre to the South East of the Appeal Site (VP 26);
- The Greensand Way to the north of the Appeal Site VP 18;
- The confluence of footpaths and Loddington Lane to the north of the Appeal Site (VP 20, 21);
- Form Church Hill – a lane again to the north of the Appeal Site (VP 19);
- The pasture associated with Hertsfield Barn (VP 4/5).

Truncated Views

4.28 From a number of public visual receptors to the east and south east the views were truncated due to intervening landscape features.

4.29 The assessment accorded with 2013 MBC landscape Character assessment which states that within the Beult Valley landscape character area (my underlining) *“views are variable, being intimate in scale along the river, but open and exposed within some arable areas. The backdrop of the Greensand Ridge is an important element in many views”*.

4.30 At the time of the 2015 assessment it was evident that in views from the north (footpath KM129) the incongruous lakes were apparent and their bunding formed the visual horizon. This was at odds with the officers delegated report (MA/03/0836) 12th December 2003 in which the officer

refers to the Landscape Character Assessment and Landscape Character Guidelines 2000 which show the Appeal Site as – “very open: rural and unspoilt”. Views had been foreshortened; views had ceased to be very open.

4.31 Since 2015, whilst there has been a maturation of the planting and whilst there has been some localised regrading there has been no significant change to the changing character to the views.

5.0 Description of the Development Proposals

General

5.01 This section of the report describes the iterations of the development proposals through the 2003 and 2011, 2019 amendments to the 2011 application ES design process behind them and the works implemented on the Appeal Site.

2003 Application

5.02 The initial application was for:

- 13 lakes for recreational fishing (8 below existing ground level, in the floodplain, the remaining 5 above the floodplain and contained within sloping banks). One of the lakes would be in the form of a canal and used for match fishing;
- The lakes to the north are described as being “*simply dug out of the ground*”;
- The lakes to the south are described as being “*contained within fairly shallow bunds/banks similar to those enclosing the main Fish Farm*”;
- The lakes are to be softened by appropriate native species tree planting and wildflowers;
- The Case Officer considers that the new lakes would “make a positive contribution to the environment”.

5.03 The application was submitted and approved in the form of 4 approved drawings. There was:

- No supporting landscape and visual appraisal;
- No topographic survey;
- No arboricultural survey;

- No ecological survey;
- There was not a single drawing setting the Appeal Site into its context;
- There was no reference to the setting of a listed building, Hertsfield Barn (listed May 1986);
- There was no outline planting plan;
- There was no reference to input from the authority's landscape officer.

5.04 It was the case officer who undertook the landscape and visual impact assessment in a rudimentary form.

5.05 The lack of submitted information and the lack of clarity in the approved drawing led to the ensuing conditions that included:

- Condition 10 – *“no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with their measures for protection in the course of development and a programme for the approved scheme’s implementation and long-term management”;*
- Condition 12 – *“no development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of the proposed mounding to existing vegetation and surrounding landform and the development shall be carried out in accordance with the approved details”.*

5.06 Neither of the conditions were cleared.

Enforcement Notice 2008

5.07 By this time the earthworks had taken place. The scheme was wholly different to the consented scheme.

5.08 The above was apparent in the 2008 LIDAR plan, the 2008 aerial photographs and the ICES topographic survey:

- The lakes in the northern parcel had been reduced from 4 to 2 thus creating ponds of a larger scale than the consented scheme;
- The canal had been omitted altogether;
- The earthworks to the southern parcel of the Appeal Site were on land illustrated as water on the consented drawings;
- The earthworks were very engineered in appearance, not in accordance with the organic form of the consented scheme;
- The landform had been raised locally by up to 7-8m.

2011 Application

5.09 In 2011 the Appellant submitted a full application in response to the EN.

5.10 The Application sought to retain the two below ground lakes, Puma and Bridges, in the northern part of the Appeal Site. In addition, it sought permission for the creation of three above ground lakes in the southern part of the Appeal Site.

- 5.11 The MBC Officer stated (Officer report MA/11/1948 para 5.2.2) that *“the layout of the site would be similar to that permitted under application MA/03/0836. The number of lakes differs but the general location of the lakes and the above/below ground location is similar i.e above ground lakes are outside the flood zone”*. Later on, the officer similarly reported (Officer report para 5.3.2) that *“the proposal is not dissimilar to that permitted under MA/03/0836.”*
- 5.12 The 2012 committee report (para 5.2.4) states that *“the 3 lakes would involve a reduction of the height of the material on site and the remodelling of the landscape to create a resultant scheme. However, in order to complete the scheme, there would be the requirement to import an additional 51000m3 of material onto the site”*.
- 5.13 The landscape aspect of application was supported by data from Furse Landscape Architects Ltd:
- A topographic survey (based on the ICS 2008 topographic survey);
 - A General Arrangement of Landscaping and Planting Plan (with associated planting schedule);
 - Long Sections of proposals showing amendments to landform from 2003 to the 2011 application;
 - A landscape and visual impact assessment (LVIA) based on the 2008 condition as a baseline.
- 5.14 In relation to the LVIA it is important to note that:
- It was based on the unlawful 2008 condition as a baseline.

- Despite the above it used the MBC landscape Character Assessment and Landscape Guidelines 1999 (adopted 2000) as its baseline. The assessment did not pay any credence to the 2004 Kent County Council landscape character assessment that more accurately assessed the Appeal Site.
- The LVIA associated with the 2011 application recognised the damage that the changes up to 2008 had made at its para 15.29 it stated: *'the proposed scheme is aimed at addressing these issues with an overall objective of mitigating the harm the site is causing to the landscape resource at present'*.
- The LVIA recorded an outcome, post mitigation, of moderate positive in relation to the landscape receptors and no notable change to slight positive in terms of visual receptors. This is in part due to the baseline for the 'landscape resource' being a medium sensitivity as opposed to high sensitivity.

5.15 By the time of the committee (7th June 2012) for the 2011 application the submission had not changed but the MBC Landscape Character Assessment, March 2012 had been published. This stated that:

- *"58.7 in the middle of the area, at Monks Lakes and Riverfield Fish Farm there is an extensive system of manmade rectangular ponds. As part of the development there has been extensive land raising and earth modelling along the A229 and the artificial sloping landform appears rather incongruous on the valley side";*
- And additionally, that; *"58.15 ..there are generally few visual detractors, although the fishing lakes on the A229 are particularly incongruous".*

5.16 The MBC case officer then sought to justify the lakes and respond to the updated assessment. No additional data was provided by the client nor was there any landscape and visual comments relating to this point from the MBC landscape officer.

5.17 The Officer's concluded that the 2011 scheme would not result in any significant planning harm in particular relation to flooding, biodiversity, landscape impact or residential amenity. The Application was granted consent.

Judicial Review

5.18 The 2011 approval was taken to Judicial Review in November 2014. The application was successful, and the 2011 permission was quashed. In this judgement it is stated that para 75 *'the environmental statement failed to deal with the environmental effects of the unauthorised development that had taken place before October 2010, by adopting that point as a baseline. The statement took the wrong baseline and thus gave readers, crucially the members of the committee, a false picture and it failed to address groundwater controls which might well have come to light if a thorough document had been prepared.'*

5.19 In response to this, the amendments to the 2011 application by the submission of the 2019 ES and associated documents, was supported by updated LVIA documentation, all part of the EIA prepared by Next Phase Planning and development. The addendum LVIA's are described in Volume 1 – Part B and are in full at Volume 3 – Parts O, P and Q:

- Part O Landscape and Visual Impact Analysis Rev B, FLA, 2011;

- Part P Addendum to Landscape and Visual Impact Analysis, FLA, February 2015;
- Part Q Addendum to Landscape and Visual Impact Analysis Rev B, FLA, August 2017.

5.20 At para 8.3 of the Furse LVIA (EIA, Volume 1 – Part B) it is stated that (my underlining): *the landscape vision analysis baseline condition is based on the site condition as of October 2010, when FLA were initially instructed to undertake a landscape and visual assessment analysis. Following the successful approval of the application by Maidstone District Council a decision was subject to judicial review, which resulted in the need for the landscape and visual impact assessment to be reviewed against the historic baseline of the site prior to the land raising operations that have taken place on site.*

5.21 Para 8.5 to 8.14 record the historic baseline based on historic mapping, OS mapping and aerial photography. That said Furse did not find their way to the photos in the Appendices to the Report on Landscape and Visual matters dated March 2015 appeal (Appendix 1.0 of this report) where 2004 photos looking across the Appeal Site revealing an open outlook.

5.22 Of the 2003 baseline they do note that:

Landscape Receptor	Comment
Landform	Vol 1 B – Para 8.4 - OS spot Heights for the northern and southern parcels are 15.5 and 17.8 metres OAD respectively and that <i>'this is in keeping with surrounding farmland'</i>

Vegetation	Vol 1 B – Para 8.8.7 to 8.12 - they note that the landscape is predominantly an arable landscape with fields defined by boundary trees and hedgerows. One with historic hedge lines ' <i>defining the field boundaries</i> ' and one with limited tree cover. They do this through reference to the 2003 aerial photograph.
Historic Baseline Summary (my underlining)	Para 8.13 The results are that the site consisted of ' <i>a series of <u>open fields</u> with boundary hedges and <u>scattered large mature trees</u> forming the mosaic within which the original orchards were grown on a commercial basis.'</i>
Visual Receptor	Comment
Visual Impact Effect (my underlining)	8.21 ' <i>where <u>open views</u> out across the River flood plain have been lost in varying degrees, causes changes to the overall impact assessment of the scheme.'</i>

5.23 Whilst they did capture the above, they still did not:

- Accurately assess the character of the Appeal Site and its two components and their positive fit with the County level character assessment;
- Did not describe each of the landscape attributes that would have made the two parts of the site, reflective of that character;
- Did not assess the character of the visual receptors through use of available photography.

5.24 The above baseline was prepared to comply with the outcome of the Judicial Review, was not used to inform any significant landscape character change to the scheme. The current is in essence of the same character as the same as the 2015 Enforcement Appeal scheme.

5.25 Whilst the historic baseline did assess the scheme against the correct baseline its outcomes are not correct. The biggest oversight is that the assessed effect is on the Landscape Resource and wholly misses effect on 'Character'– at no point is the word 'character' mentioned from para 8.15 to 8.20. What is recognised is that:

- *'Development of the site has resulted in the loss of approximately 986 linear metres of hedge';*
- *'20 to 25 larger trees and 2407 metres squared of scrub Woodland have been lost since the 1990 aerial photograph was taken';*
- *'the raising of the land to form the lakes has taken the majority of the site out of its low-lying condition'.*

5.26 In re assessing impact at their Table 1, Furse Landscape Architects do rescore the initial impact on the 'Landscape Resource' as a **moderate negative**. They state that through maturation of planting the effect on the Landscape Resource moderate by Year 15 to Moderate Positive. This is incorrect. Whilst the planting can offset the loss of hedgerow and trees, and the new grasslands may be of vegetative benefit in place of arable fields, the adverse impact upon landscape character, due to the imposition of man-made lakes, their associated engineered embankments (agreed to be over 6m in height in places), cannot moderate over time to the extent that they become positive. Such elements are described as incongruous in the

Council's own landscape character assessment. On balance, whilst mitigation planting can reduce negative effect and in part visually assimilate the bunds into their context, my view is that the impact assessed in association with the 2015 Appeal (Appendix 1.0 to this report and within that refer to the Report on Landscape and Visual matters dated March 2015, Table 7.2, page 54) one of minor negative impact upon the landscape character, remains the same for this proposal.

5.27 Similarly in relation to visual impact, the Appellants revised visual impact assessment (Table 1) (seemingly with some blank columns under Residential Properties, a point to be clarified) does see that initial impacts vary from Substantial negative to slight negative for '2003 Construction Phase to 2011'. The previous assessment (Summary Table 1 page 21) scored the unmitigated phase as consistently 'slight positive'. The subsequent moderation of the impact was then, as it is now through the maturation of the proposed vegetation.

5.28 Once again, the point is wholly missed within the scoring, that the character of the views will change from those over an open arable landscape to man made bank, with associated planting, all part of a landform described as 'incongruous' by the Council in their own landscape character assessment. They do allude to the negative nature of the impact in para 1.11 of their LVIA addendum where they state:

'The construction phase of the project from 2003 to 2011 will impose the greatest visual impact as the land raising operation will have been undertaken over a 10-to-11-year period. The visual intrusion has resulted in a significant negative impact on the closest visual receptors with the highest sensitivities.'

5.29 Again my view is that the visual impacts remain as per the 2015 Enforcement Appeal (Appendix 1.0 to this report and within that refer to Appendices to the Report on Landscape and Visual matters dated March 2015, Table 7.3 p.60) these vary from namely neutral to major negative. The extent of visual change is apparent in the above tables, impact on amenity is discussed further below and impact on heritage is assessed in the report of Mr Griffiths.

6.0 Consideration of Key Landscape Issues relating to the Development Proposals

Introduction

6.01 This section of the report responds to the landscape reasons associated with the planning refusal, how they arose, how the assessment is flawed and how the development proposals continue to:

- Cause Harm landscape character;
- Cause Harm to residential amenity.

6.02 Whilst the assessment does now assess impact against the 2003 baseline it both limited in its review and incorrect in its outcomes – they are underscored. The 2003 proposals lacked any landscape and visual analysis of their landscape setting, the character of the area, the potential for visual impact upon adjacent visual receptors. The landscape and visual aspect of the proposal had been justified in its infancy by the MBC case officer commentary and latterly by seeking to assess impact post unlawful works.

6.03 As with previous scheme the current application seeks to retrospectively resolve adverse impact of the unlawful development and still incorrectly states that the outcome on both the landscape and visual receptors would be a slight to moderate beneficial impact.

6.04 As shown at para 5.26 and 5.29 the assessment of landscape and visual effects does show negative outcomes from inception. It then suggests the extent to which these moderate over time and overplays and focuses primarily on the role of the maturation of the proposed planting. This quite simply is wrong. Both the character of the landscape and of the views will be

irrevocably harmed by the incongruous landscape imposition of the fishing lakes, their overbearing scale and the height of the earthworks.

Harm to landscape Character

- 6.05 The outcome is that the current proposal continues to represent harm to the landscape character.
- 6.06 The lakes on the northern parcel whilst lying within the flood plain, an area seasonally wetted and more riparian in nature, are still of a larger scale than any other in the surrounding landscape. They continue to represent the loss of a high value landscape pattern that had been intact, certainly since the late 1800's. Whilst there has been mitigation in the form of peripheral trees and shrub planting, the grazing meadow and wet grassland has been lost and the historic pattern subsumed by two large water bodies. The overall impact upon the landscape character of the northern parcel by proposed development remains one of direct, long term, and negative impact.
- 6.07 The earthworks to the southern parcel still have had and will continue to have a more significant impact. Whilst the baseline assessment (LVIA) now does record the historic baseline and it is accepted that there are lakes both immediately adjacent to the east of the Appeal Site, the outcome of the 2000 consent (00/1162) and further to the east (the former fishery), these should have been part of the baseline analysis but not a justification for more ponds and raised ponds. The fisheries ponds are wholly different in scale, serving their purpose. Additionally, as stated in the previous Appeal they are set lower into the landscape with bunds that allow views across the water and to the distant horizon. The ponds more immediately adjacent to the east of the Appeal Site were again consented on hand drawn plans and in a landscape

and visual analysis vacuum. Their man-made form was not implemented at the time of the 2003 consent. It is not a form that sits well with its landscape setting and indeed represented an early incongruous element. It should be noted that it is also less apparent than the Appeal Site earthworks, being set further away from the A229.

6.08 Of more relevance to the southern parcel, what should have guided the 2003 consent and the ensuing works was the existing landscape character. The parcel was on higher, drier ground used formerly for fruit production and more latterly in agricultural use. It did have a small pond, a typical element of the adjacent landscape, notably the landscape to the south of the A229. It was not part of the riparian landscape. This level of landscape assessment was missing in the 2003 application and in the 2011 application. It is still the case that such baseline assessment should have been used to inform the design progression, to enable an understanding of the form of design that could fit into the receiving landscape, one that would have demonstrated that it had understood the Appeal Site's intrinsic character.

6.09 Prior to the 2003 consent it was a flat to gently undulating open landscape, with views only interrupted by characteristic boundary hedgerows and standard trees. The 2003 consent had it been implemented (which it was not) would have wholly changed this character substituting it with 8 lakes raised above the ground by shallow bunds. That in itself constituted an adverse impact. The only positive factor was that the bunds were to be shallow; the lakes of an organic form and of small to medium scale and all were to be integrated through the planting of native stock.

- 6.10 By 2008 the poor situation had been worsened – the process of reducing the uncharacteristic lakes from 8 to three had begun (each of a size to be classified as reservoirs – refer to evidence of Mrs Lord) had begun and the organic form had given way to an incongruous, engineered response. The profiles were locally steep and not representative of a gently undulating landscape. At this point in, the time of the EN, the impact upon the landscape character to this area was one of direct, long term, major negative impact.
- 6.11 The 2011 scheme sought to rectify some the adverse impact. Whilst the outcome of the scheme, that sought to feather out the worst of the 2008 earthworks and to provide additional landscape mitigation (notably to the west and south west), would have been a minor adverse impact, this impact would have been on a landscape that had already been significantly harmed.
- 6.12 The current application makes no significant changes in relation to landscape and visual effect. In the committee report the Officer recognises the *'incongruous'* nature of the adjacent fishing lakes (para 7.16), states that guidelines/ action seek to resist further artificial earthworks (para 7.17) states that the lake 1 to 3 are manmade (para 7.18) yet seeks to suggest by putting such new man-made features adjacent to other, that the effect will *'not be harmful to the landscape character of the area.'* The Officer then sum up at para 7.24 *'in conclusion, the proposed lakes will inevitably have some landscape and visual impact but in the context of the lawful lakes and the viewpoints available the impact of the legs is not considered to be harmful to the character and appearance of the area.'* This is simply wrong. As with the 2015 Enforcement Appeal scheme the effect remains a negative impact both upon the landscape character of the area and a number of visual receptors.

Caused Harm to residential amenity.

- 6.13 It also still remains the case that whilst the proposals sought to increase the recreational offer, for anglers who had paid to use the Appeal Site this was done at the expense of adjacent residential amenity.
- 6.14 The houses adjacent to the Appeal Site and along Hertsfield Lane formerly enjoyed an extensive outlook over gently undulating farmland and wet meadows. This was part of their amenity as they travelled to and from their homes and enjoyed being outside in the gardens. The 2003 proposals changed the nature of their amenity as their outlook. One cannot be categorical as to the nature of the change due to the vagary of the consent, but the case officer stated that the ponds were to be similar to those of the fishery. This would have seen a change from that one where a distant horizon was apparent and where there was a perception of openness and space to that over shallow bunds and fishing lake with glimpses of the distant horizon.
- 6.15 Additionally on land where there had formerly been no public access the consent approved access for anglers enjoying their recreation. This led to the potential for overlooking and visual intrusion.
- 6.16 The two points above would have led to an adverse impact upon residential amenity.
- 6.17 By 2008 and the issuing of the EN, banks of a far greater nature had appeared truncating any views to the distant horizon, significantly diminishing the perception of openness and space and elevating the path for those using the Appeal Site in the future, increasing the potential for overlooking.

6.18 The 2011 application sought to address the overlooking aspect by planting woodland down the entire western margin. Whilst this might have succeeded in addressing overlooking it would have exacerbated that adverse impact upon the residential amenity in relation to the perception of openness and space. The overall impact upon residential amenity of the EN works and indeed the 2011 application is a long term, moderate to major negative impact.

6.19 The current application proposals do not change the outcome of the above.

7.0 Summary and Conclusions

- 7.01 fabrik has prepared this report to respond more directly to the landscape matters arising from the 2019 version of – amendments and additional information to Planning Application 11/1948.
- 7.02 In response, this report has provided a review of landscape character evidence base, the applicant updated baseline, the development proposals and has finally considered the key landscape issues relevant to the above.
- 7.03 The landscape character assessments have been reappraised from the national to the district level, through site appraisal and interpretation of existing assessments. The applicant revised LVIA baseline has been reviewed.
- 7.04 The report has described the landscape proposals relating to the Appeal Scheme, the recent changes and has illustrated that the landscape proposals have still been prepared without adequately considering character guidance from a National to Local Level.
- 7.06 It has been illustrated that the design process did not follow a robust approach, first appraising the site both physically and visually, then analysing the local landscape characteristics to ensure that the proposals complemented and reinforced the existing contextual landscape. It has also been shown that the recent changes and adjustments associated with the current application have made no significant difference to the negative outcome associated with the development.

7.07 In conclusion it remains the case that the 2003 consent would have caused harm. The unauthorised development that currently exists upon the site and the landscape design response relating to the 2011 and now the 2019 applications have provided, and continue to propose incongruous schemes that:

- Harm landscape character;
- Fail to respond to visual receptors and harm residential amenity.

Appendix 1.0.



Hearing Submissions

Monk Lakes, Staplehurst Road, Marden

Report on Landscape and Visual
Matters prepared for Mr David Padden

31 March 2015

Andrew Smith
BSc (Hons), MSc, CMLI
fabrik Limited

Ref: D2306/AS

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1.0 Introduction

Personal Qualifications

- 1.01 My name is Andrew Smith. My qualifications include a BSc (Hons) degree and an MSc in Landscape Ecology Design and Management. I am a member of the Landscape Institute and a Chartered Landscape Architect (CMLI).
- 1.02 I have over 20 years post qualification experience in landscape planning and design. I have prepared landscape and visual assessments either as standalone documents or co-ordinated as part of environmental statements; and both the outline and detailed design of a range of residential, commercial, mineral and waste development projects throughout the UK. I have appeared as an expert witness on both landscape and visual issues.
- 1.03 I am familiar with the Appeal Site and the surroundings having undertaken the preparation of this report.

2.0 Scope of Report

Appeal

2.01 Mr David Padden has appointed fabrik to prepare a report on landscape and visual matters in response to: (i) The 2011 Planning Application (MA/11/1948); (ii) ground (g) of the appeal against the enforcement notice (dated 12th September 2008, reference APP/U2235/C/08/2087987).

2.02 This report illustrates that the development on the ground now and similarly that proposed in the 2011 application is wholly different to the 2003 consent, is not consistent with landscape related policy, harms the local landscape character of the area, harms local residential amenity and has an adverse impact upon the setting of a heritage asset (the Grade II listed Hertsfield Barn).

2.03 It is additionally noted that there are potentially further discrepancies from 2011 to date but analysis cannot be definitive as no detailed topographic survey exists nor is there is a right of access to the Appeal Site to enable such data to be prepared.

2.04 The report covers the following matters:

- Section 3 - a review of the landscape related policies, both those relevant at the time of the consent, the subsequent Enforcement Notice (EN) and those with consistent policy themes that have been taken forwards since that time.
- Section 4 – Landscape Character – background and guidance
- Section 5 - a description of the landscape setting of the Appeal Site
- Section 6 - a description of the Appeal Site;

- Section 7 - a description of the landscape design of the development proposals;
- Section 8 – consideration of the key landscape issues relating to the development proposals;
- Section 9 - summary and conclusions.

2.05 The report includes separately bound of appendices which should be read with it. Additionally the report refers to a number of key documents which are also referenced in this report. My evidence should also be read in conjunction with that of Mrs Rebecca Lord who deals with Planning and Policy Matters and Dr Paul Ellis who deals with Hydrogeology and Flooding.

Landscape and Visual Impact Appraisal Methodology

2.06 This landscape report has been prepared in relation to Guidelines for Landscape and Visual Impact Assessment Third Edition (Landscape Institute and Institute of Environmental Management and Assessment, 2013).

3.0 Review of Landscape Related Policy and Supporting Landscape Evidence Base

3.01 I have identified and set out in this section policies/elements of policy, at both the National and District level that are relevant to the landscape and visual issues arising from the unauthorised development and are noted in the 2003 Committee Report, the subsequent EN and policies now pertinent derived from the earlier policies. The associated weighting of policies is addressed in the report of Mrs Rebecca Lord.

Maidstone Borough Wide Local Plan 2000 (MBLP)

Strategic Objectives

3.02 The strategic objectives seek to provide a broad context base to the policies of the plan. Strategic Objective 2 requires policies to; *“recognise the importance of Maidstone’s rich and diverse environmental resources: to protect and where possible enhance the variety and distinctiveness of the Borough’s urban and rural environment; and to ensure that the quality of Maidstone’s distinctive identity is protected for current and future generations”*.

3.03 Strategic Objective 3 requires policies to: *“protect the countryside for its own sake...”*

Listed Buildings

- 3.04 In the introduction to their Environment policies chapter at para 3.4 the plan states: *“in the countryside, the Borough Council will continue to pursue strict policies to resist inappropriate development. The Council’s objectives are to conserve the character of the countryside including its landscape, wildlife, agricultural, recreational, cultural/historic and natural resource value whilst meeting the economic and social needs of the rural community”*.
- 3.05 In relation to listed buildings the Local Plan noted that - *“listed buildings are important because they represent the best of our historic and architectural built heritage”*. Additionally that: *“the setting of a listed building is often an essential feature of its character. Accordingly, such areas will require particularly careful treatment to ensure that development protects and enhances character. As such Policy ENV 12 Setting of Listed Buildings (unsaved) stated that: “Proposals for development will not be permitted if they would harm the setting of a listed building”*.

Public Footpaths

- 3.06 The plan narrates its aspirations for the provision of a fully accessible, well maintained and well publicised public path network throughout the countryside. The Council demonstrates potential implications of additional public access in policy ENV 27New Footpath, Cycleway and Bridleway Proposals (a saved policy) where it is states that:
- “proposals to improve and extend the footpath, cycleway and bridleway network will be permitted provided that they: (1) Are integrated into existing routes; and (2) Do not harm residential amenities; and (3) Do not harm nature conservation interests; and (4) take into account the needs of agriculture; and (5) are located and designed to reduce opportunities for*

criminal behaviour; and (6) have regard to the needs of disabled persons; and (7) have regard to the needs of other users of the route and vehicular traffic”.

Countryside

3.07 At para 3.88 reference is made to PPG7 “Countryside –Environmental Quality and Economic Development, and the importance of sustainable development with the objectives of, notably: *“(ii) conserving the character of the countryside – its landscape, wildlife, agricultural, cultural/historic and natural resource value – for the benefit of present and future generations”.*

3.08 Subsequently ENV 28 Development in the Countryside, (a saved policy), states that: *“..In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers...”*

River Corridors and Catchments

3.09 The local plan explained that *“rivers and rivers valleys have distinctive landscape, are highly value for recreation, and are often of great wildlife interest including a range of water dependent habitats. They are also associated with rich assemblages of historical and cultural features...”*. The resulting policy ENV 37 River Corridors (unsaved) stated that: *“Development which would harm the character, nature conservation, archaeological and recreational importance of watercourses and their corridors will not be permitted”.*

National Planning Policy Framework 2012

Introduction

- 3.10 Whilst the consent may have been issued in 2003, the subsequent EN in 2008, it is evident that many of the themes that led to a nature of harmful development, continue to guide policy and this guidance has been further refined through both the adoption of the NPPF and the emerging local plan.

Achieving Sustainable Development

- 3.11 Para 7 – states the three dimensions of sustainable development: economic, social and environmental. It then details the associated role as:

- *An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

Core Planning Principles

- 3.12 Para 17 states that planning principles should underpin both plan making and decision-taking and should (at bullets four and five):

- *‘Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings’.*
- *‘Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it’.*

Requiring Good Design

3.13 Para 58 states that local and neighbourhood plans should: *‘develop robust and comprehensive policies that set out the quality of development that will be expected for the area...planning policies and decisions should aim to ensure that developments’:*

- *Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- *Are visually attractive as a result of good architecture and appropriate landscaping’.*

3.14 Para 61 states that: *‘although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment’.*

3.15 Para 64 states that: *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.* Whilst this policy is not strictly about landscape and visual matters, it is considered that the ‘design’ related element of the policy has an effect on landscape and visual receptors.

Conserving and Enhancing the Natural Environment

3.16 Bullet one of Para 109 states that the planning system should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes, geological conservation interests and soils.

3.17 At para 129 it is stated that *‘Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.’*

National Planning Practice Guidance (NPPG)

3.18 In addition to the NPPF, the NPPG sets out guidance on Design at section ID 26 (updated on 6 March 2014) and the elements to be considered to achieve good design. Paragraph 001 under this section states that: *“The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design.*

Achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations.

Good design responds in a practical and creative way to both the function and identity of a place. It puts land, water, drainage, energy, community, economic, infrastructure and other such resources to the best possible use - over the long as well as the short term.”

- 3.19 Paragraph 004 goes on to state that: *“Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations.”*

Maidstone Borough Local Plan Regulation 18 Consultation 2014

Introduction

- 3.20 The emerging local plan has taken forwards a number of previous policies. The Appeal scheme continues to be at odds with the emerging policy context
- 3.21 The emerging Local Plan refers to the Landscape Character Assessment (2012, amended 2013) as part of evidence base.
- 3.22 Amongst the Key Issues there is the requirement for *“the protection of built and natural heritage...”*
- 3.23 Amongst the Spatial Objectives, Spatial Objective 6 states the need to *“safeguard and maintain the character of the borough’s landscapes including the Kent Downs Area of Outstanding Natural Beauty and other distinctive landscape of local value whilst facilitating the economic and social well-being of these areas including the diversification of the rural economy”*.
- 3.24 Additionally at Spatial Policy 9 there is the requirement to; *“ensure that new development of high quality, making a positive contribution to the area including the protection of built and natural heritage and biodiversity”*.

Countryside

3.25 At para 5.56 it is explained that “*much of the rural landscapes are of high quality*”. At para 5.57 that “*the countryside has an intrinsic value that should be conserved and protected for its own sake*” and where certain forms of development are accepted they need “*to be mitigated in a way that maintains and enhances the distinctive character of the more rural parts of the borough*”.

3.26 Policy SP5 Countryside states that:

1. *Provided proposals do not harm the character and appearance of an area, the following types of development will be permitted in the countryside... and subsequently that:*

2. *Where proposals meet criterion 1, development in the countryside will be permitted if:*

i. *The type, design and scale of development and the level of activity maintains, or where possible, enhances local distinctiveness; and*

ii. *Impacts on the appearance and character of the landscape can be appropriately mitigated.* The requirement to protect the landscape resource continues at points 4 and 6:

4. *Proposals will be supported which facilitate the efficient use of the borough's significant agricultural land and soil resource provided any adverse impacts on the appearance and character of the landscape can be appropriately mitigated;*

6. *Natural assets, including characteristic landscape features, wildlife and water resources, will be protected from damage with any unavoidable impacts mitigated.*

Principles of Good Design

- 3.27 In the background to the policy the plan narrates that *“good design is the fundamental principle underpinning good planning. It has a very important impact upon the quality of the environment and the way in which it places function”*. Further that the NPPF places, *“great emphasis upon raising the quality of the built, natural and historic environment and quality of life in all areas. It attaches great importance to the securing of high quality design and seeks to ensure that all development contributes to making places better for all”*. Additionally that *“in order to achieve high quality design, the council expects that proposals will respect and, where appropriate, enhance the character of their surroundings”*.
- 3.28 In the resultant Policy DM4 Principles of Good Design are as follows:
- i. Create designs and layouts that are accessible to all, and maintain and maximise opportunities for permeability and linkages to the surrounding area and local services;*
 - ii. Respond positively to and where possible enhance the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage - incorporating a high quality, modern design approach and making use of vernacular materials where appropriate;*
 - iii. A modern design approach incorporating vernacular materials will be sought;*
 - iv. Create high quality public realm and, where opportunities permit, provide improvements, particularly in town centre locations;*
 - v. Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in excessive*

noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties;

vi. Respect the topography and respond to the location of the site and sensitively incorporate natural features such as trees, hedges and ponds worthy of retention within the site;

vii. Provide a quality of design commensurate with the degree of environmental value;

viii. Orientate development, where possible, in such a way as to maximise the opportunity for sustainable elements to be incorporated and to reduce the reliance upon less sustainable energy sources;

ix. Protect and enhance any on site biodiversity and geodiversity features where appropriate, or provide sufficient mitigation measures;

x. Safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access;

xi. Create a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour;

xii. In areas at risk of flooding, provide mitigation measures integral to the design of buildings will be required;

xiii. Avoid inappropriate new development within areas at risk from flooding or mitigate any potential impacts of new development within such areas;

xiv. Incorporate measures for the adequate storage of waste, including provision for increasing recyclable waste;

xv. Provide adequate vehicular and cycle parking to meet adopted council standards; and

xvi. Be flexible towards future adaptation in response to changing life needs. Account should be taken of Conservation Area Appraisals and Management Plans, Character Area Assessments, the Kent Design Guide and the Kent Downs Area of Natural Beauty Management Plan.

Historic and natural environment

3.29 The introduction to the emerging policy recognises the importance of listed buildings and their setting and the importance to survey heritage assets and to provide “*sufficient information to establish direct and indirect effects of development on past or present heritages assets together with any proposed prevention, mitigation or compensation measures*”.

3.30 Policy DM10 Historic and natural Environment states that;

1. To enable Maidstone borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the historic and natural environment, where appropriate, by incorporating measures to:

i. Protect positive historic and landscape character, heritage assets and their settings, areas of Ancient Woodland, veteran trees, trees with significant amenity value, important hedgerows, features of biological or geological interest, and the existing public rights of way network from inappropriate development and ensure that these assets do not suffer any adverse impacts as a result of development;

ii. Avoid damage to and inappropriate development within or adjacent to:

a. Cultural heritage assets protected by international, national or local designation and other non-designated heritage assets recognised for their archaeological, architectural or historic significance, or their settings;

b. Internationally, nationally and locally designated sites of importance for biodiversity; and

c. Local Biodiversity Action Plan priority habitats.

iii. Control pollution to protect ground and surface waters where necessary and mitigate against the deterioration of water bodies and adverse impacts on Groundwater Source Protection Zones, and/or incorporate measures to improve the ecological status of water bodies as appropriate;

iv. Enhance, extend and connect designated sites of importance for biodiversity, priority habitats and fragmented Ancient Woodland; support opportunities for the creation of new Biodiversity Action Plan priority habitats; create, enhance, restore and connect other habitats, including links to habitats outside Maidstone Borough, where opportunities arise;

v. Provide for the long term maintenance and management of all heritage and natural assets, including landscape character, associated with the development;

vi. Mitigate for and adapt to the effects of climate change; and

vii. Positively contribute to the improvement of accessibility of natural green space within walking distance of housing, employment, health and education facilities and to the creation of a wider network of new links between green and blue spaces including links to the Public Rights of Way network.

2. The character, distinctiveness, diversity and quality of Maidstone's landscape and townscape will be protected and enhanced by the careful, sensitive management and design of development.

3. Where appropriate, development proposals will be expected to appraise the value of the borough's historic and natural environment through the provision of the following:

i. An ecological evaluation of development sites and any additional land put forward for mitigation purposes to take full account of the biodiversity present; and

ii. Heritage and arboricultural assessments to take full account of any past or present heritage and natural assets connected with the development and associated sites.

iii. A landscape and visual impact assessment to take full account of the significance of, and potential effects of change on, the landscape as an environmental resource together with views and visual amenity.

4. Publicly accessible open space should be designed as part of the overall green and blue infrastructure and layout of a site, taking advantage of the potential for multiple benefits including enhanced play, wildlife, sustainable urban drainage, tree planting and landscape provision. The form and function of green infrastructure will reflect a site's characteristics, nature, location and existing or future deficits.

5. Development proposals will not be permitted where they lead to adverse impacts on natural and heritage assets for which mitigation measures appropriate to the scale and nature of the impacts cannot be achieved. Account should be taken of the Landscape Character Guidelines supplementary planning document and the Green and Blue Infrastructure SPD.

Design Principles in the Countryside

3.31 In Policy DM30 Design Principles in the Countryside it is stated that:

Outside of the settlement boundaries as defined on the policies map, proposals which would create high quality design and meet the following criteria will be permitted:

2. Outside the Kent Downs AONB, not result in harm to landscape of highest value and respect the landscape character of the locality...

4.0 Landscape Character - background and guidance

General

- 4.01 Character and ensuring that new development should contribute to the distinctive character and sense of place is a requirement that runs through all design guidance and policy. Assessment is required to allow an understanding of the distinctive character that is to be accorded with. This assessment typically occurs at a National, County / District and Site Level.
- 4.02 The accepted methodology for landscape character assessment is as promoted by the Countryside Agency and Scottish Natural Heritage as set out in their document Landscape Character Assessment Guidance for England and Scotland (2002).
- 4.03 Typically landscape character assessment considers an area's landform, land cover, landscape elements and its culture and heritage as it is the assemblage of these aspects that informs the character of an area.
- 4.04 In relation to the setting of the Appeal Site character is described at a national level in 'The Character of England Maps', and at the District level in two documents. Landscape character was described at the time of the application and subsequent EN in the Maidstone Landscape Character Assessment 1999 (Adopted 2000). This has been updated as part of the evidence base for the emerging local plan and is published as the Maidstone Landscape Character Assessment March 2012, Amended July 2013.

National Scale (Appendix 2.0, Fig 2.1)

- 4.05 At the National scale the Appeal Site falls within the JCA 121 – Low Weald. A landscape that where *'broad, low lying and gently undulating clay vales underlie a small-scale intimate landscape enclosed by an intricate mix of small woodlands, a patchwork of field and hedgerows.'* Additionally where *'grasslands predominates on the heavy clay soils while lighter soils on higher ground support arable cropping in a more open landscape'*.

County Level (Appendix 2.0, Fig 2.2)

- 4.06 Kent County Council published a character assessment in October 2004. This shows that Appeal Site as sitting within two character areas, The Beult Valley and the Lower Weald Fruit Belt.

Beult Valley

- 4.07 The characteristic features of the Buelt Valley are described as;
- *flat low lying land around incised river channel*
 - *Rural open landscape of mixed farming.*
 - *Small slow flowing river of high ecological value*
 - *Sparse but historic settlement*
 - *Many historic bridging points*
 - *Frequent small ponds in upper floodplain*

4.08 Its overall condition is described as poor, the sensitivity as low with the summary of actions to 'Create'. This is to be achieved through the introduction of open bankside and some intermittent riparian vegetation, the creation of a wider riparian corridor, the creation of small woodlands on the upper edge of the floodplain and large pastoral enclosures in the existing open fields.

Lower Weald Fruit Belt

4.09 The characteristic features of the Lower Weald Fruit Belt are described as:

- *Flat or gently undulating mixed farmed landscape of dwarf trees, arable, hops and pasture. Remnant alder and poplar windbreaks*
- *Broad Verged lanes with ditches*
- *Frequent groups of Oasts*

4.10 The character areas overall condition is described as good, the sensitivity moderate with the summary of actions to 'Conserve and Enforce'. This is to be achieved through the conservation and management of tree stock, the reinforcing of field patterns and the reinforcing of the ecological interest of ditches and water courses. This character description, with its differentiation between the northern and southern parcels provides a more accurate fit for the Appeal Site at time of the 2003 Application. It is certainly a better fit than the 2000 District level character assessment.

District Scale

Maidstone Borough Council Landscape Character Assessments (Appendix 2.0, Figures 2.3 and 2.4)

4.11 At the District Level Appeal Site there are two landscape character assessments:

- Maidstone Borough Council Landscape Character Assessment and Landscape Guidelines 1999 (adopted 2000), The Landscape Partnership.
- Maidstone Landscape Character Assessment 2012 as amended 2013, (Jacobs).

4.12 Whilst the two assessments may vary the names of the landscape characters areas to the north and south of the Appeal Site both assessments locate the Appeal Site in the Beult Valley landscape character area – Character Area 11 in the early assessment and Character area 58 in the latter.

4.13 The Key Characteristics are described as:

- *Low lying broad shallow valley of meandering River Beult and Hammer Stream within Low Weald*
- *Many ponds and watercourses with important ecological interest*
- *Species rich native hedgerow field boundaries with mature oak trees as imposing hedgerow trees and sometimes within field where hedgerows have been removed*

- *Mixed agriculture with large fields supporting arable cultivation and small riverside fields with pasture*
- *Sparsely scattered small woodlands*

4.14 In the 2013 assessment, at para 58.7 it is noted that; *“in the middle of the area, at Monks Lakes and Riverfield Fish Farms there is an extensive system of manmade rectangular ponds. As part of the development, there has been extensive land raising and earth modeling along the A229 and the artificial sloping landform appears rather incongruous on the valley side. There is extensive planting of weeping willow along the road side which also adds to the artificiality of the landscape”*.

4.15 Additionally at para 58.15 It is noted that *“There is a coherent pattern of elements, where the meandering river, historic bridges, ancient standards oaks, and thick native hedgerows over the relatively flat topography bind the landscape together. There are generally few visual detractors, although the artificial fishing lakes on the A229 are particularly incongruous”*.

4.16 Later in the same paragraph it is stated that *“the cultural integrity is variable, and has declined with changed agricultural practices towards intensive arable cultivation. The traditional field patterns and hedgerow boundaries are reasonably intact in some areas, but elsewhere the land use has changed from predominantly pastoral land uses to larger arable field units and manmade fishing lakes”*.

4.17 In the 2013 assessment the character area is described as one that is in a Moderate Condition, is of a high sensitivity and requires conservation and restoration.

Local Level - fabrik 2015

- 4.18 fabrik has carried out a local level landscape character assessment of the study area. This has been done in accordance with fabrik methodology which is drawn from the 'Guidelines for Landscape and Visual Impact Assessment' (GLVIA), Third Edition (Landscape Institute and Institute of Environmental Management and Assessment, 2013).
- 4.19 The assessment revealed the current landscape as having a strong fit with both the Kent County Council character assessment 2004, where the northern parcel of the Appeal Site sat within the Beult Valley, and the southern parcel within the Low Weald Fruit Belt. There is also a good fit with the 2013 District level character assessment where the fishing lakes are described as an 'incongruous' element (ref para 4.14).

5.0 Description of the Landscape Setting of the Appeal Site

Topography (Appendix 3.0, Fig 3.1)

5.01 The Appeal Site is located within the Low Weald and more specifically within the Beult Valley that runs on a broadly east west axis and is at 14m-16AOD within the study area. The land to the north rises through gently sloping farmlands and Linton Park towards the Greensand ridge upon which Linton is located at a height of 83m AOD. To the south the land again gently rises across the Low Weald with a topographic pattern of low hills (27- 30m AOD) interspersed by minor valleys.

Land cover and Vegetation (Appendix 3.0, Fig 3.2)

5.02 The study area is one dominated by its landscape features. The small amount of built form is limited to a number of isolated farmsteads and two principal commercial areas – The Garden Centre to the north of Staplehurst Road (south east of the Appeal Site) and the commercial units/ wholesale nursery (where much of the area is covered with commercial sized greenhouses and associated buildings) to the west of the Appeal Site, adjacent to the confluence of the A229 and the B2079.

5.03 The balance of the area is dominated by its vegetative land cover. To the south of the Appeal Site the landcover and vegetation pattern is characteristic of the Low Weald, with medium scale field units enclosed by an intricate mix of small woodlands and a patchwork of hedgerow enclosed fields. The tree cover includes the Orchards that are characteristic of the Low Weald Fruit Belt, Ancient woodland, pasture and a network of hedgerows.

- 5.04 Additionally shaws, unimproved grassland, grazing marsh, the River Buelt, streams and small ponds are all evident. The latter are often defined by the presence of willows and alders.
- 5.05 To the north of the study area, on the Wealden greensand, there is historic parkland, the vegetation associated with the river valleys, drainage ditches, marshy grassland and wet woodland.
- 5.06 The former fisheries site (now in angling use) water bodies sit within the study area, to the east, as an incongruous element.

Roads and Rail (Appendix 3.0, Fig 3.3)

- 5.07 The Appeal Site is bound by the A229 to the south. This runs on a broadly north south axis through the study area, but on an east west axis where it is the south of the Appeal Site. A network of minor roads disperses into the wider countryside connecting the minor settlements and isolated farmsteads.

Historic and Cultural landscape

- 5.08 Heritage assets exist in the form of numerous listed buildings. To the north there are Linton Park and Boughton Monchelsea Place which are both Grade 1 Listed and both of which have associated Registered Parks and Gardens. The latter has an associated Barn which is Grade 2 Listed. Amongst the numerous other listed buildings are Old Hertsfield Farmhouse and Hertsfield Barn, both of these are Grade II listed. The latter lies

immediately adjacent to the western boundary of the Appeal Site and is the home of Mr Padden.

- 5.09 The pattern of the landscape has been informed by its productive history. This pattern is still evident in the mosaic of small scale enclosed pasture, orchards and small pond (historically for marling or for watering livestock). Within the study area notable changes to this cultural landscape have been the increase in the size of field units for more intensive agriculture leading to the loss of field boundaries. Additionally there has been the introduction of manmade elements such as the Fishing Lakes.

Footpaths and Public Rights of Way (Appendix 3.0, Fig 3.4)

- 5.10 A series of public footpaths, bridleways and a National Trail cross the study area. The National Trail, the Greensand Way, lies to the north of the Study Area. Footpath KM 129 runs on an east west axis immediately to the north of the Appeal Site, broadly following the course of the River Beult for much of its length.

Visual analysis (Appendix 3.0, Figures 3.5 to 3.7)

- 5.11 fabrik has undertaken a visual impact assessment of the setting of the Appeal Site to assess the extent to which the Appeal Site is visible from its surroundings and subsequently the degree of impact upon the visual receptors that has arisen from the Appeal scheme. Hertsfield Barn is one such visual receptor. The assessment is based on grading degrees of visibility and is determined from a visual inspection of the Site and its context

form roads, public rights of way and properties. Additionally historic photographs have been assessed to provide further visual understanding of the Appeal Site and its proposals prior to the commencement of the works. Whilst this is not typical this had to occur due the inadequacy of the data associated with both the 2003 and 2011 applications.

5.12 The 2015 visual appraisal was carried out on both 24th February and 18th March. The weather was variable with good visibility.

5.13 Due to the seasonal timing of the survey, where the seasonal vegetation has no leaf cover the views illustrate the worst case scenario with the potential for some views to change in nature with the increase in leaf cover.

5.14 The views, with associated descriptions, are within Appendices 3.5-3.6.

5.15 In summary the visual appraisals have revealed that:

Pre 2003

5.16 There is no photographic evidence of views, prior to development, to or from the northern parcel of the Appeal Site. However in the officers delegated report (MA/03/0836) 12th December 2003 the officer refers to the Landscape Character Assessment and Landscape Character Guidelines 2000 which show the Appeal Site as – “very open: rural and unspoilt”.

5.17 Views of the southern parcel are apparent in photographs within appendix 3.5.1. Viewpoints VP 1 and 2 (2004) are taken from Oast Cottages and the Barn to the east of Oast Cottages, taken prior to the commencement of any works and they clearly show that the southern parcel had similarly open

views that extended across the Appeal Site to the distant horizon. VP 3 (2004) is taken from the rear of Hertsfield Cottages. This image reveals the open nature of the view, the internal boundary hedgerows and trees and the view to a distant horizon.

2008-2015

5.18 By 2008 there is again little photographic evidence of the internal changes to the southern parcel but the bunding to the west of the southern parcel is clearly illustrated in photographs in Appendix 3.5.2. (VP 1-6 2008). Views to the interior of the Appeal Site have been lost and the bunds are of such a height that they formed a new horizon close to the dwellings. These viewpoints would have had values ranging from low to medium, would have been of medium to high susceptibility (high being Hertsfield Barn) to the proposed change associated with the 2003 consent and would have had a low to medium to high sensitivity.

5.19 Whilst there is no photographic evidence from the time the updated visual assessment has confirmed the visual relationship of the Appeal Site from the footpath to the north (KM129). Thus if properly assessed at the time of the 2003 application, this would have been described as a visual receptor of low value, one with a medium to high susceptibility to the 2003 proposals and one with a low to medium sensitivity.

2011

5.20 In 2011 the application LVIA by Furse (the landscape architects instructed by the appellant to prepare landscape documents in support of their 2011 application) assessed a limited number of viewpoints, 8 in total (only 4 from the wider landscape setting). They made no attempt to make an assessment

of the impact prior to October 2010. Their resultant visual impact was thus based on a feathering out of the unlawful enforcement works as opposed to an assessment of the 2011 proposals against both the enforcement scheme and the 2003 baseline conditions. Their visual residual effect that ranged from no notable change to slight positive was therefore incorrectly positive.

2015

5.21 The latest visual changes are then picked up in the images taken by fabrik early this year (Appendix 3.5.4).

Open Views

- 5.22 This assessment reveals that Open Views into the Appeal Site exist from:
- The transient visual receptors of the A229 and Hertsfield Lane (VP 9)
 - From the private residences adjacent to the Appeals Site, including Hertsfield Cottages, the Oast Cottage and Hertsfield Barn (VP 1, 2, 3, 6, 7, 8)
 - There are also Open Views of part of the Appeal Site from the north, from footpath KM129. This is evident in VP 28, 29 and 30).

Partial Views

- 5.23 Partial views of the Appeal Site exist from:
- Adjacent to the Garden Centre to the South East of the Appeal Site (VP26).
 - The Greensand Way to the north of the Appeal Site VP 18
 - The confluence of footpaths and Loddington Lane to the north of the Appeal Site (VP 20, 21).
 - Form Church Hill – a lane again to the north of the Appeal Site (VP19).

- The pasture associated with Hertsfield Barn (VP 4/5)

Truncated Views

- 5.24 From a number of public visual receptors to the east and south east the views are truncated due to intervening landscape features.
- 5.25 This assessment accords with 2013 MBC landscape Character assessment which states that within the Beult Valley landscape character area *“views are variable, being intimate in scale along the river, but open and exposed within some arable areas. The backdrop of the Greensand Ridge is an important element in many views”*.
- 5.26 It is evident that in views from the north (footpath KM129) the incongruous lakes are apparent and their bunding forms the visual horizon. This is at odds with the officers delegated report (MA/03/0836) 12th December 2003 in which the officer refers to the Landscape Character Assessment and Landscape Character Guidelines 2000 which show the Appeal Site as – “very open: rural and unspoilt”. Views have been foreshortened; views have ceased to be very open.

6.0 A description of Appeal Site

Introduction

6.01 In this chapter the report describes the Appeal Site at the time of the 2003 submission, at the time of the EN and as it exists today. The earlier assessments have been informed by maps, written reports (notably the Maidstone Borough Character Assessment 2000, the Kent Character assessment 2004), aerial photographs, photographs and LIDAR mapping data.

6.02 This data has enabled an assessment of impact to be made for the initial proposal, the impact at the time of the enforcement and the impact as it stands today.

Topography

Pre 2003

6.03 Whilst there is no detailed topographic survey of the site the pre 2003 the Appeal Site was broadly in accordance with the Kent Character Assessment 2004 where the northern half of the Appeal Site was '*broadly flat, low lying land around an incised river channel. The southern half, lying within the Low Weald Fruit belt was flat or gently undulating*'. Two images from Oast Cottages (VP1,2 2004), and one to the rear of Hertsfield Farm Cottages (VP3) to the west of the Appeal Site, clearly display the underlying topography as does the 2002 LIDAR plan, figure 4.1.

6.04 The change between the two topographic characters is reflected in the associated land use. In the historic maps it is evident that the lower lying flat land (the northern parcel) was grassland, presumably wet meadow, and it had an important role in the drainage function of the River Beult. Where the

ground was higher and drier the land was formerly occupied by fruit growing and more lately arable use.

6.05 Up until 1970 a small and characteristic pond was located on the southern parcel of land. It is uncertain when this element was lost.

6.06 At this time the value of the topography would have been medium for the northern parcel due to it being both characteristic at the district level and also for its role in the drainage of the River Beult, sitting within the floodplain. The value of the southern parcel would have been medium as it would have been typical of the landscape character area at the district level. A similar assessment would have been placed on the susceptibility of landscape receptor to the proposed fishing lakes; both the northern and the southern parcels would have had a high susceptibility. Overall the topography of the Appeal Site pre 2003 would have had a medium to high sensitivity.

2008

6.07 By 2008 a significant amount of land raising had occurred which eventually led to the service of the EN and temporary stop notice. The land raising is apparent in both the LIDAR data and a topographic survey, ICES, Aug 2008. Both show that in the northern parcel excavation had occurred to form two lakes, one with a water level of 14.70m and the other at 15.10m. The topography associated with the two lakes does not accord with the 2003 consent which illustrated excavation to create 4/5 water bodies in this area.

6.08 On the southern parcel the land had been raised, with a peripheral bund enclosing the entire parcel, with one centralised internal subdividing bund. The bund to the west has risen almost immediately from the boundary to a high point of 22.15m to the east of Hertsfield Barn (levels to Barn side of

boundary drawn as 16.10m), between 22.62m and 24.29m to the east of Hertsfield Farm Cottages (level to Cottages side of boundary drawn as 17.12m). In the south western corner of the parcel the land had risen to a highpoint of 23.88m, with the bund continuing eastwards toward the Appeal Site access.

6.09 To the northern parcel the landform had cut down into the floodplain creating permanent water bodies in the place of low lying wet grassland subject to seasonal flooding.

6.10 Reading the 2004 Ordnance Survey map data, in conjunction with the 2003 LIDAR it is apparent that the topography of the Appeal Site has been locally raised by up to 7-8m (with a top height of 24.29m) and raised in an incongruous form, with steeply sloping engineered bunds.

6.11 The outcome of the earthworks was that the topographic value of the both the northern and southern parcels had been adversely affected with both their values susceptibility reducing to low. Their sensitivity similarly reduced to low.

2011

6.12 The 2011 application document was accompanied by a topographic survey, Plan No. PDA-MON-102. This was the topographic survey, ICES, Aug 2008 rebadged. The application proposals were illustrated on Plan No.PDA-MON-103 General Arrangement and Plan No.PDA-MON-107 Retention and Completion of Lakes Long Sections A, B, C and D.

- 6.13 The proposals illustrated fill over and above the 2003 long section but a 'feathering out' of the 2008 survey data. The lakes to the northern parcel (named Puma and Bridges) remained unchanged. The proposals sought to change the local topography to enclose Lake 1 and 2 with a bund at a height of 22m (broadly 5m above adjacent land form) and the bund around lake 3 to 18.5 m (broadly 3m above adjacent land form). The topography was engineered in appearance, with a consistent/engineered slope being associated with both the internal and external faces of the bunds.
- 6.14 The application did not seek to reprofile the parcel to the north, thus its value, susceptibility and sensitivity all remained low.
- 6.15 Despite the localised feathering out of the topography of the parcel to the south retained its incongruous, engineered bunds, uncharacteristic in both height and form. Both the topographic value and its susceptibility low. Additionally the resulting sensitivity also remained low.

Current

- 6.15 Worked continued between 2008 and 2015, as is illustrated in the LIDAR data 2012. In particular the 'changes estimates' for that period, Geometric Figure 9 (fabrik figure 6.16) illustrated that between 2002 and 2012 the bunds to the southern parcel had elevational changes of up to 7.5 m. The high points were to the bund enclosing Lake 2 and the eastern edge of Lake1. The high points lay in close proximity to the western boundary of the Appeal Site and the setting of Hertsfield Barn and the outlook of Hertsfield Cottages.

- 6.16 There is no topographic survey to illustrate precisely what the landform changes have been between 2012 and the current date. Works have occurred, notably to the southern parcel but its value, susceptibility and sensitivity remain the same as 2011.

Land Cover and Vegetation

Pre 2003

- 6.17 As described in the Kent Landscape Character Assessment 2004, and as illustrated on the historic maps the Appeal Site has had two significant forms of land cover. The northern parcel has been wet grassland and the southern parcel has been formerly orchards – certainly up until the 1990's and more latterly arable land use. The field units have been subdivided by characteristic hedgerows with standard trees into small to medium field units. This landscape pattern has changed very little from 1872 in the northern parcel. In the southern parcel transition from Orchards to arable has seen the loss of some internal hedgerows with associated standard trees, a small pond and a small copse.
- 6.18 In the 2003 aerial photograph the pattern of the land cover is very evident. The characteristic pattern to the northern parcel represented an intact element of the historic pattern, within the floodplain of the River Beult SSSI and adding to its scenic quality, when viewed from the public right of way (km 129). As such its value would have been medium to high, its susceptibility to the proposed change would have been high and thus its sensitivity medium to high. Similarly the pattern of the land cover of the southern parcel was typical of the local landscape character. As such its value would have been medium, its susceptibility to the proposed change would have been medium and thus its sensitivity medium.

6.19 As for the vegetation, the hedgerow and associated standard trees, more predominant in the southern parcel would have had a medium value, with a high susceptibility to the proposed changes thus a medium to high sensitivity. The arable landcover itself would have had a medium to low value with a high susceptibility to change and thus a medium to high sensitivity. The wet grassland to the northern parcel, characteristic of the river Beult and indirectly part of the ecological function of the adjacent SSSI would have had a medium value, a high susceptibility to the proposed change and thus a medium to high sensitivity.

2008

6.20 By 2008 the land cover and its pattern had been transformed and the vegetation cover lost to earthworks. At this point in time both pattern and landcover were of a low value, low susceptibility to ensuing change thus a low sensitivity.

2011

6.21 Between 2008 and the 2011 submission there was no significant change to land pattern or land cover. Its assessment remained as 6.20.

Current

6.22 Today tree planting has occurred to Puma Lake and Bridge Lakes and a grass sward is developing across large area of the remainder of the Appeal Site.

6.23 The land cover, its value and sensitivity remain as the 2008 assessment. Similarly the assessment of the vegetation remains little altered due to the infancy of the planting.

Historic and Cultural

Pre 2003

6.24 Whilst there are no Scheduled Ancient Monuments upon the Appeal Site nor is there any evidence of high Archaeological interest, the map regression study shows that the field pattern to the northern parcel has changed little since 1872. The wet grassland parcels have been part of the valley floor and associated with the floodplain of the River Beult. These fields have been openly visible from Hertsfield Barn and have made up part of the backdrop on arrival to the barn since the late Victorian period.

6.25 Similarly the southern parcel, whilst it may have change from orchards to arable land, it continued to provide a setting to the adjacent listed Hertsfield Barn. The access to the Barn has historically run up Hertsfield Lane and in parts been immediately adjacent to the Appeal Site. The primary access to Hertsfield Barn and its first floor window face to the east, thus having a direct visual relationship with the Appeal Site.

6.26 In response to the above, in 2003, prior to development, the Historic and Cultural value of the Appeal would have been high, its susceptibility to the proposed development high, thus its sensitivity high.

2008

6.27 By 2008 the historic and cultural value had been significantly harmed due to the adjacent earthworks. These both removed the historic field pattern and adversely affected the Appeal Sites role in the setting of Hertsfield Barn by disassociating the Barn form its landscape setting. The value, susceptibility and sensitivity of the historic pattern would all have been reassessed as low.

The value in relation to the setting of Hertsfield Barn would have reduced to medium; its susceptibility would similarly have reduced to medium as much of the earthworks had occurred. The resultant sensitivity would have been medium.

2011 and Current

- 6.28 The modest adaptation proposed in the 2011 application would have resulted in the historic and cultural value remaining medium, its susceptibility low and sensitivity low. The above outcomes remain current.

Public Access, Footpaths and Public Rights of Way

Pre 2003

- 6.29 In 2003 there was no public access through the Appeal Site. The proposal sought open access across the Appeal Site for those who had paid to use the fishing lakes. Thus the consent created an access condition on the Appeal Site that would have been of low value, high susceptibility to the proposed change and of a low to medium sensitivity.
- 6.30 In relation to the adjacent footpath, KM 129 this receptor would have had a medium to high value, a high susceptibility and a medium to high sensitivity.

2008

- 6.32 By 2008 there was access to Puma and Bridges, on the northern parcel. The value would have been medium, and both the susceptibility and sensitivity would have been assessed as low.

- 6.33 In relation to KM129, by 2008 the harm had been done. The paths value remained high; its susceptibility had reduced to low as had its resulting sensitivity.

2011 to Current

- 6.34 The southern parcel still has no access as it remains a construction site. There is access to the two Northern Lakes (Puma and Bridges) where fishing now takes place. The values, susceptibility and sensitivity all remain as in 6.32 and 6.33.

Landscape Character

- 6.31 The Landscape character of the Appeal Site has been explained in detail in Chapter 4.0.

Pre 2003

- 6.32 Prior to construction there was a good fit with the local landscape character. The northern parcel was of a pattern, form and vegetation cover that was very characteristic of the District and County Landscape Character Assessment and the character of the River Beult. Its value was medium; its susceptibility to the proposed changes high and its sensitivity medium to high.
- 6.33 fabrik's assessment of the Appeal Site has revealed that the southern parcel was more accurately described in the 2004 Kent County Council (KCC) Landscape Character Assessment where this parcel was well related to the Low Weald Fruit Belt, as evidenced by the map regression study and due to the fact that it lies on the higher more fertile ground and that it was subdivided by characteristic hedgerows and standard trees. The KCC report

is its summary actions sought to 'conserve and enforce' this landscape character. Its value would have been medium, its susceptibility to the proposed change high its resultant sensitivity medium to high.

2008

6.34 By 2008 the earthwork implemented had significantly changed the landscape character. To the northern parcel the landscape was now dominated by the emerging Puma and Bridges Lakes providing a more permanent wetland character to the floodplain. The resultant assessment led to a value of medium, a susceptibility that was low and a sensitivity that is low.

6.35 Changes to south were more negatively significant with;

- the removal of the field pattern
- the removal of the defining internal hedgerows and standard trees
- the raising of the land with engineered bank up to 7-8m above existing
- the introduction of the large scale ponds

6.36 As a result the value at that time was reduced to low, with a low susceptibility to change and a low sensitivity.

2011 and Current

6.37 Whilst the landform has been raised since 2008, whilst there has been a small degree of re profiling and whilst there is some planting in the form of grass and trees, the assessment of landscape character has not changed since 2008.

7.0 A description of the Development Proposals

General

7.01 This section of the report describes the iterations of the development proposals through the 2003 and 2011 applications, the design process behind them and the works implemented on the Appeal Site.

2003 Application

7.02 The initial application was for:

- 13 lakes for recreational fishing (8 below existing ground level, in the floodplain, the remaining 5 above the floodplain and contained within sloping banks). One of the lakes would be in the form of a canal and used for match fishing.
- The lakes to the north are described as being “*simply dug out of the ground*”.
- The lakes to the south are described as being “*contained within fairly shallow bunds/banks similar to those enclosing the main Fish Farm*”.
- The lakes are to be softened by appropriate native species tree planting and wildflowers.
- The Case Officer considers that the new lakes would “make a positive contribution to the environment”.

7.03 The application was submitted and approved in the form of 4 approved drawings. There was:

- No supporting landscape and visual appraisal.
- No topographic survey
- No arboricultural survey
- No ecological survey

- There was not a single drawing setting the Appeal Site into its context.
- There was no reference to the setting of a listed building, Hertsfield Barn (listed May 1986).
- There was no outline planting plan
- There was no reference to input from the authority's landscape officer.

7.04 It was the case officer who undertook the landscape and visual impact assessment in a rudimentary form.

7.05 The lack of submitted information and the lack of clarity in the approved drawing led to the ensuing conditions that included:

- Condition 10 – *“no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with their measures for protection in the course of development and a programme for the approved scheme's implementation and long term management”.*
- Condition 12 – *“no development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of the*

proposed mounding to existing vegetation and surrounding land form and the development shall be carried out in accordance with the approved details”.

7.06 Neither of the conditions were cleared.

Enforcement Notice 2008

7.07 By this time the earthworks had taken place. The scheme was wholly different to the consented scheme.

7.08 As is apparent in the 2008 LIDAR plan, the 2008 aerial photographs and the ICES topographic survey:

- The lakes in the northern parcel had been reduced from 4 to 2 thus creating ponds of a larger scale than the consented scheme.
- The canal had been omitted altogether
- The earthworks to the southern parcel of the Appeal Site were on land illustrated as water on the consented drawings.
- The earthworks were very engineered in appearance, not in accordance with the organic form of the consented scheme.
- The landform had been raised locally by up to 7-8m.

2011 Application

7.08 In 2011 the Appellant submitted a full application in response to the EN.

7.09 The Application sought to retain the two below ground lakes, Puma and Bridges, in the northern part of the Appeal Site. In addition it sought

permission for the creation of three above ground lakes in the southern part of the Appeal Site.

7.10 The MBC Officer stated (Officer report MA/11/1948 para 5.2.2) that *“the layout of the site would be similar to that permitted under application MA/03/0836. The number of lakes differs but the general location of the lakes and the above/below ground location is similar i.e above ground lakes are outside the flood zone”*. Later on the officer similarly reported (Officer report para 5.3.2) that *“the proposal is not dissimilar to that permitted under MA/03/0836.”*

7.11 The committee report (para 5.2.4) states that *“the 3 lakes would involve a reduction of the height of the material on site and the remodelling of the landscape to create a resultant scheme. However, in order to complete the scheme there would be the requirement to import an additional 51000m3 of material onto the site”*.

7.12 The landscape aspect of application was supported by data from Furse Landscape Architects Ltd:

- A topographic survey (based on the ICS 2008 topographic survey)
- A General Arrangement of Landscaping and Planting Plan (with associated planting schedule).
- Long Sections of proposals showing amendments to landform from 2003 to the 2011 application.
- A landscape and visual impact assessment (LVIA) based on the 2008 condition as a baseline.

7.13 In relation to the LVIA it is important to note that:

- It was based on the unlawful 2008 condition as a baseline.
- Despite the above it used the MBC landscape Character Assessment and Landscape Guidelines 1999 (adopted 2000) as its baseline. The assessment did not pay any credence to the 2004 Kent County Council landscape character assessment that more accurately assessed the Appeal Site.
- The LVIA associated with the 2011 application recognised the damage that the changes up to 2008 had made at its para 15.29 it states: *'the proposed scheme is aimed at addressing these issues with an overall objective of mitigating the harm the site is causing to the landscape resource at present'*.
- The LVIA recorded an outcome, post mitigation, of moderate positive in relation to the landscape receptors and no notable change to slight positive in terms of visual receptors. This is in part due to the baseline for the 'landscape resource' being a medium sensitivity as opposed to high sensitivity.
- In their assessment they make no reference to the Grade II listed Hertsfield Barn, or its setting.

7.14 By the time of the committee (7th June 2012) for the 2011 application the submission had not changed but the MBC Landscape Character Assessment, March 2012 has been published. This stated that:

- *"58.7 in the middle of the area, at Monks Lakes and Riverfield Fish Farm there is an extensive system of manmade rectangular ponds. As part of the development there has been extensive land raising and*

earth modelling along the A229 and the artificial sloping landform appears rather incongruous on the valley side”.

- And additionally that; “58.15 *..there are generally few visual detractors, although the fishing lakes on the A229 are particularly incongruous”.*

7.15 The MBC case officer then sought to justify the lakes and respond to the updated assessment. No additional data was provided by the client nor was there any landscape and visual comments relating to this point from the MBC landscape officer.

7.16 Additionally whilst the report referred to the Grade II listed barn no explanation as to the impact upon the dwellings setting was given.

7.17 The Officer’s concluded that the 2011 scheme would not result in any significant planning harm in particular relation to flooding, biodiversity, landscape impact or residential amenity. The Application was granted consent.

Judicial Review

7.18 The 2011 approval was taken to Judicial Review in November 2014. The application was successful and the 2011 permission was quashed.

Current

7.19 There is no detailed survey of the current ground condition. It is apparent from LIDAR data that works continued between 2008 and 2012 and from anecdotal evidence that they have continued since. The latest photographs (Appendices 3.5.4) reveal a grass sward established upon large areas of the

embankment but much of the interior of the southern parcel, notably adjacent to Lake 1, remains incomplete.

8.0 Consideration of Key Landscape Issues relating to the Development Proposals

Introduction

8.01 This section of the report responds to the landscape reasons associated with the EN, how they arose, how the earthworks on the Appeal Site in 2008 were not in accordance with relevant policy, how the 2011 application was similarly flawed and how the development proposals:

- Caused Harm landscape character
- Caused Harm to residential amenity
- Caused Harm to the Setting of Listed building

8.02 The 2003 proposals lacked any landscape and visual analysis of their landscape setting, the character of the area, the potential for visual impact upon adjacent visual receptors. The landscape and visual aspect of the proposal had been justified in its infancy by the MBC case officer commentary and latterly by seeking to assess impact post unlawful works. The appellants have wholly missed the impact on the setting of a listed building, having not even recorded the existence of the listed building in the initial application.

8.03 What lies on the ground to date bears no resemblance to the hand drawn submissions of 2003 that were so lacking in clarity that the conditions required considerable amounts of detail. The conditions were not cleared.

8.04 The scheme in 2011 sought to retrospectively resolve the issues of the EN and the unlawful development and indeed stated that the outcome on both the landscape and visual receptors would be a moderate beneficial impact. This assessment used the 2008 unlawful condition as baseline.

Harm to landscape Character

- 8.05 Due to the lack of baseline analysis and the subsequent failure to clear the required conditions the earthworks on Appeal Site at the time of enforcement represented an adverse impact to the landscape character of the area.
- 8.06 The lakes on the northern parcel whilst lying within the flood plain, an area seasonally wetted and more riparian in nature, are at not in accordance with the consented drawings (two lakes instead of 4 with a canal) and are of a larger scale than any other in the surrounding landscape. They also represent the loss of a high value landscape pattern that had been intact, certainly since the late 1800's. Whilst there has been mitigation in the form of peripheral trees and shrub planting, the grazing meadow and wet grassland has been lost and the historic pattern subsumed by two large water bodies. The overall impact upon the landscape character by development up to the EN to the northern parcel is one of direct, long term, and moderate to major negative impact.
- 8.07 The earthworks to the southern parcel have had a more significant impact. The inaccuracy of baseline assessment has sought to justify the creation of lakes on this parcel. Whilst it is accepted that there are lakes both immediately adjacent to the east of the Appeal Site, the outcome of the 2000 consent (00/1162) and further to the east (the former fishery), these should have been part of the baseline analysis but not a justification for ponds. The fisheries ponds are wholly different in scale, serving their purpose. Additionally they are set lower into the landscape with bunds that allow views across the water and to the distant horizon. The ponds more immediately adjacent to the east of the Appeal Site were again consented

on hand drawn plans and in a landscape and visual analysis vacuum. Their man made form was not implemented at the time of the 2003 consent. It is not a form that sits well with its landscape setting and indeed represented an early incongruous element. It should be noted that it is also less apparent than the Appeal Site earthworks, being set further away from the A229.

8.08 Of more relevance to the southern parcel, what should have guided the 2003 consent and the ensuing works was the existing landscape character. The parcel was on higher, drier ground used formerly for fruit production and more latterly in agricultural use. It did have a small pond, a typical element of the adjacent landscape, notably the landscape to the south of the A229. It was not part of the riparian landscape. This level of landscape assessment was missing in the 2003 application and latterly in the 2011 application. Prior to the 2003 consent it was a flat to gently undulating open landscape, with views only interrupted by characteristic boundary hedgerows and standard trees. The 2003 consent had it been implemented (which it was not) would have wholly changed this character substituting it with 8 lakes raised above the ground by shallow bunds. That in itself constituted an adverse impact. The only positive factor was that the bunds were to be shallow; the lakes of an organic form and of small to medium scale and all were to be integrated through the planting of native stock.

8.09 By 2008 the poor situation had been worsened – the process of reducing the uncharacteristic lakes from 8 to three had begun and the organic form had given way to an incongruous engineered response. The profiles were locally steep and not representative of a gently undulating landscape. At this point in, the time of the EN, the impact upon the landscape character to this area was one of direct, long term, major negative impact.

8.10 The 2011 scheme sought to rectify some the adverse impact. Whilst the outcome of the scheme, that sought to feather out the worst of the 2008 earthworks and to provide additional landscape mitigation (notably to the west and south west), would have been a minor adverse impact, this impact would have been on a landscape that had already been significantly harmed.

Caused Harm to residential amenity

8.11 Whilst the proposals sought to increase the recreational offer, for anglers who had paid to use the Appeal Site this was done at the expense of adjacent residential amenity.

8.12 The houses adjacent to the Appeal Site and along Hertsfield Lane formerly enjoyed an extensive outlook over gently undulating farmland and wet meadows. This was part of their amenity as they travelled to and from their homes and enjoyed being outside in the gardens. The 2003 proposals changed the nature of their amenity as their outlook. One cannot be categorical as to the nature of the change due to the vagary of the consent but the case officer stated that the ponds were to be similar to those of the fishery. This would have seen a change from that one where a distant horizon was apparent and where there was a perception of openness and space to that over shallow bunds and fishing lake with glimpses of the distant horizon.

8.13 Additionally on land where there had formerly been no public access the consent approved access for anglers enjoying their recreation. This led to the potential for overlooking and visual intrusion.

- 8.14 The two points above would have led to an adverse impact upon residential amenity.
- 8.15 By 2008 and the issuing of the EN, banks of a far greater nature had appeared truncating any views to the distant horizon, significantly diminishing the perception of openness and space and elevating the path for those using the Appeal Site in the future, increasing the potential for overlooking.
- 8.16 The 2011 application sought to address the overlooking aspect by planting woodland down the entire western margin. Whilst this might have succeeded in addressing overlooking it would have exacerbated that adverse impact upon the residential amenity in relation to the perception of openness and space. The overall impact upon residential amenity of the EN works and indeed the 2011 application is a long term, moderate to major negative impact.

Effects on Setting of Heritage Asset

- 8.17 As noted, neither the 2003 submission documents nor the officer report made any reference to Grade II listed Hertsfield Barn nor its setting. Similarly in the 2011 application the LVIA made no reference to the Grade II listed Hertsfield Barn or its setting. The case officer did refer to the listed building in his committee report but made no reference to its setting nor did the MBC conservation officer.
- 8.18 It has been made apparent in the fabrik landscape and visual analysis of the Appeal Site, in particular the map regression study, that the Appeal Site has

been an important part of the setting of Hertsfield Barn for a long period of time. Its underlying landform and associated land use has ensured that Hertsfield Barn has been visually and culturally connected to its landscape setting.

8.19 The imposition of the fishing lakes of the 2003 consent, notably those to the southern parcel would have significantly changed the eastern setting of the listed building. The proposals would have seen the gently undulating agrarian landscape, with its subdividing hedgerows with standard trees, replaced by a landscape that was riparian in character, with shallow bunds containing small scale water bodies. The height of the bunds would have retained some degree of visual connection with the wider landscape, albeit a different one. The overall effect upon the setting of the listed building would have would have represented a moderate to major negative impact.

8.20 By 2008 the earthworks in place revealed a more damaging condition and the 2011 submission revealed the ultimate intent for the Appeal Site. The lakes to the southern parcel were to be reduced to three in number, to be of a far larger scale and enclosed by taller bunds. This led to the setting of the house being significantly compromised, with views to the east wholly truncated by the tall bunds. The effect of this change was to increase the severity of impact upon the eastern setting of the listed build to a major, long term, negative impact.

Response to Policy

Design

- 8.21 The designs, from the initial 2003 application, through the 2011 application and as the Appeal Site appears to date, have not been informed by adequate design information.
- 8.22 The 2003 application was not informed by any landscape and visual analysis. As a result the proposals failed to respond to their landscape and heritage context.
- 8.23 The drawings submitted were so lacking in clarity that detailed drawings were required as a pre commencement condition. These were not submitted. By 2008 the scheme had been redesigned to such an extent that its scale, form and pattern represented an even further departure from the site's landscape and heritage context.
- 8.24 The 2011 application sought to improve the design process through the feathering of the most harmful elements and this was justified in the submitted ES. This was flawed in its execution as it failed to assess the proposals against the 2003 baseline, it too readily sought a 'fit' with Beult Valley landscape character area (as described in the Maidstone Borough Council Landscape Character Assessment and Landscape Guidelines 1999 (adopted 2000). If a more detailed site level assessment had been undertaken and a review of conditions of the 2003 baseline the differentiation between the north and south of the site would have been found, as explained in para 4.10 of this report.

8.25 With its baseline being flawed, the landscape response sought to justify, (albeit with minor modifications and an element of landscape mitigation) the forms that existed on site. Thus again the wrong analysis led to an outcome that did not reflect local character and history, was inappropriate in scale, site coverage and was visually incongruous rather than attractive.

8.26 The outcome is that by 2011 the proposals were at odds with NPPF Para 58, 61 and 64. Additionally if related to the emerging local plan the proposals that exist today would be at odds with policy DM4.

Landscape Character

8.27 The proposals, due to their failure to ever adequately understand the landscape character of the Appeal Site and its environs and the subsequent inappropriate on site adaptation have:

- Not responded to, protected nor enhanced the variety and distinctiveness of the Borough character
- Not conserved the character of the countryside
- Harmed the character of the River Beult Corridor and it's catchment

8.28 The result is that the proposals were initially at odds with the MBC Local plan 2000 Strategic Objective 2, Policy ENV 28, ENV 37. By 2011 they were additionally at odds with NPPF Para 7, 17, 58, 64, 109. In the current policy context the proposals would additionally be at odds with emerging policies SP5, DM4, DM10 and DM30.

Heritage

- 8.30 Similar to the harm to character the poor design approach and inappropriate outcome has adversely impact upon Heritage. The initial proposal failed to recognise the existence of the listed building. The officer report neglected the setting of the listed Barn. These oversights were taken forward into the 2011 LVIA. From the initial design prepared in a heritage analysis vacuum to the inappropriately adapted scheme, the proposals have paid little to no regard to a heritage asset and its setting with a harmful result. They in no way are integrated into their historic environment. The outcome is that the proposals were initially at odds with MBC Local Plan Policy ENV 12. More latterly the 2011 proposals and the scheme as it exists on site today were at odds with NPPF Para 7, Para 58, 61and 129. In relation to the emerging local plan the proposals continue to be at odds with Policy DM4 and DM10.

Countryside

- 8.31 As illustrated the proposals have harmed the character and appearance of the countryside. They have not recognised the sites value nor have they sought to conserve or protect this part of the countryside. The proposals type, scale and design harms rather than maintains or enhances local distinctiveness and this negative response cannot be appropriately mitigated. As such the proposals have been at odds with MBC Local Plan 2000 policy ENV28, and subsequently are at odds with emerging policy SP5 and DM30.

Public Access, Footpaths and Public Rights of Way

- 8.32 The proposals do not make the Appeal Site fully accessible, rather they are for the enjoyment of those who pay to use the lakes. They have an adverse impact upon those seeking to enjoy Hertsfield Lane and footpath KM129;

they harm residential amenities (through diminution of outlook, overlooking and visual intrusion) and have failed to address the connections between people and places.

8.33 As such the proposals are at odds with NPPF Para 61 and MBC emerging Policy DM4.

9.0 Summary and Conclusions

- 9.01 fabrik has prepared this report to respond more directly to the landscape issues arising from (i) ground (g) of the Appeal against the Enforcement Notice (dated 12th September 2008, reference APP/U2235/C/08/2087987); (ii) the 2011 Planning Application (MA/11/1948).
- 9.02 In response, this report has provided an review of landscape related policy; assessed the character and sensitivity of the setting of the Appeal Site; the setting of Hertsfield Barn and has finally considered the key landscape issues relevant to the points (i) and (ii) above.
- 9.03 The landscape character assessments have been appraised from the national to the district level, through site appraisal and interpretation of existing assessments.
- 9.04 At the local level, fabrik has confirmed the fit with the County and District level landscape character assessments.
- 9.05 The report has described the landscape proposals relating to the Appeal Scheme and has illustrated that the landscape proposals have been prepared without adequately considering character guidance from a National to Local Level.
- 9.06 It has been illustrated that the design process has not followed a robust approach, first appraising the site both physically and visually, then analysing the local landscape characteristics to ensure that the proposals complement and reinforce the existing contextual landscape.

9.07 In conclusion the 2003 consent would have caused harm. However it was not implemented and the unauthorised development that currently exists upon the site and the landscape design response related to the 2011 application have provided, and continue to propose incongruous schemes that:

- Harm landscape character
- Harm the setting of a Heritage Asset
- Fail to respond to visual receptors and harm residential amenity
- Does not accord with relevant national and local policy.

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Hearing Submissions

Monk Lakes, Staplehurst Road, Marden

Appendices on Landscape and Visual matters prepared for Mr David Padden

REF: D2306/AS

31 March 2015

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1. Landscape Designations

1.1 Landscape Designations (2000)

Landscape Designations as listed in Maidstone Borough Council Local Plan 2000 are illustrated in the adjacent diagram.

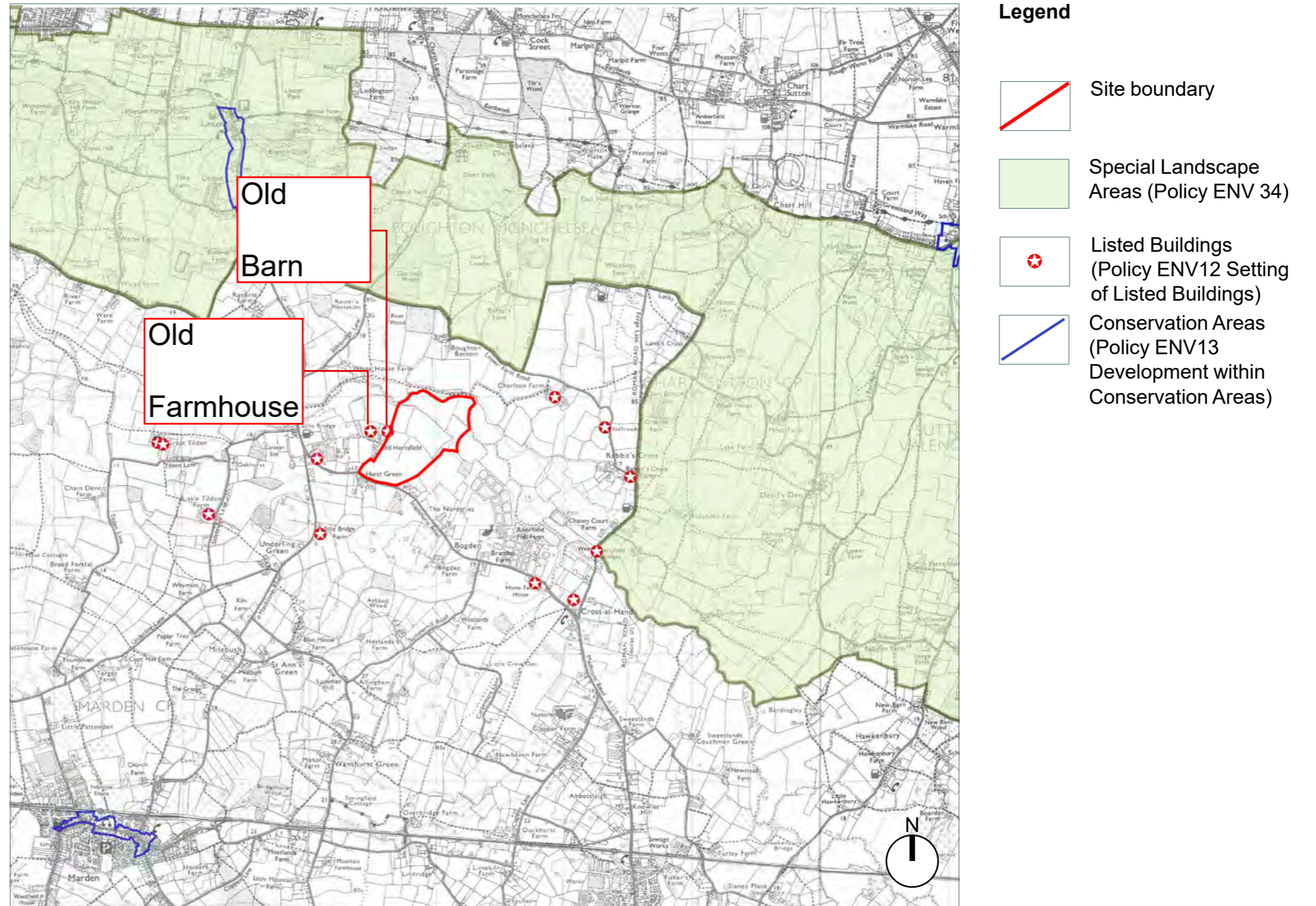


Figure 1.1 – Plan illustrating Local Plan Proposals Map (Maidstone Borough Council, 2000)

1. Landscape Designations

1.2 Landscape Designations (2014)

Landscape Designations as listed in Maidstone Borough Council Local Plan (Regulation 18 Consultation 2014) are illustrated in the adjacent diagram.

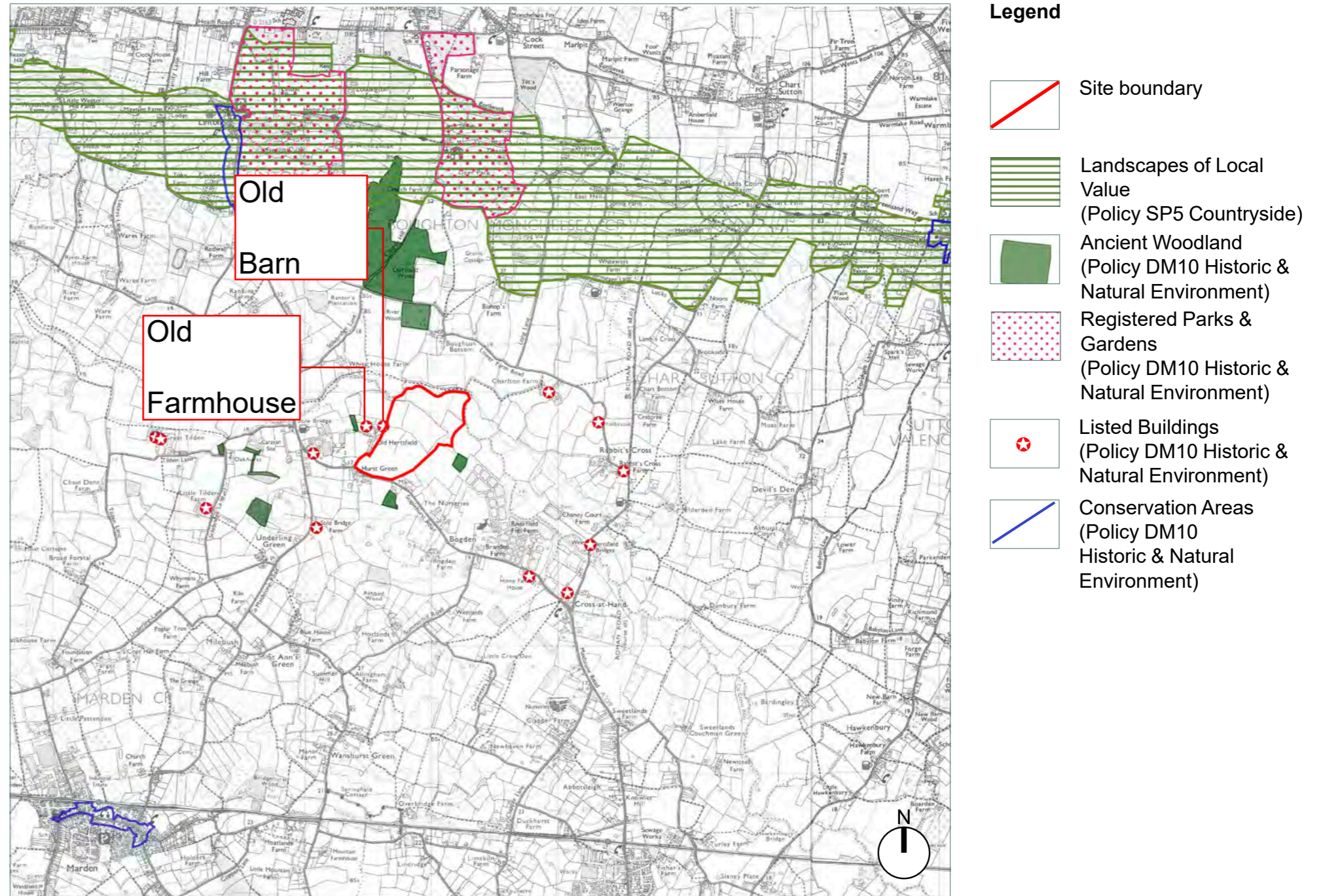
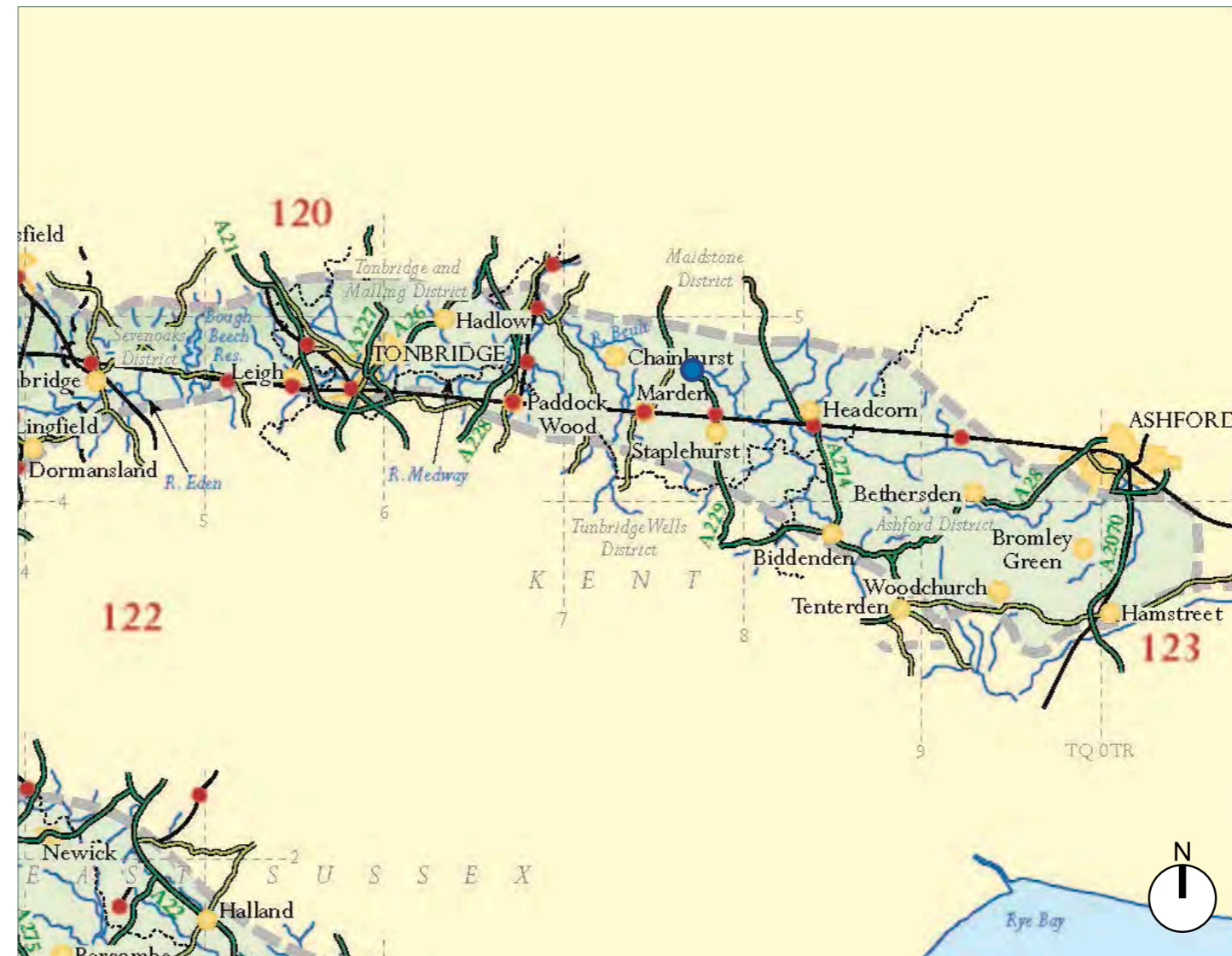


Figure 1.1 – Plan illustrating Local Plan Proposals Map (Maidstone Borough Council, 2014)

2. Landscape Character

2.1 National Landscape Character



Legend

Approximate site location

Figure 2.1 – Extract from Countryside Agency (now Natural England) Countryside Character Volume 7 South East and London - showing Character Area 121 Low Weald

2. Landscape Character

2.2 County Authority Landscape Character

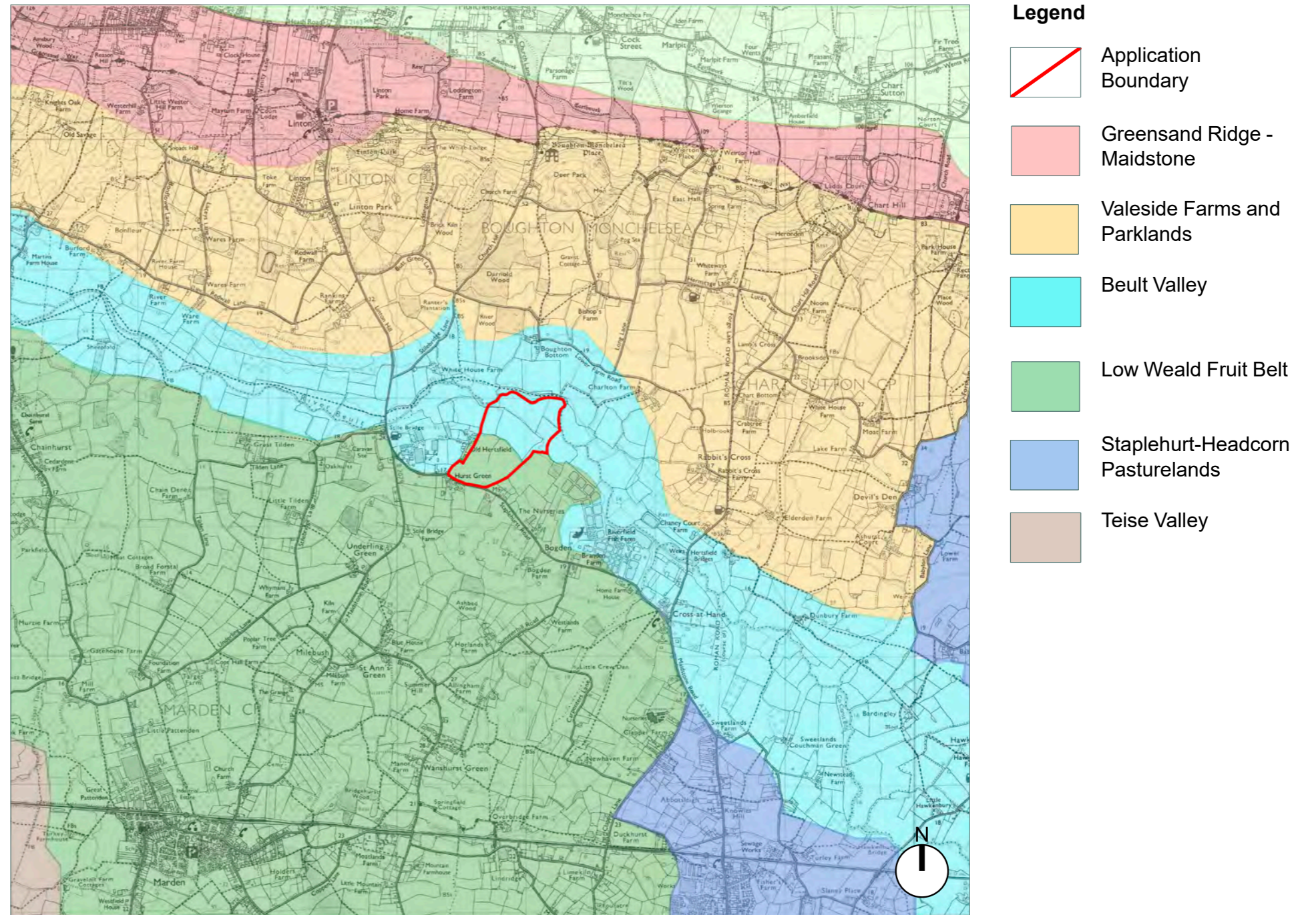


Figure 2.2 – Extract from Kent Landscape Character Assessment (Kent County Council, October 2004)

2. Landscape Character

2.3 Local Authority Landscape Character (2000)

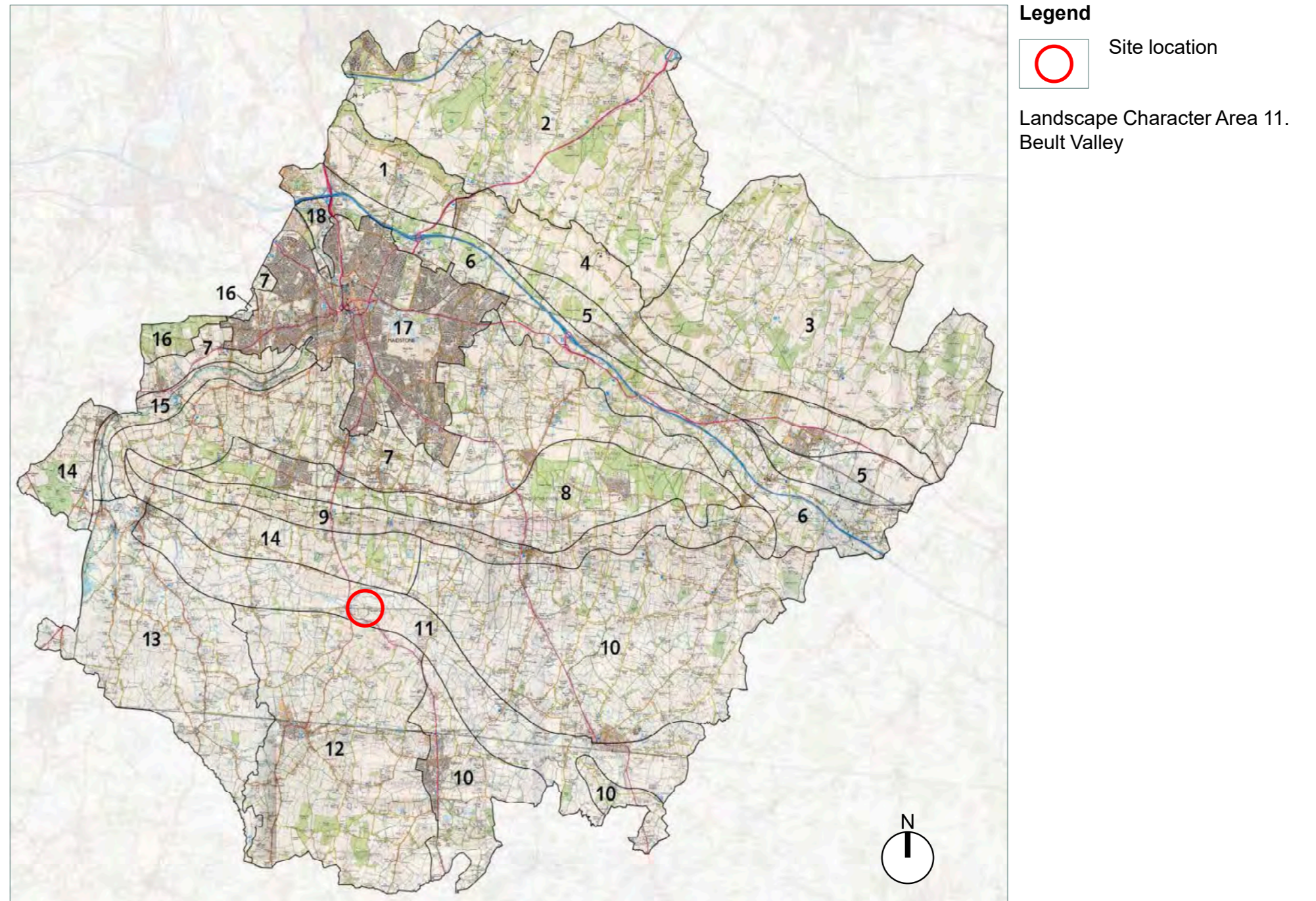


Figure 2.3 – Plan extract from Maidstone Borough Council Landscape Character Assessment (The Landscape Partnership: adopted 2000)

2. Landscape Character

2.4 Local Authority Landscape Character (2012)

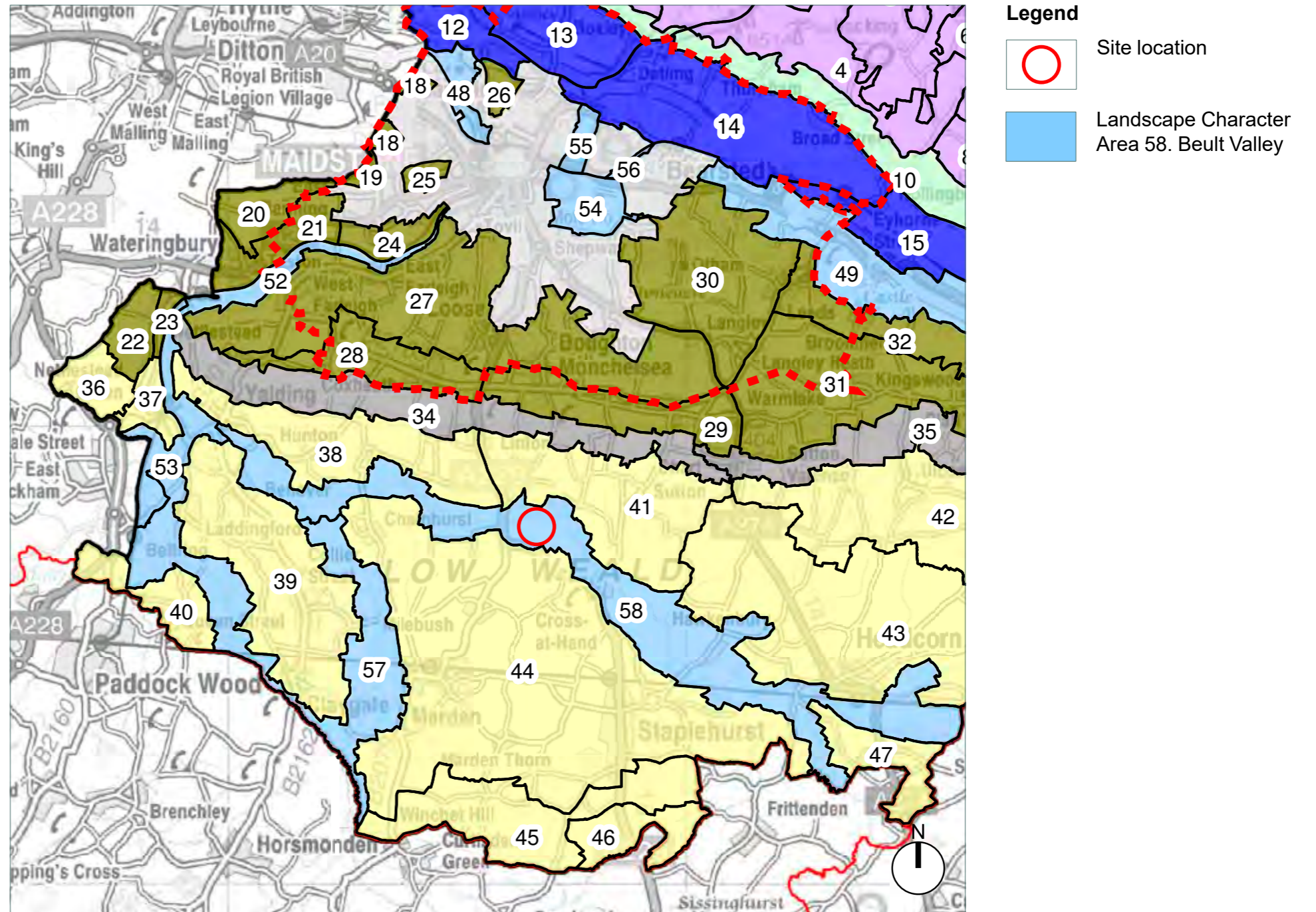


Figure 2.4 – Plan extract from Maidstone Borough Council Landscape Character Assessment (adopted 2013)

3. Setting of the Appeal Site

3.1 Topography

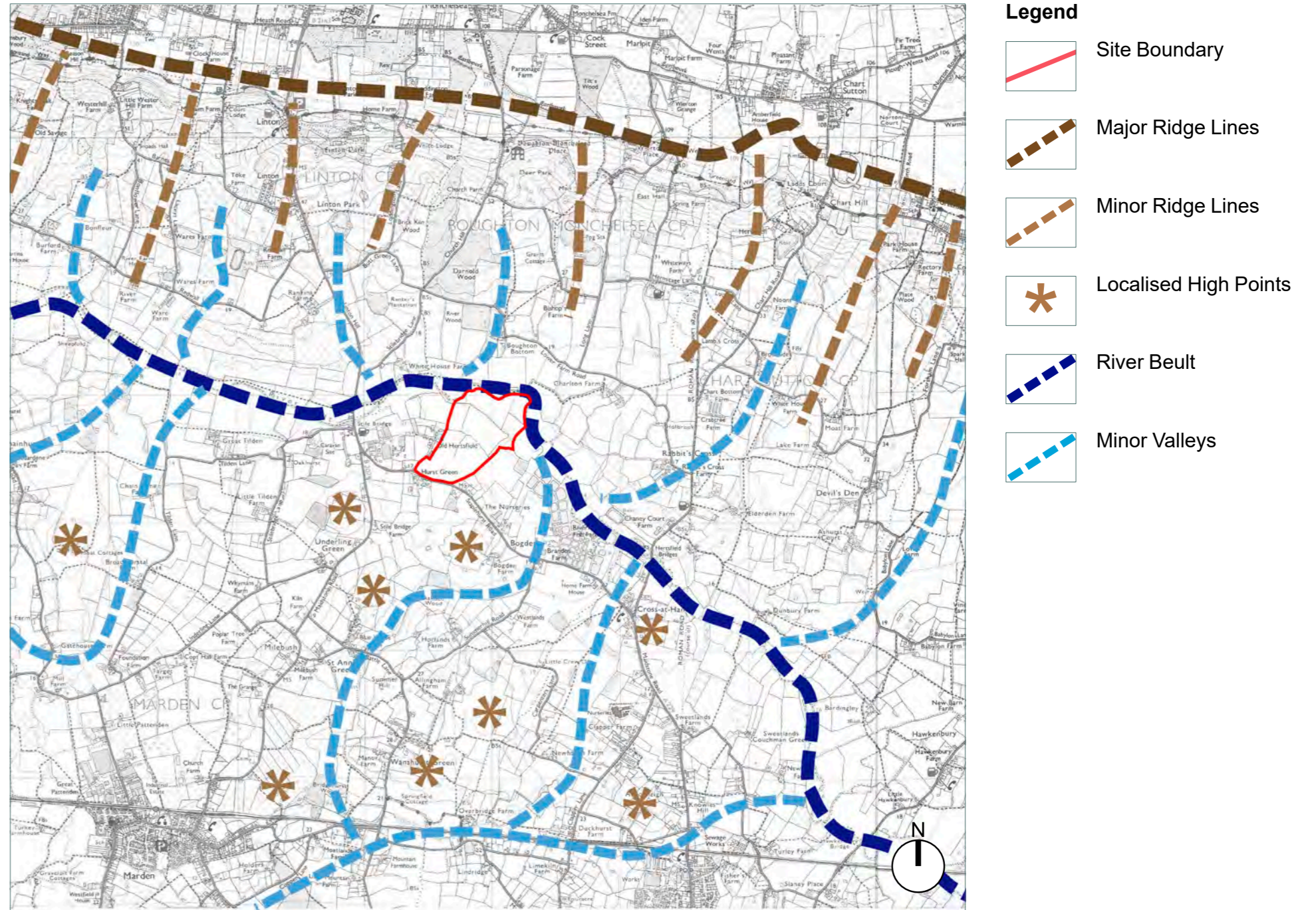


Figure 3.1 – Plan illustrating existing topography (fabrik 2015)

3. Setting of the Appeal Site

3.2 Land cover and Vegetation



Figure 3.2 – 2003 aerial photography (google earth - accessed Feb 2015)

3. Setting of the Appeal Site

3.3 Road and Rail

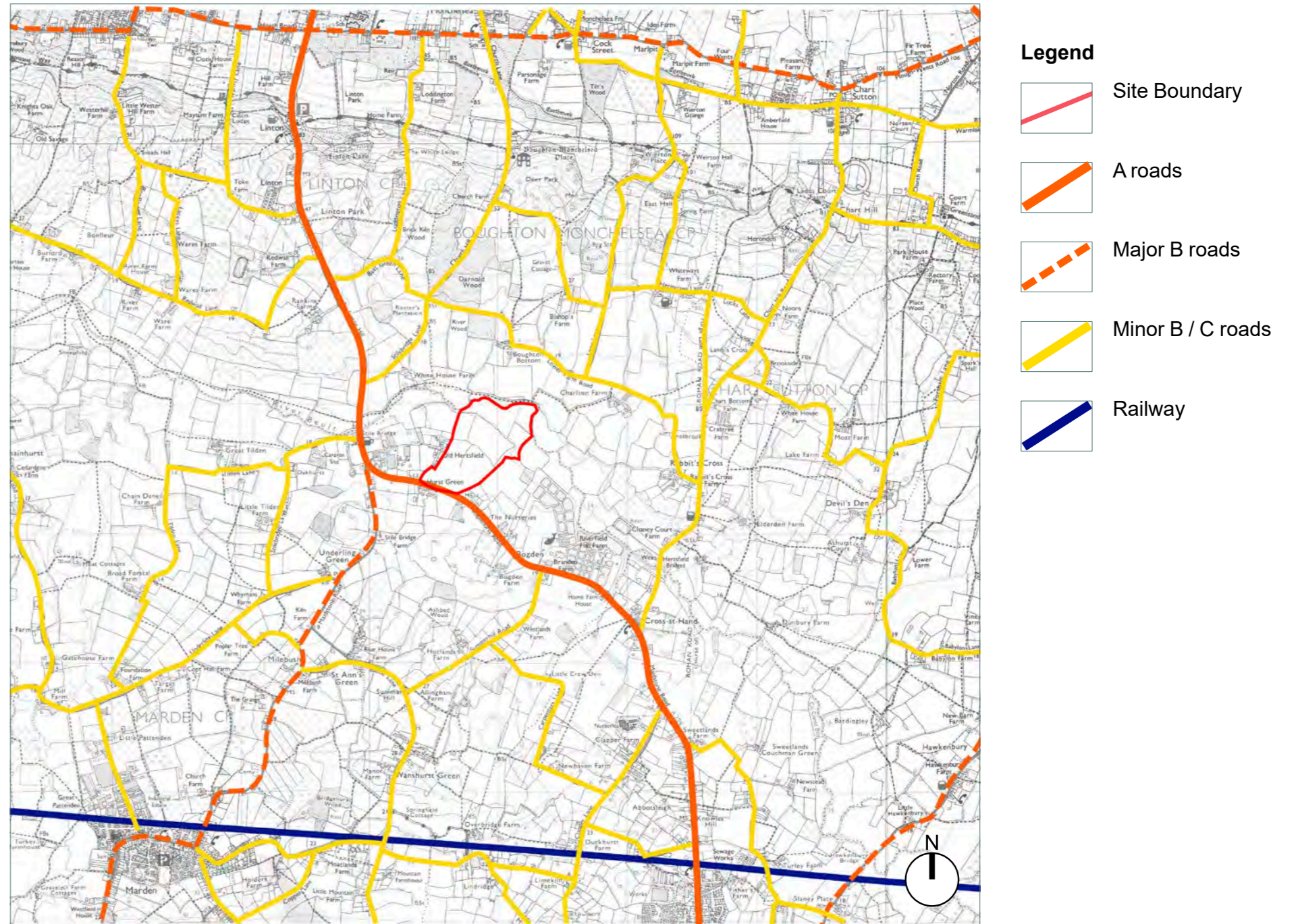


Figure 3.3 – Plan illustrating existing road and rail corridors (fabrik 2015)

3. Setting of the Appeal Site

3.4 Footpaths and Public Rights of Way

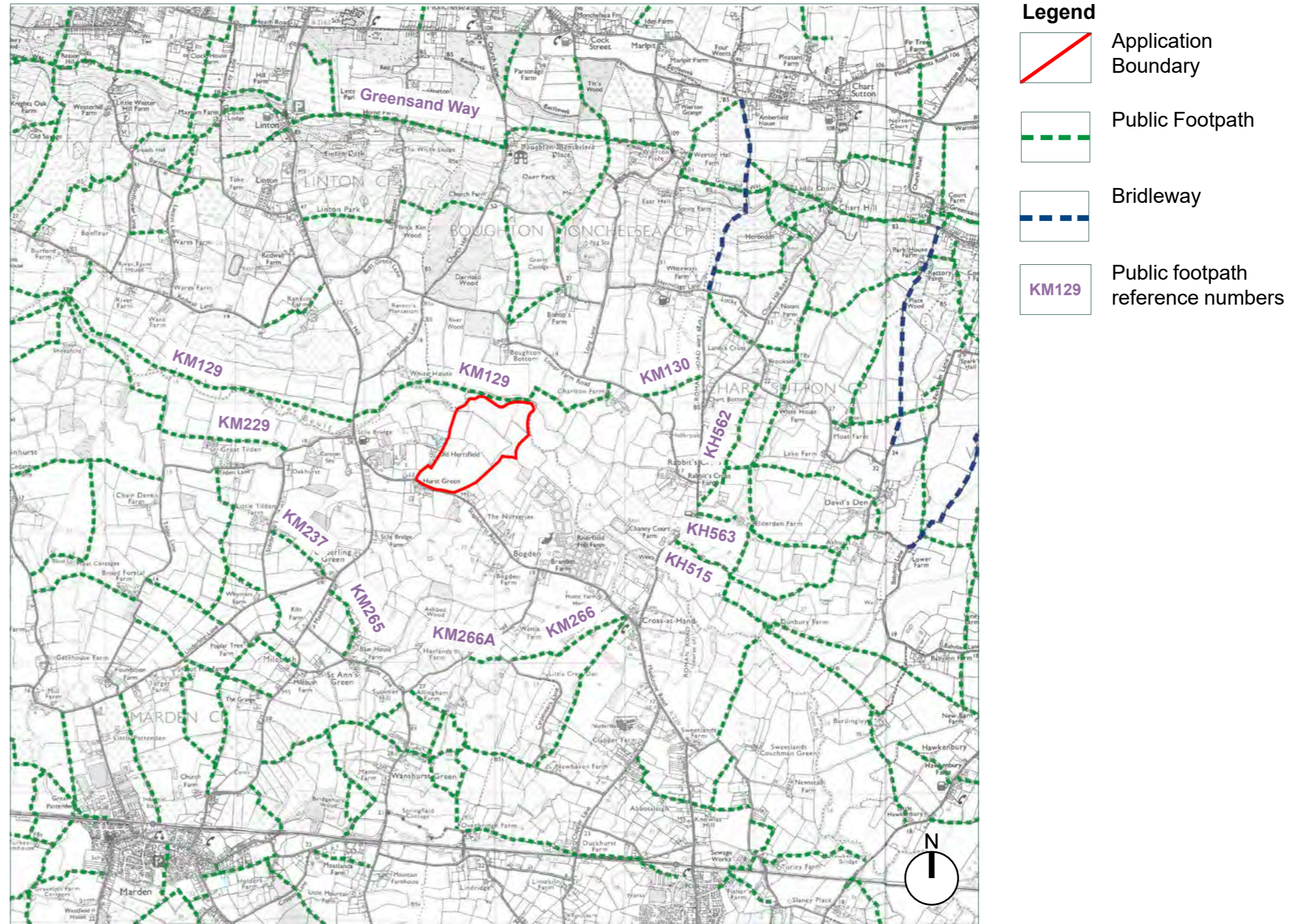
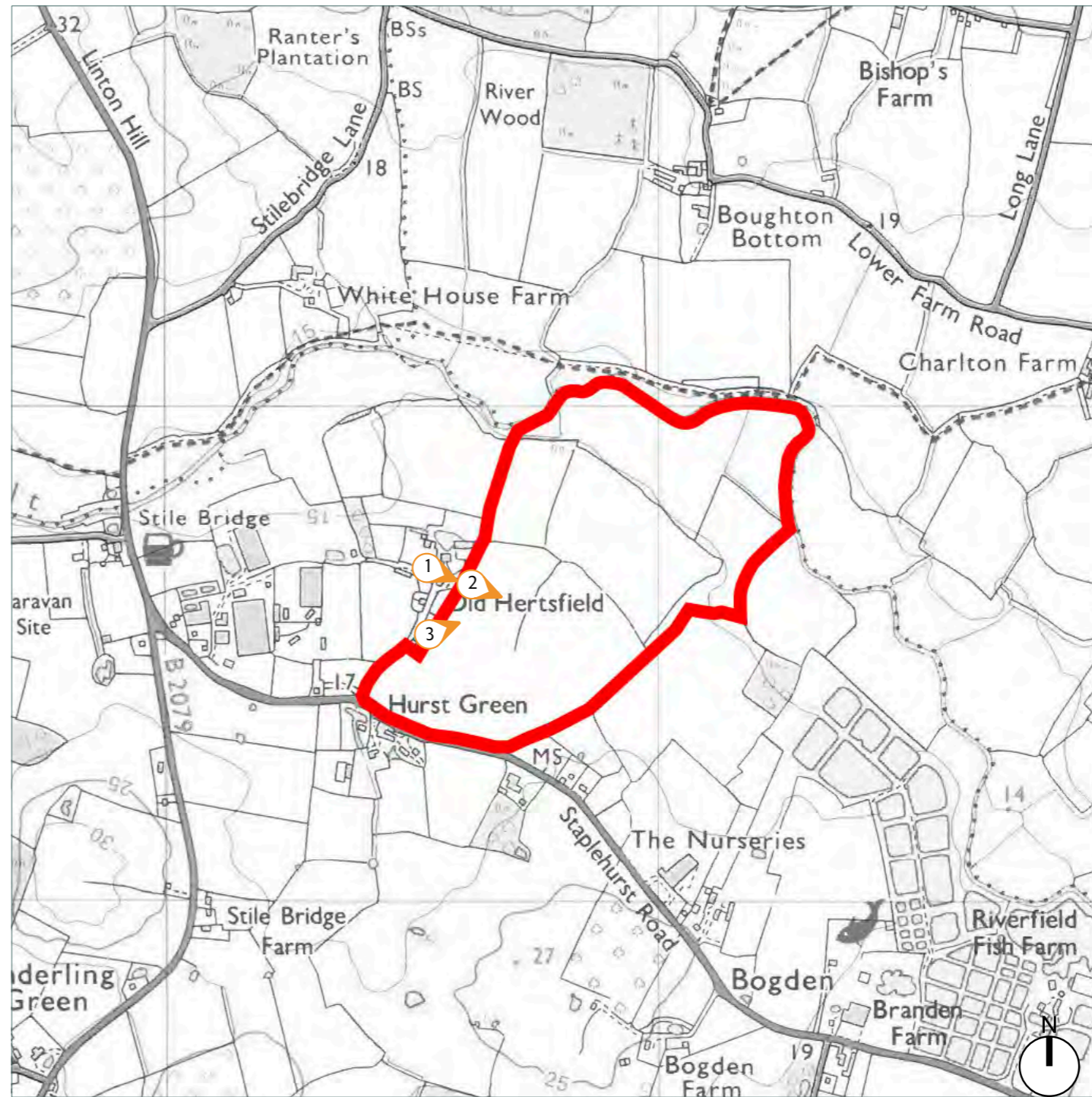


Figure 3.4 – Illustrating the rights of way (fabrik 2015)

3. Setting of the Appeal Site

3.5.1 Visual Analysis 2004



Legend





-  Site boundary
-  Location of Photographic viewpoint – Open View (An open view of the whole of the site or open view of part of the site).
-  Location of Photographic viewpoint – Partial View (A view of the site which forms a small part of the wider panorama, or where views are between intervening built form or vegetation).
-  Location of Photographic viewpoint – Truncated View (Views of the site are obscured by the intervening built form and / or vegetation, or is to perceive).

Figure 3.5 – Location Plan showing Visual Summary from the local landscape 2004 (fabrik 2015)

3. Setting of the Appeal Site

3.5.1 Visual Analysis 2004



Viewpoint 1 – (2004)
Open view of the Site from the window of Oast Cottage looking east.



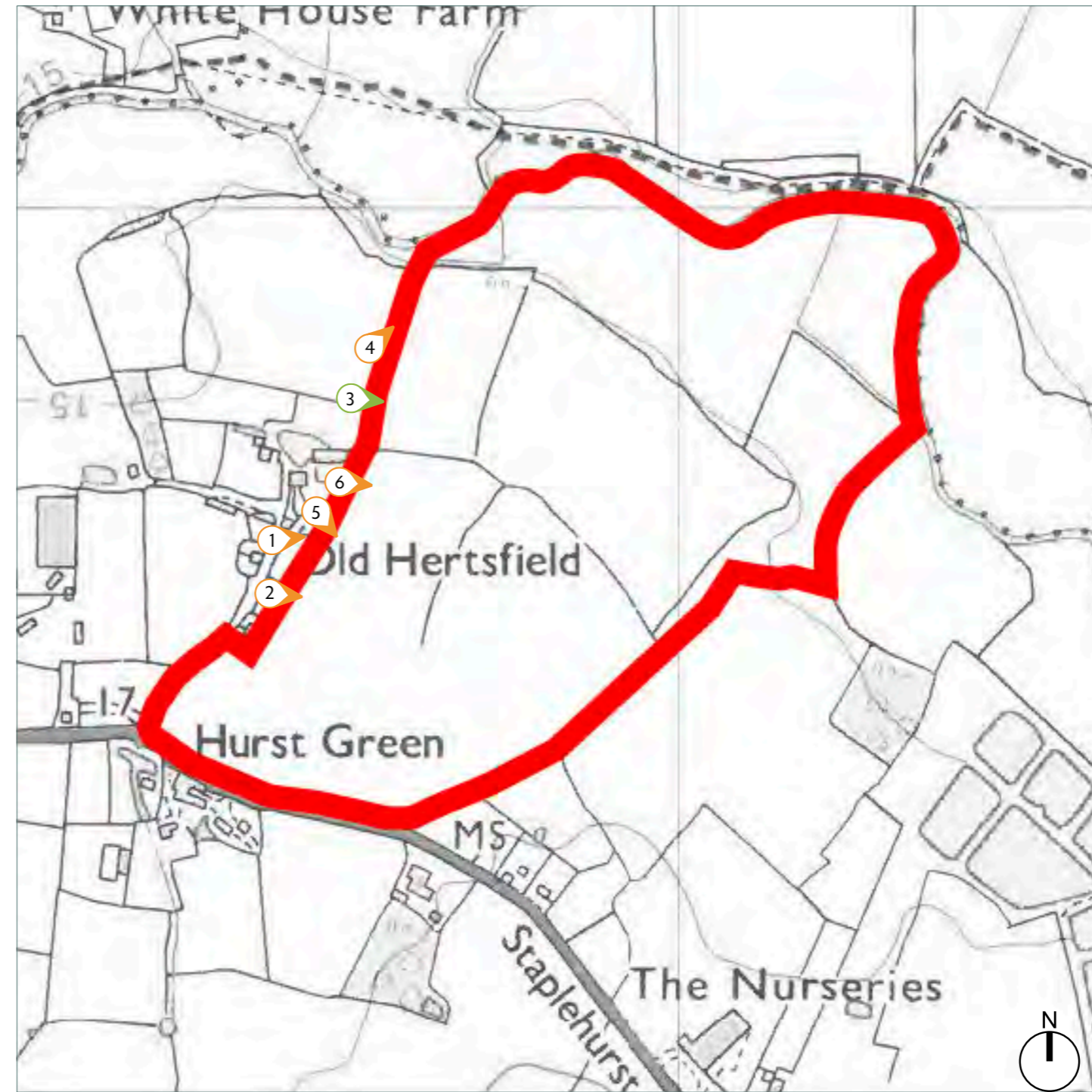
Viewpoint 2– (2004)
Open view from the boundary of Oast Cottage looking east across the Site.



Viewpoint 3– (2004)
Open view from rear garden of Farm Cottages looking north east over appeals site and towards distant horizon. Internal boundary hedges and standard trees are evident.

3. Setting of the Appeal Site

3.5.2 Visual Analysis 2008



Legend





-  Site boundary
-  Location of Photographic viewpoint – Open View (An open view of the whole of the site or open view of part of the site).
-  Location of Photographic viewpoint – Partial View (A view of the site which forms a small part of the wider panorama, or where views are between intervening built form or vegetation).
-  Location of Photographic viewpoint – Truncated View (Views of the site are obscured by the intervening built form and / or vegetation, or is to perceive).

Figure 3.6 – Location Plan showing Visual Summary from local landscape 2008 (fabrik 2015)

3. Setting of the Appeal Site

3.5.2 Visual Analysis 2008



Photograph – Viewpoint 1 (2008)
Open view looking north east towards the Site from the access track and gate.



Photograph – Viewpoint 2 (2008)
Open view looking east towards the Site from the area to the rear of the Farm Cottages.



Photograph – Viewpoint 3 (2008)
Partial view looking east towards the Site from the boundary of the north of Barn.



Photograph – Viewpoint 4 (2008)
Open view looking north east towards the northern parcel of the Site from the boundary north of Barn.



Photograph – Viewpoint 5 (2008)
Open view looking south east towards the Site from the driveway of Barn.



Photograph – Viewpoint 6 (2008)
Open view looking east towards the Site from the driveway of Barn.

3. Setting of the Appeal Site

3.5.3 Visual Analysis 2011

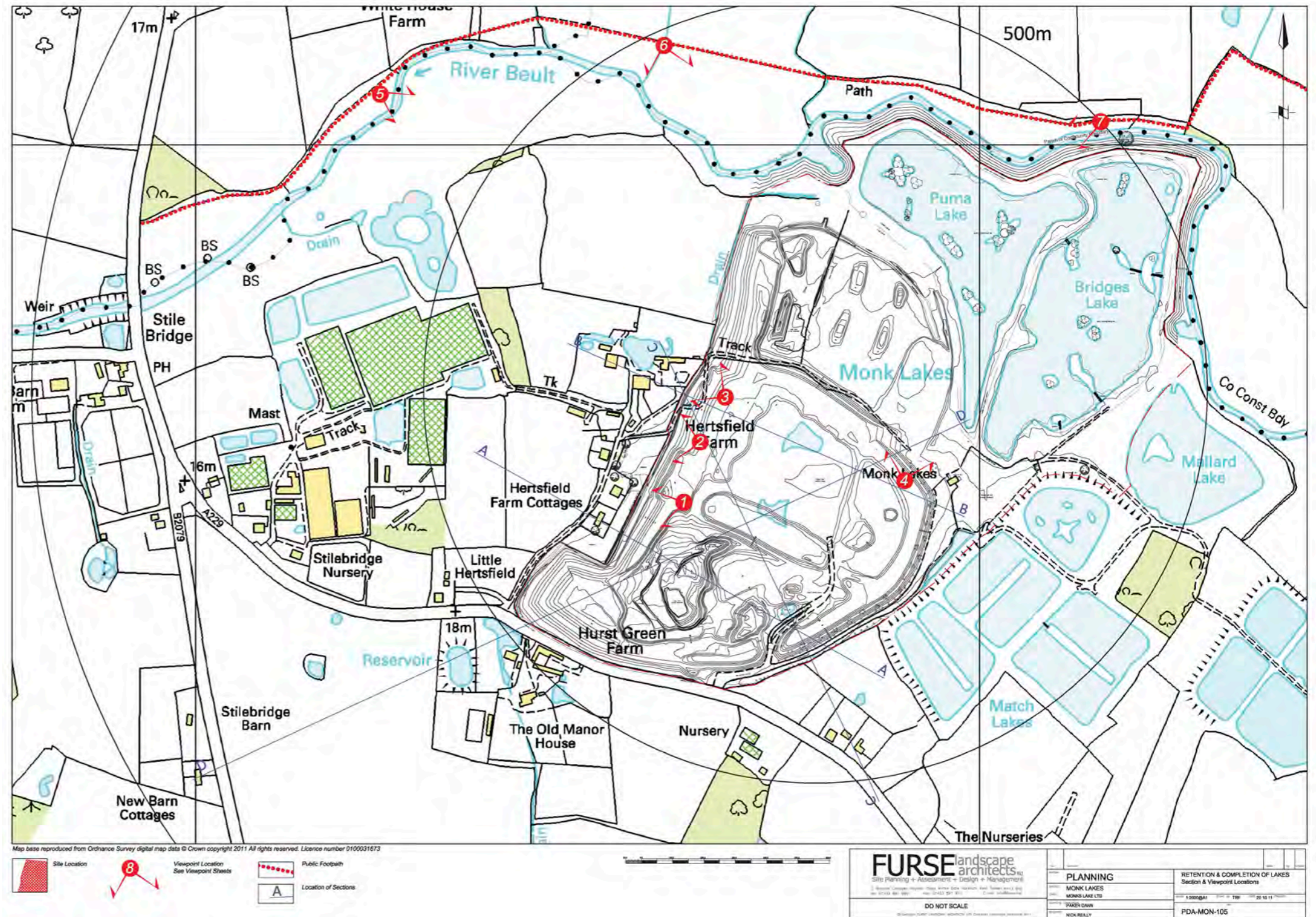


Figure 3.7a – Location Plan showing Viewpoint Locations from local landscape 2011 (FURSE 2011)

3. Setting of the Appeal Site

3.5.3 Visual Analysis 2011

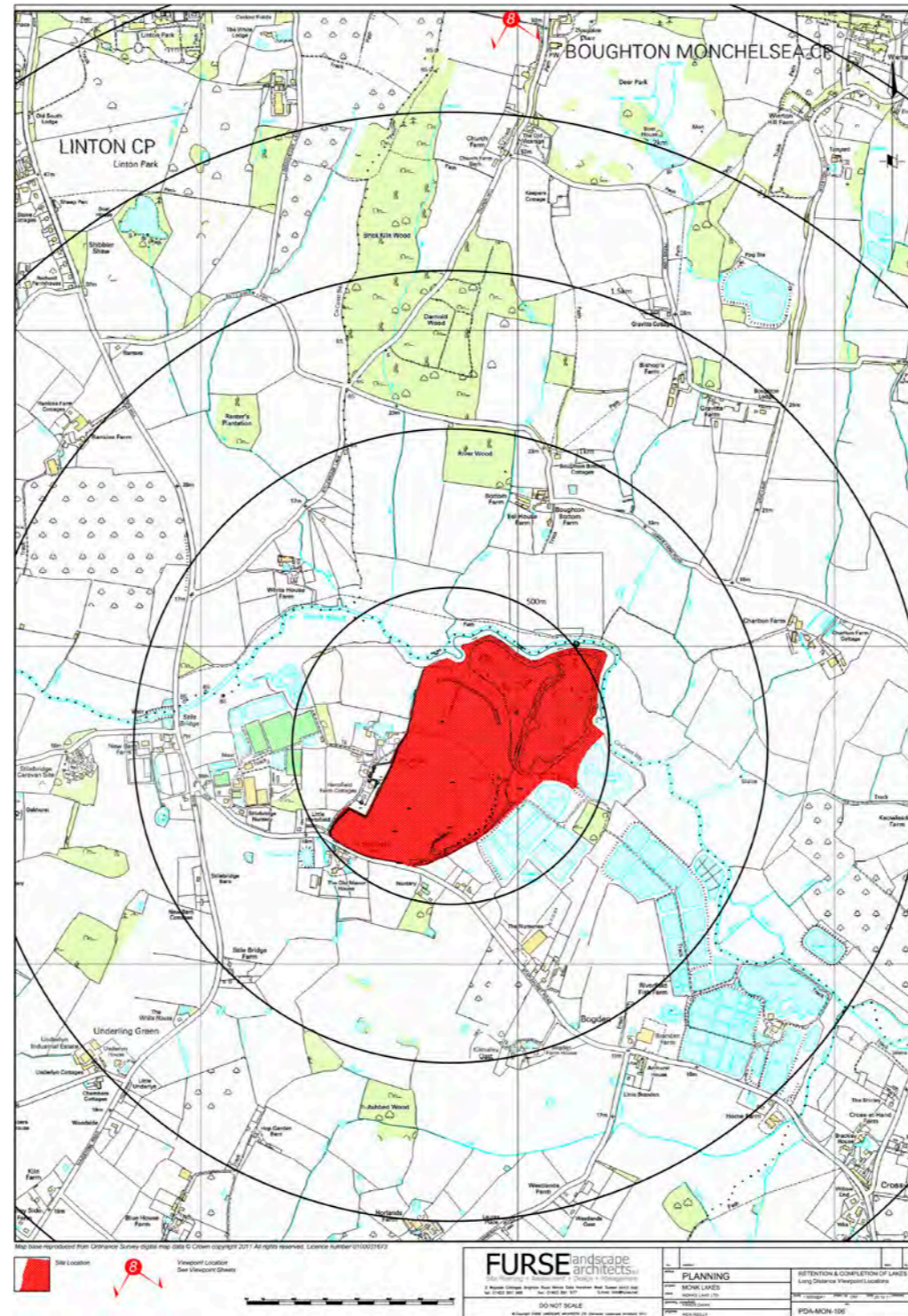
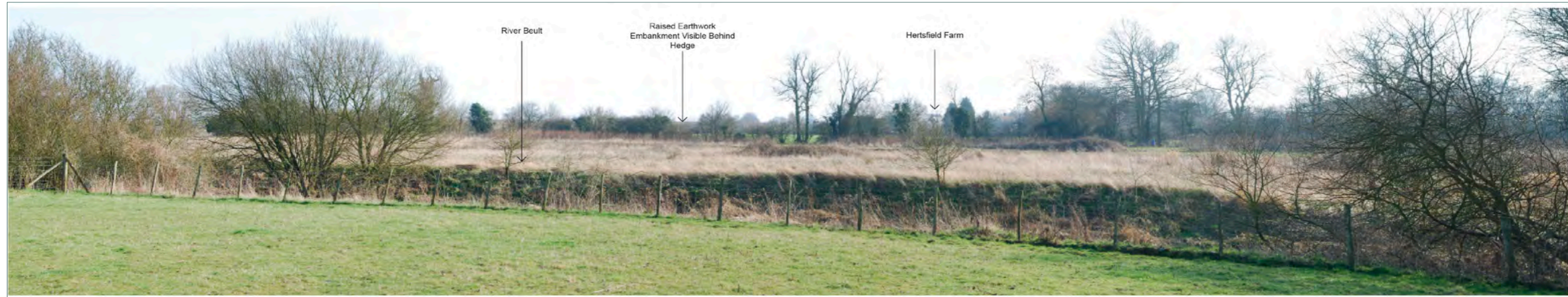


Figure 3.7b – Location Plan showing Viewpoint Locations from wider landscape 2011 (FURSE 2011)

3. Setting of the Appeal Site

3.5.3 Visual Analysis 2011



Photograph – Viewpoint 5 (2011)
 “Looking southeast from the public footpath that runs along the northern bank of the River Beult.” (FURSE ES-LVIA 2011)



Photograph – Viewpoint 6 (2011)
 “Looking south from the public footpath that runs along the northern bank of the River Beult.” (FURSE ES-LVIA 2011)

Note that internal Site photographs 1- 4 are not included within the appendices - refer to FURSE document 11_1948-Environmental_Statement_part_II_section_12.pdf for images

3. Setting of the Appeal Site

3.5.3 Visual Analysis 2011



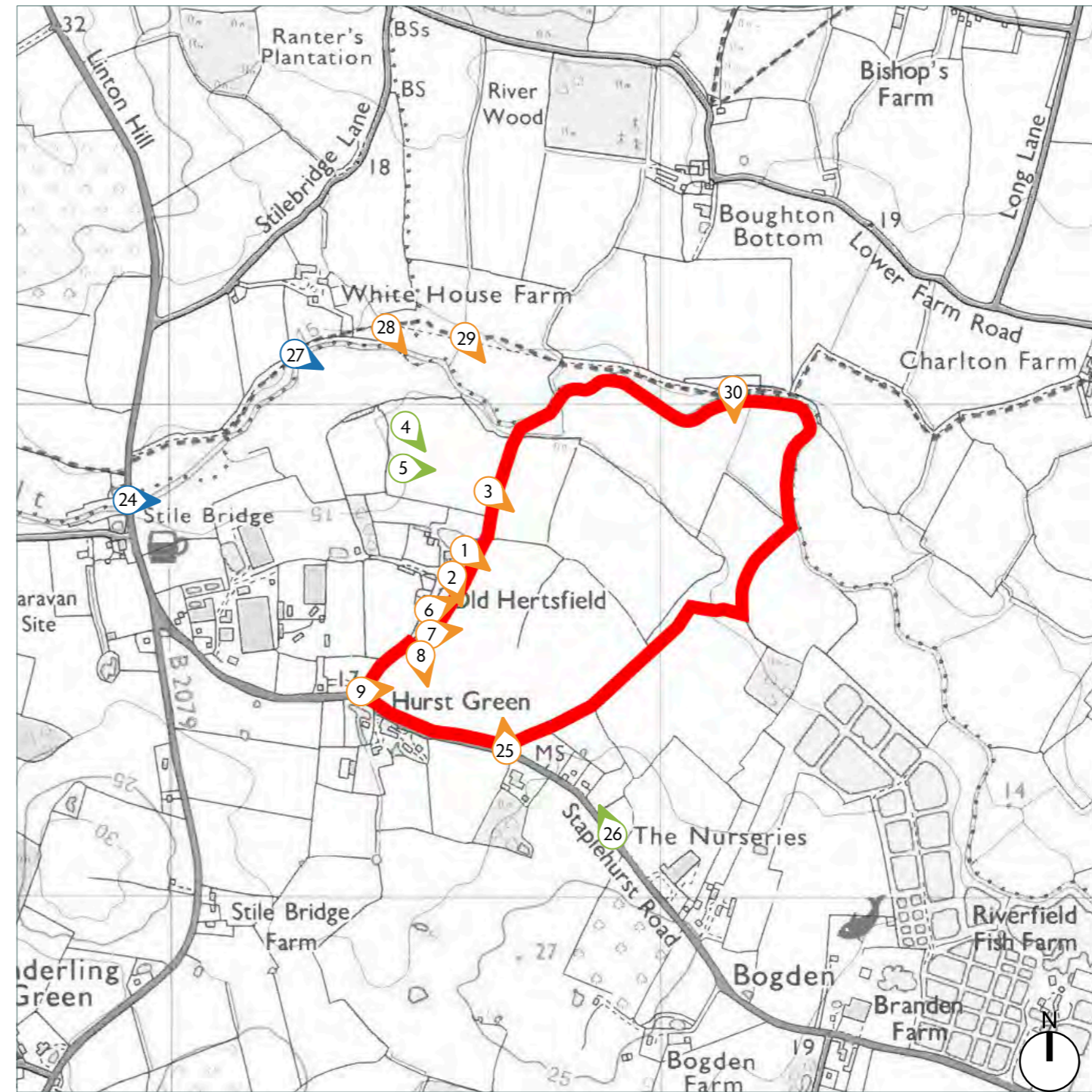
Photograph – Viewpoint 7 (2011)
 “Looking west from the public footpath that runs along the northern bank of the River Beult.” (FURSE ES-LVIA 2011)



Photograph – Viewpoint 8 (2011)
 “Looking south from the public footpath that runs along Greensand Ridge 2km to the north of the Site.” (FURSE ES-LVIA 2011)

3. Setting of the Appeal Site

3.5.4 Visual Assessment 2015



Legend





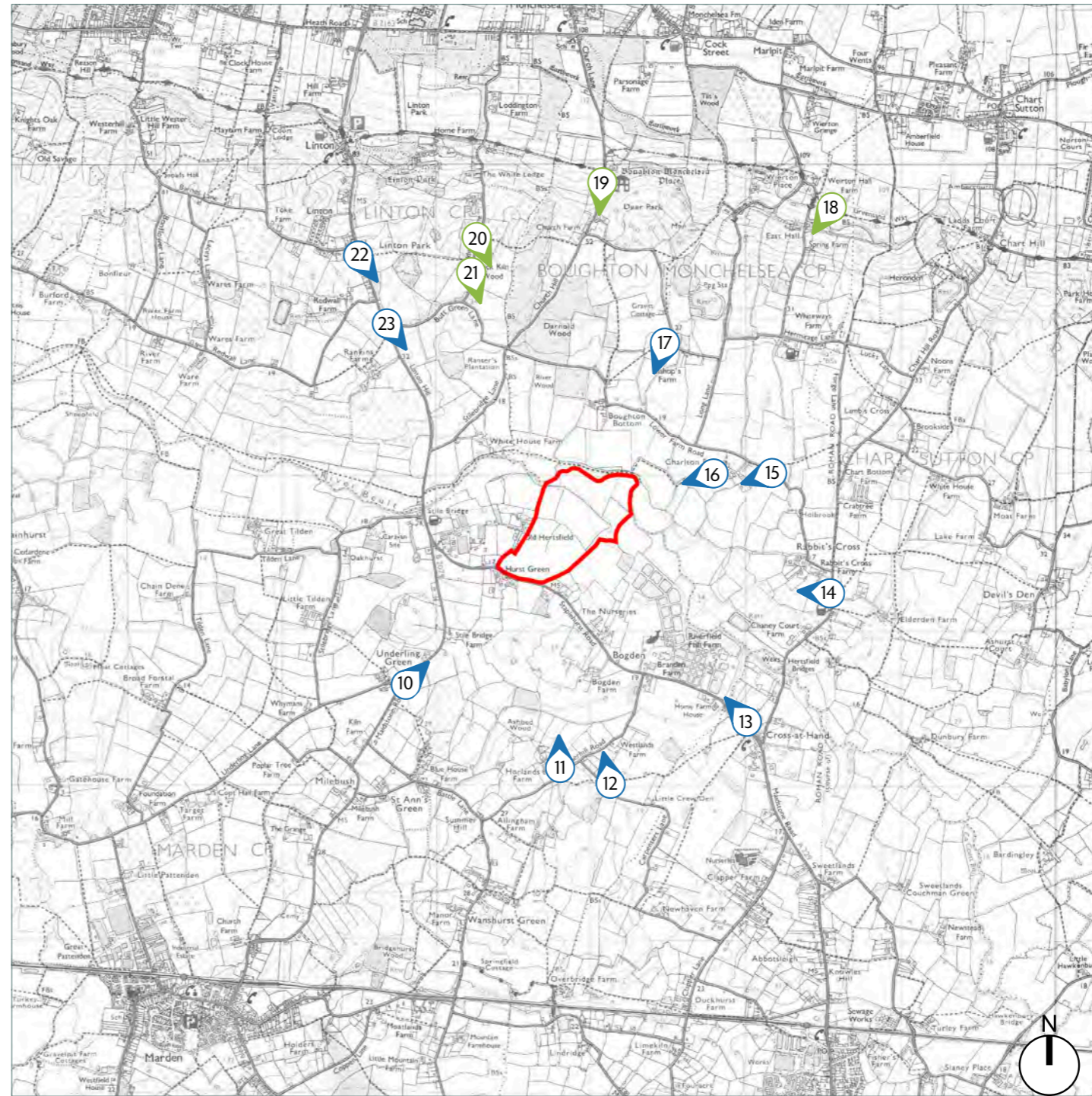
-  Site boundary
-  Location of Photographic viewpoint – Open View (An open view of the whole of the site or open view of part of the site).
-  Location of Photographic viewpoint – Partial View (A view of the site which forms a small part of the wider panorama, or where views are between intervening built form or vegetation).
-  Location of Photographic viewpoint – Truncated View (Views of the site are obscured by the intervening built form and / or vegetation, or is to perceive).

Figure 3.8 – Location Plan showing Visual Summary from the local landscape 2015 (fabrik 2015)

3. Setting of the Appeal Site

3.5.4 Visual Assessment



Legend





-  Site boundary
-  Location of Photographic viewpoint – Open View (An open view of the whole of the site or open view of part of the site).
-  Location of Photographic viewpoint – Partial View (A view of the site which forms a small part of the wider panorama, or where views are between intervening built form or vegetation).
-  Location of Photographic viewpoint – Truncated View (Views of the site are obscured by the intervening built form and / or vegetation, or is to perceive).

Figure 3.9 – Location Plan showing Visual Summary from the wider landscape 2015 (fabrik 2015)

3. Setting of the Appeal Site

3.5.4 Visual Assessment



Photograph – Viewpoint 1 (February 2015)
View looking south east from Barn towards the appeal site. From this location the earthwork bund is clearly evident and obscures distance views of the landscape beyond and foreshortens the horizon.



Photograph – Viewpoint 2 (February 2015)
View looking south from Barn towards the appeal site. From this location the earthwork bund is clearly evident and obscures distance views of the landscape to the south and foreshortens the horizon.



Photograph – Viewpoint 3 (February 2015)
View looking south east from pasture land associated with Barn towards the appeal site. From this location the earthwork bund is clearly evident and obscures distance views of the landscape beyond and foreshortens the horizon.



Photograph – Viewpoint 4 (February 2015)
View looking south east from pasture land associated with Barn towards the appeal site. From this location open views of part of the earthwork bund is evident and obscures distance views of the landscape beyond and foreshortens the horizon.

3. Setting of the Appeal Site

3.5.4 Visual Assessment



Photograph – Viewpoint 5 (February 2015)
View looking east from pasture land associated with Barn towards the appeal site. From this location open views of part of the earthwork bund is evident and obscures distance views of the landscape to the east and foreshortens the horizon.



Photograph – Viewpoint 6 (February 2015)
View looking north east from Cottages towards the appeal site. From this location open views of the earthwork bund is evident and obscures distance views of the landscape to the north east and foreshortens the horizon.



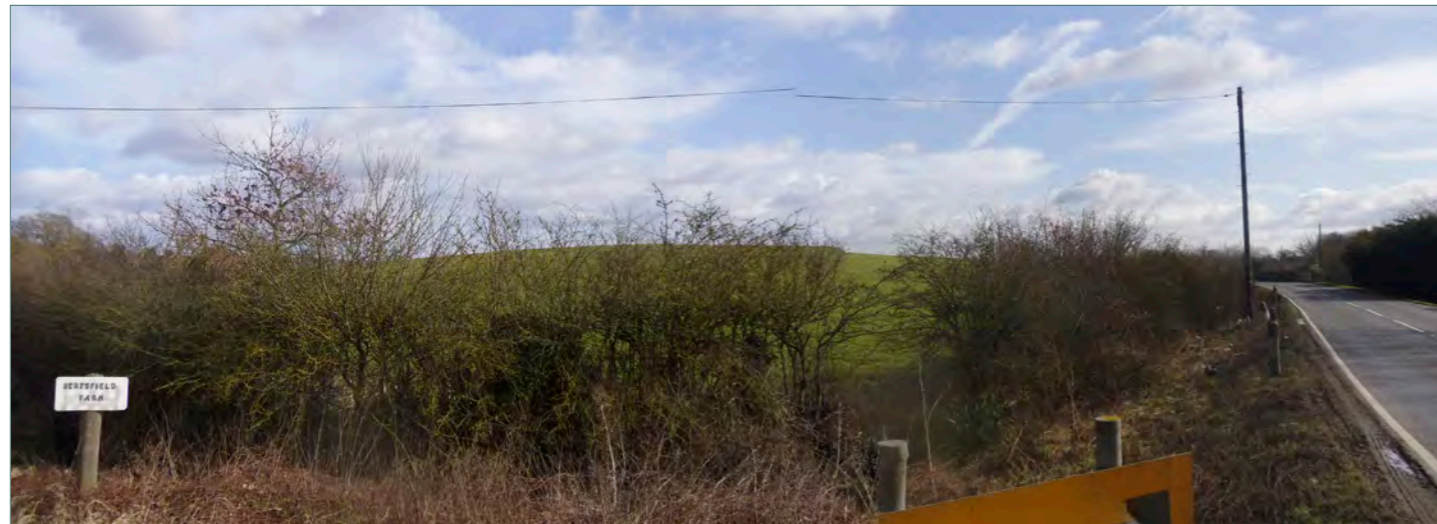
Photograph – Viewpoint 7 (February 2015)
View looking east from Cottages towards the appeal site. From this location open views of the earthwork bund is evident, dominates the foreground and obscures distance views of the landscape and foreshortens the horizon.



Photograph – Viewpoint 8 (February 2015)
View looking south from Cottages towards the appeal site. From this location open views of the earthwork bund is evident, it dominates the foreground and obscures distance views of the landscape to the south and foreshortens the horizon.

3. Setting of the Appeal Site

3.5.4 Visual Assessment



Photograph – Viewpoint 9 (February 2015)
View looking east from [redacted] Lane towards the appeal site. From this location partial views of the earthwork bund is evident through the intervening vegetation and dominates the foreground and obscures distance views of the landscape to the east and foreshortens the horizon.



Photograph – Viewpoint 10 (February 2015)
View looking north east from Maidstone Road towards the appeal site. From this location views of the earthwork bund are truncated due the intervening vegetation and topography.



Photograph – Viewpoint 11 (February 2015)
View looking north from Summerhill Road towards the appeal site. Pasture land dominates the foreground with hedgerows [redacted] the [redacted] boundaries. From this location views of the earthwork bund are truncated due the intervening vegetation and topography.



Photograph – Viewpoint 12 (February 2015)
View looking north from the public footpath that provides a link with Grave Lane towards the appeal site. Tall hedgerows create a green corridor along Grave Lane and [redacted] the [redacted] boundaries. From this location views of the earthwork bund are truncated due the intervening vegetation and topography.

3. Setting of the Appeal Site

3.5.4 Visual Assessment



Photograph – Viewpoint 13 (February 2015)
View looking north west from the public footpath that provides a link with Staplehurst Road towards the appeal site. Tall hedgerows create a green corridor and the boundaries. From this location views of the earthwork bund are truncated due the intervening vegetation.



Photograph – Viewpoint 14 (February 2015)
View looking west from Chart Hill Road towards the appeal site. Tall hedgerows the boundaries and road corridor that obscure views of the earthwork bund from this location.



Photograph – Viewpoint 15 (February 2015)
View looking west from Lower Farm Road towards the appeal site. Tall hedgerows the boundaries and road corridor that obscure views of the earthwork bund from this location.



Photograph – Viewpoint 16 (February 2015)
View looking west towards the appeal site from the public footpath that provides a link between Chart Hill Road Linton Hill. Views of pasture land dominate this view with hedgerows the pattern. Views of the earthwork bund are truncated from this location due to the intervening vegetation.

3. Setting of the Appeal Site

3.5.4 Visual Assessment



Photograph – Viewpoint 17 (February 2015)
View looking south towards the appeal site from the public footpath that provides a link between Peens Lane and Lower Farm Road. Views of pasture land dominate with hedgerows the pattern. Views of the earthwork bund are truncated from this location due to the intervening vegetation.



Photograph – Viewpoint 18 (February 2015)
View looking south west towards the appeal site from the public footpath (National Trail Greensands Way) that provides a link in an east-west direction with the study area. Partial views of part of the earthworks bund are evident from this elevated location.



Photograph – Viewpoint 19 (February 2015)
View looking south towards the appeal site from the public footpath (National Trail Greensands Way) that provides a link in an east-west direction with the study area. Partial views of part of the earthworks bund are evident from this elevated location.



Photograph – Viewpoint 20 (February 2015)
View looking south east towards the appeal site from Loddington Lane. Open views across horticultural land dominate this views. Due to the topography falling towards the south, partial views of part of the earthworks bund are evident from this elevated location.

3. Setting of the Appeal Site

3.5.4 Visual Assessment



Photograph – Viewpoint 21 (February 2015)
View looking south east towards the appeal site from Loddington Lane. Open views across horticultural land dominate this views. Due to the topography falling towards the south, partial views of part of the earthworks bund are evident from this elevated location.



Photograph – Viewpoint 22 (February 2015)
View looking south east towards the appeal site from Linton Park. Open views across the park are evident and dominate this view. Due to the intervening vegetation associated with Linton Park, views towards the earthworks bund are truncated from this location.



Photograph – Viewpoint 23 (February 2015)
View looking south east towards the appeal site from the public footpath that provides a link to Linton Hill. Hedgerows the boundaries and create a green corridor along Linton Hill. Due to the intervening vegetation views towards the earthworks bund are truncated from this location.



Photograph – Viewpoint 24 (February 2015)
View looking east towards the appeal site from Linton Hill (Stile Bridge). Views of the River Beault and surrounding / pasture land dominate this view with distance views of the landscape beyond evident towards the north east as the topography rises. Due to the intervening vegetation towards the east views of the earthworks bund are truncated from this location.

3. Setting of the Appeal Site

3.5.4 Visual Assessment



Photograph – Viewpoint 25 (February 2015)
View looking north towards the appeal site from Staplehurst Road. From this elevated location open views of part of the earthworks bund are clearly evident through the intervening vegetation associated with Staplehurst Road. Distance views of the landscape beyond are also obscured and the horizon foreshortened.



Photograph – Viewpoint 26 (February 2015)
View looking northeast towards the appeal site from Staplehurst Road. From this elevated location partial views of part of the earthworks bund are evident through the intervening vegetation associated with Staplehurst Road.



Photograph – Viewpoint 27 (March 2015)
View looking southeast towards the appeal site from the footpath that provides a link between Linton Hill and Lower Farm Road. Open views of the / pasture land associated with the River Beault dominate this view. Due to the intervening vegetation in the middle distance views of the earthworks bund are truncated from this location.



Photograph – Viewpoint 28 (March 2015)
View looking south towards the appeal site from the footpath that provides a link between Linton Hill and Lower Farm Road. Open views of the / pasture land associated with the River Beault dominate this view. Open views of part of the earthworks bund are clearly evident in the distance and obscures distance views of the landscape to the south and foreshortens the horizon.

3. Setting of the Appeal Site

3.5.4 Visual Assessment



Photograph – Viewpoint 29 (March 2015)
View looking south west towards the appeal site from the footpath that provides a link between Linton Hill and Lower Farm Road. Open views of the / pasture land and the River Beault dominate this view. Open views of part of the earthworks bund are evident in the distance and obscures distance views of the landscape to the south and foreshortens the horizon.



Photograph – Viewpoint 30 (March 2015)
View looking south towards the appeal site from the footpath that provides a link between Linton Hill and Lower Farm Road. Open views of pasture land dominate this view with glimpsed views of Farm House evident in the distance through the intervening vegetation. Open views of part of the earthworks bund are evident in the distance and obscures distance views of the landscape to the south and foreshortens the horizon from this location.

4. Assessment of Appeal Site

4.1.1 Topography (2003)

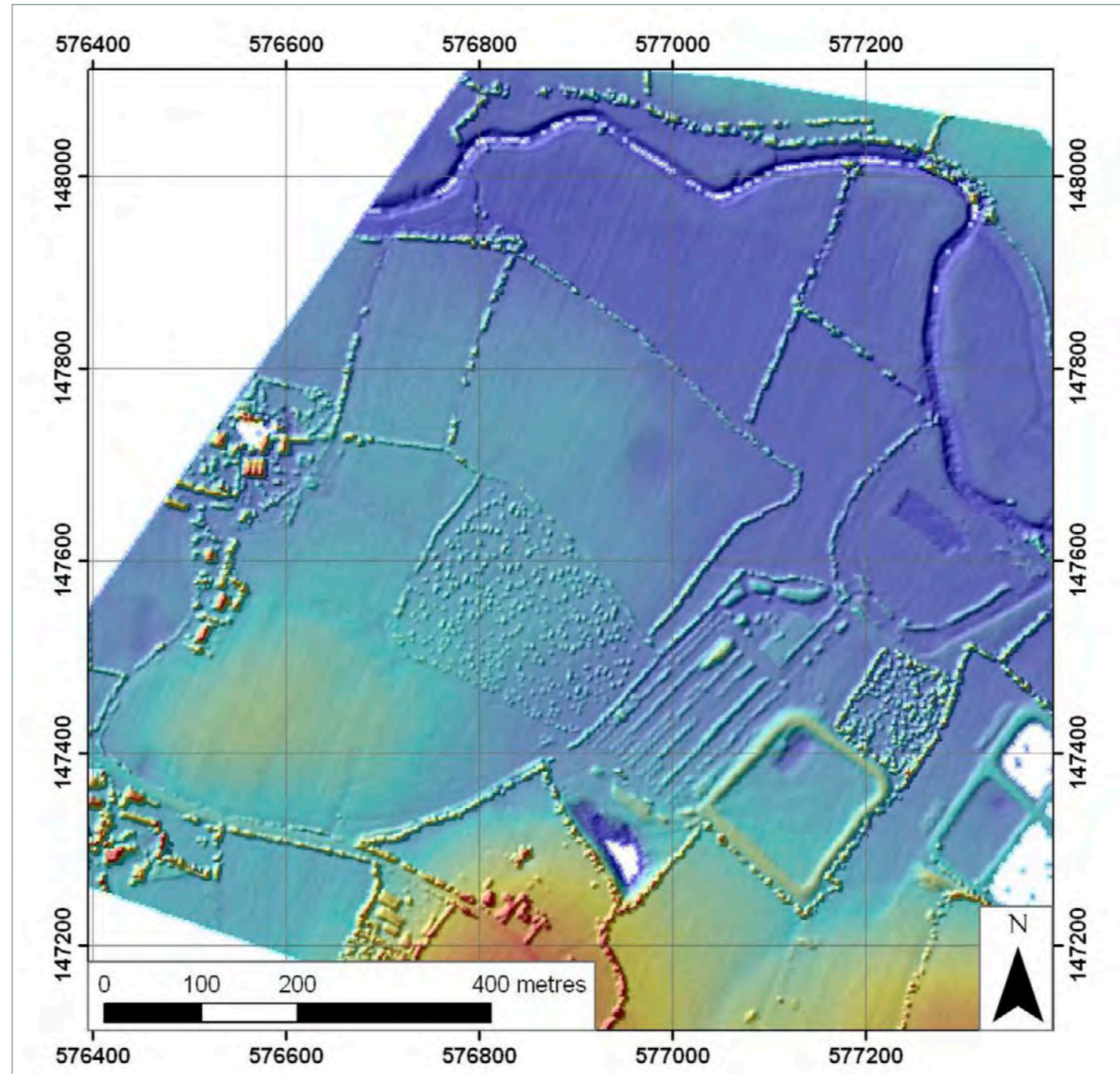


Figure 4.1 – Plan showing 2002 LIDAR elevation data (Geomatics 2012)

Table 1 Data used for Riverfield Fish Farm site		
Data type	Resolution (m)	Date acquired
LIDAR	2	6 March 2002
LIDAR	0.5	22 January 2008
LIDAR	0.5	17 December 2012
Aerial photography	0.1	17 December 2012

4. Assessment of Appeal Site

4.1.2 Topography (2008)

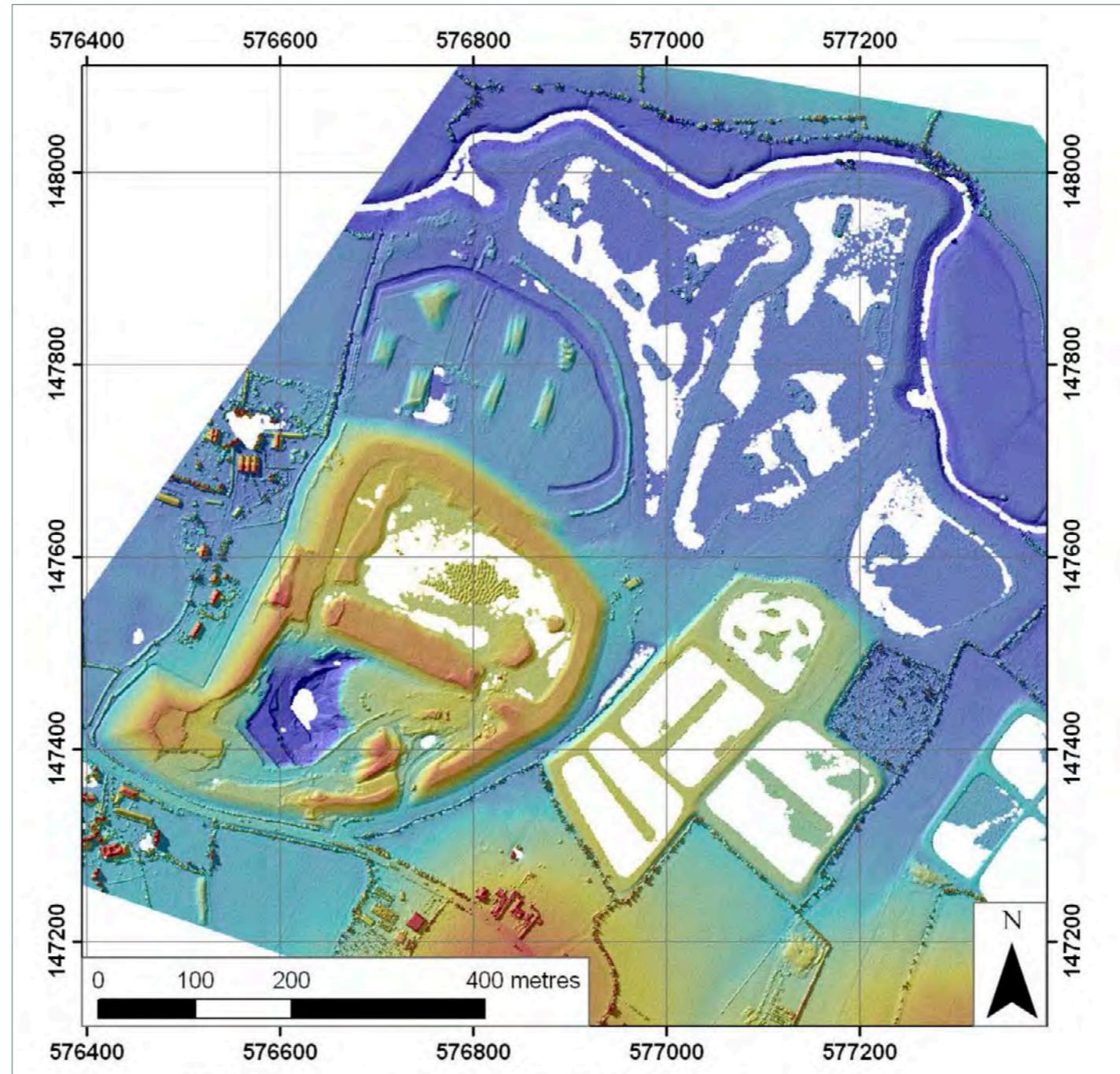


Figure 4.2 – Plan showing 2008 LIDAR elevation data (Geomatics 2012)

4. Assessment of Appeal Site

4.1.2 Topography (2008)

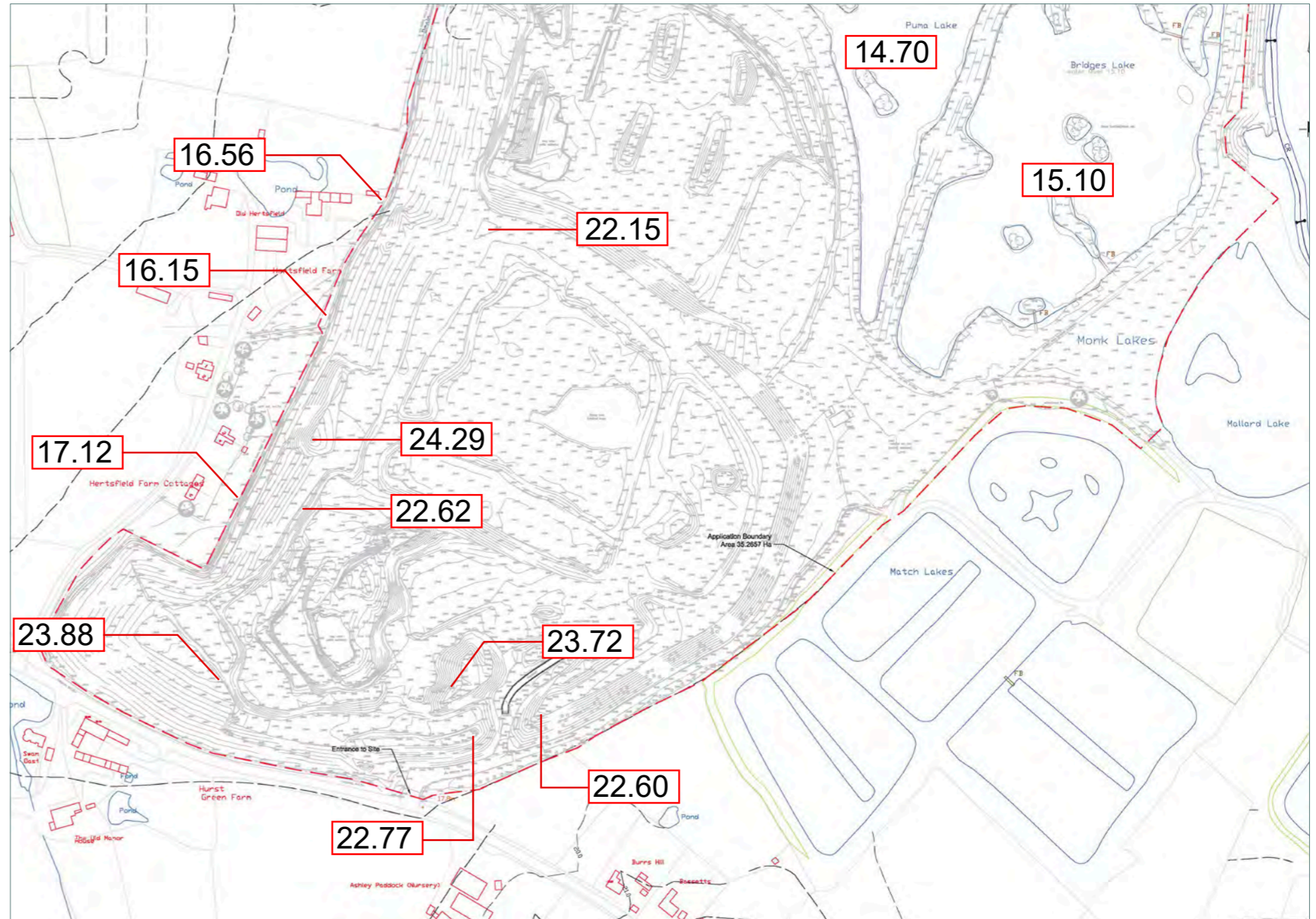


Figure 4.3 – Plan showing Topographical Survey (Furse Landscape Architects drawing PDA-MON-102 2011 based on ICES topographical survey 2008) with key levels illustrated (fabrik 2015)

4. Assessment of Appeal Site

4.1.3 Topography (2012)

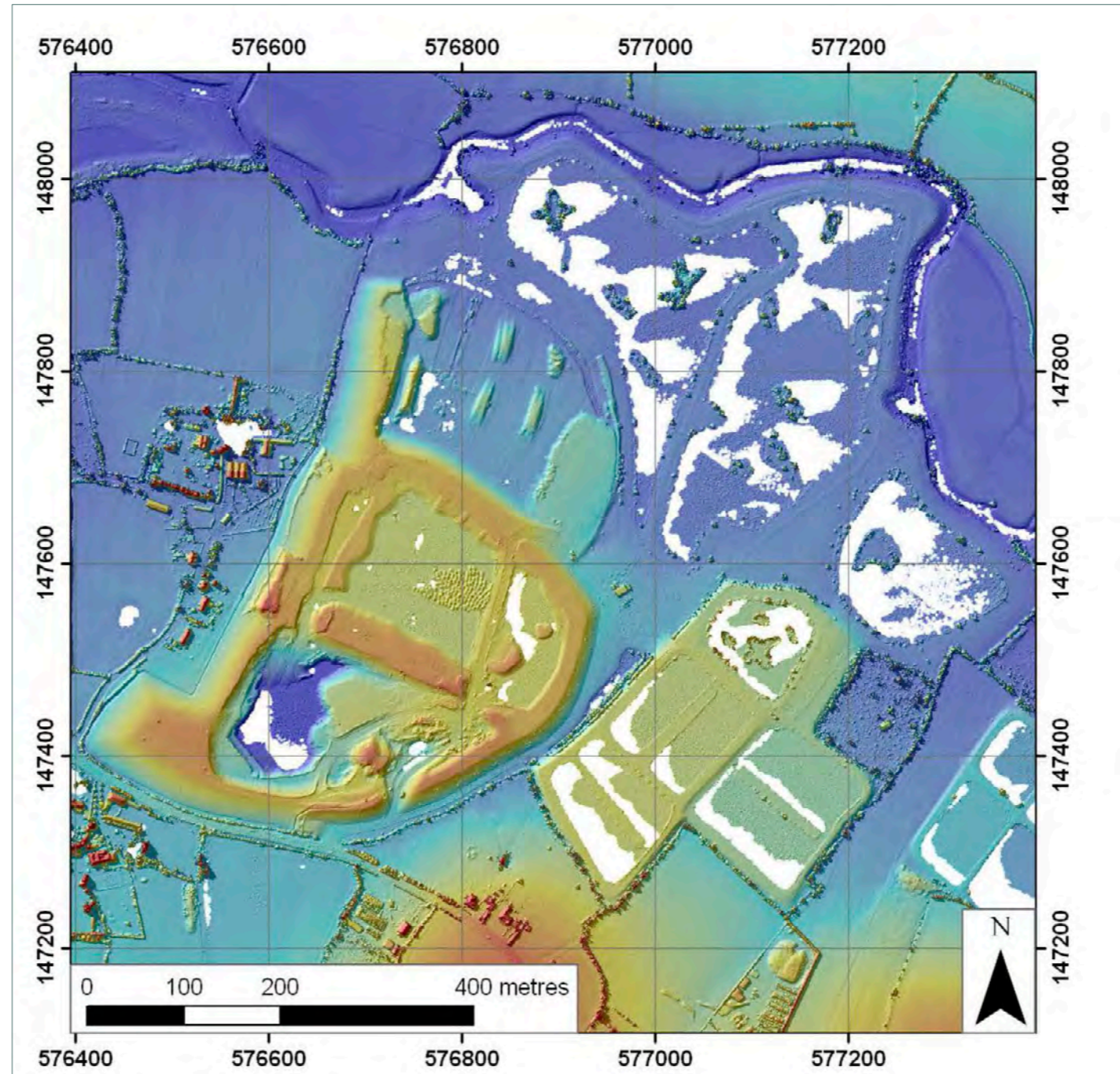


Figure 4.4 – Plan showing 2012 LIDAR elevation data (Geomatics 2012)

4. Assessment of Appeal Site

4.2.1 Land cover and Vegetation (2003)

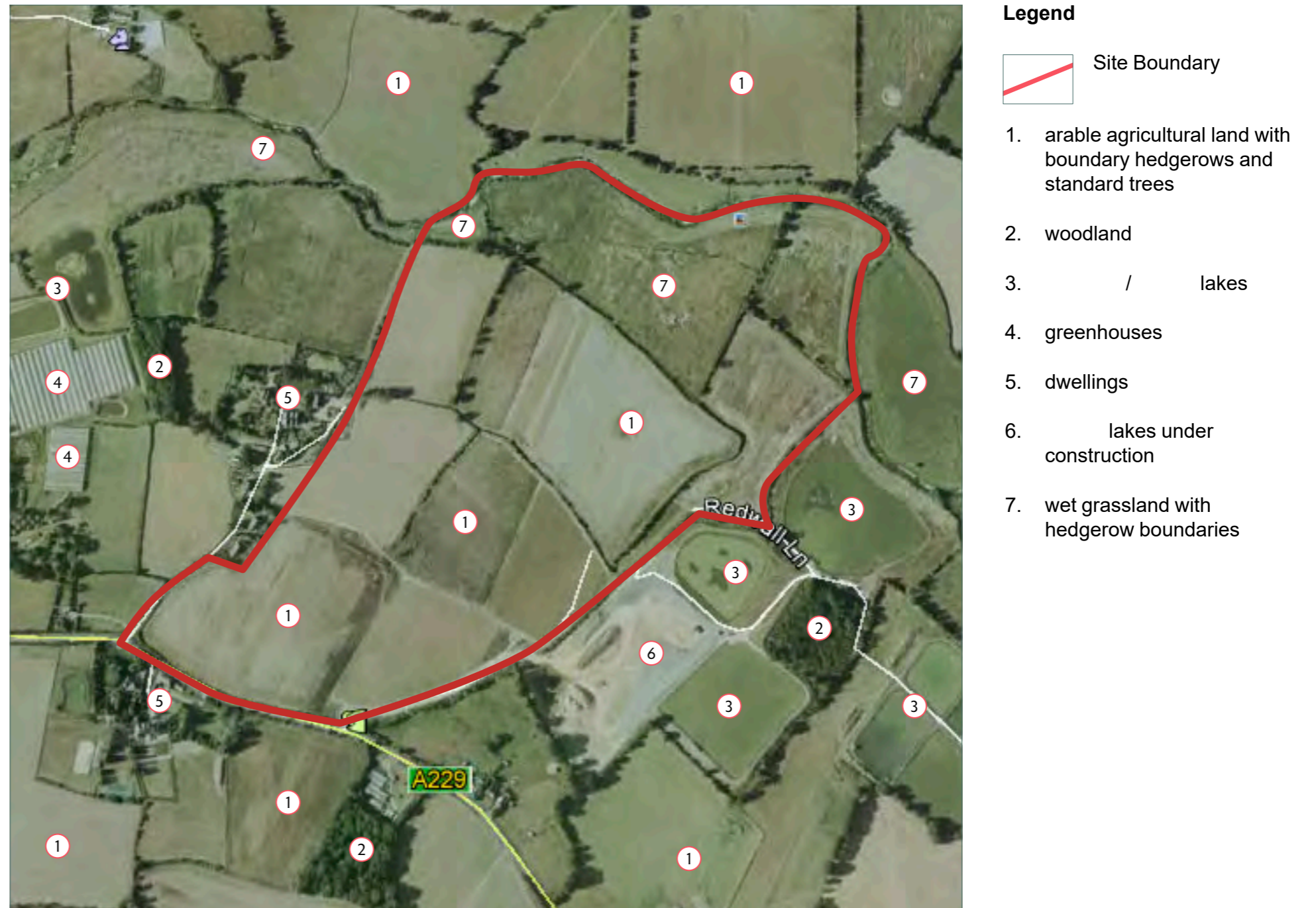


Figure 4.5 – 2003 aerial photography of Site (google earth - accessed Feb 2015)

4. Assessment of Appeal Site

4.2.2 Land cover and Vegetation (2008)



Legend

-  Site Boundary
- 1. arable agricultural land with boundary hedgerows and standard trees
- 2. woodland
- 3. / lakes
- 4. greenhouses
- 5. dwellings
- 6. lakes under construction
- 7. wet grassland with hedgerow boundaries
- 8. bunds associated with lakes under construction

Figure 4.6 – 2008 aerial photography of Site (google earth - accessed Feb 2015)

4. Assessment of Appeal Site

4.2.3 Land cover and Vegetation (2011)



Legend


-  Site Boundary
- 1. arable agricultural land with boundary hedgerows and standard trees
- 2. woodland
- 3. / lakes
- 4. greenhouses
- 5. dwellings
- 6. bunds associated with lakes under construction
- 7. wet grassland with hedgerow boundaries
- 8. lakes under construction

Figure 4.6 – 2011 aerial photography of Site (google earth - accessed Feb 2015)

4. Assessment of Appeal Site

4.2.4 Land cover and Vegetation (2015)



Legend


-  Site Boundary
- 1. arable agricultural land with boundary hedgerows and standard trees
- 2. woodland
- 3.
- 4. greenhouses
- 5. dwellings
- 6. orchards
- 7. wet grassland with hedgerow boundaries
- 8. lakes under construction
- 9. bunds associated with lakes under construction
- 10. bunds associated with lakes

Figure 4.6 – 2014 aerial photography of Site (google earth - accessed Feb 2015)

4. Assessment of Appeal Site

4.3 Historic and Cultural Assessment

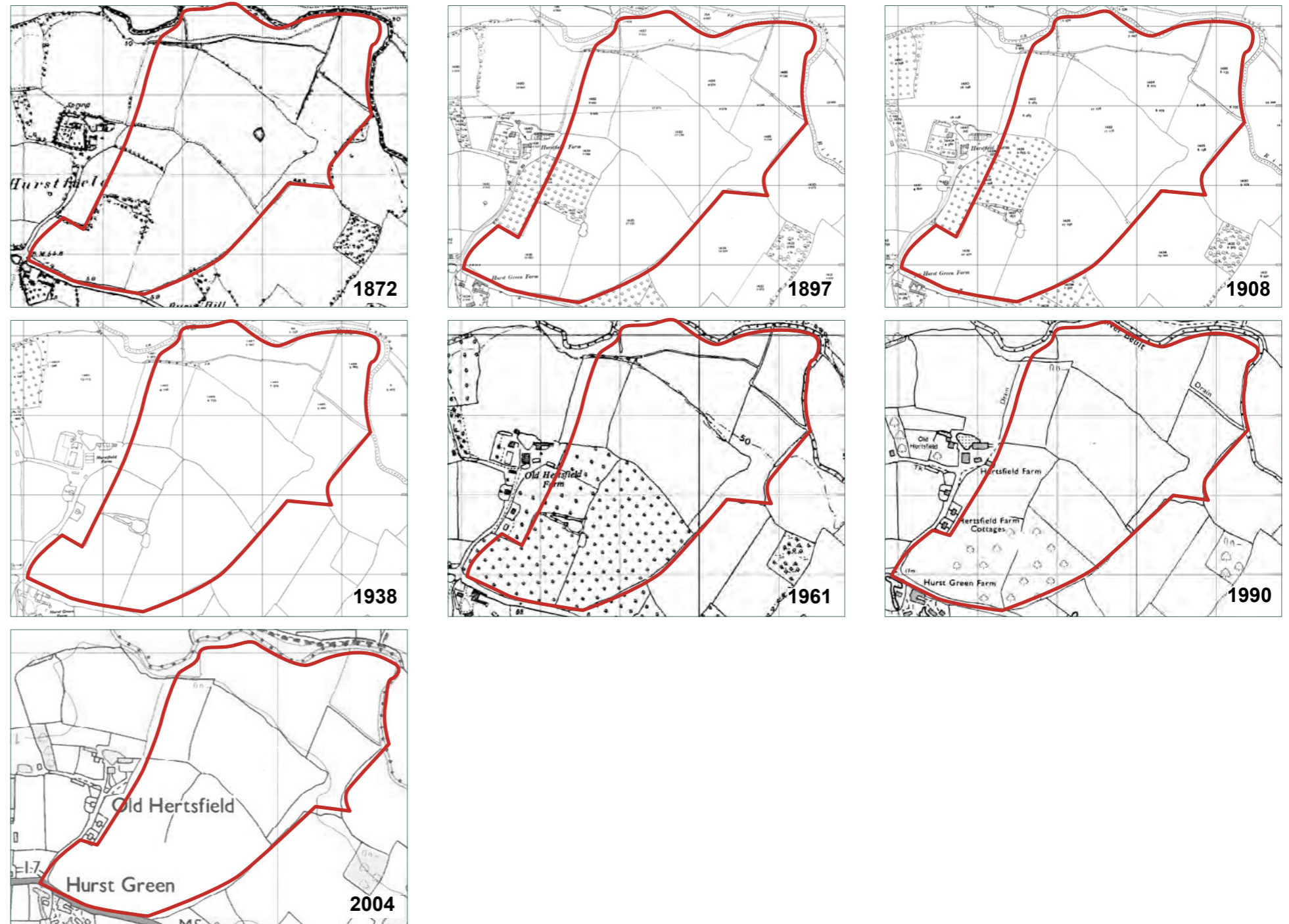


Figure 4.7 – Illustrating historic maps of the Site (Pro-Map accessed Feb 2015)

4. Assessment of Appeal Site

4.3 Historic and Cultural Assessment






Figure 4.8 – Illustrating historic aerals of the Site (google earth - accessed Feb 2015)

4. Assessment of Appeal Site

4.4.1 Public Access 2003

Legend

-  Site Boundary
-  Potential Pedestrian / Maintenance Access
-  Vehicular Access

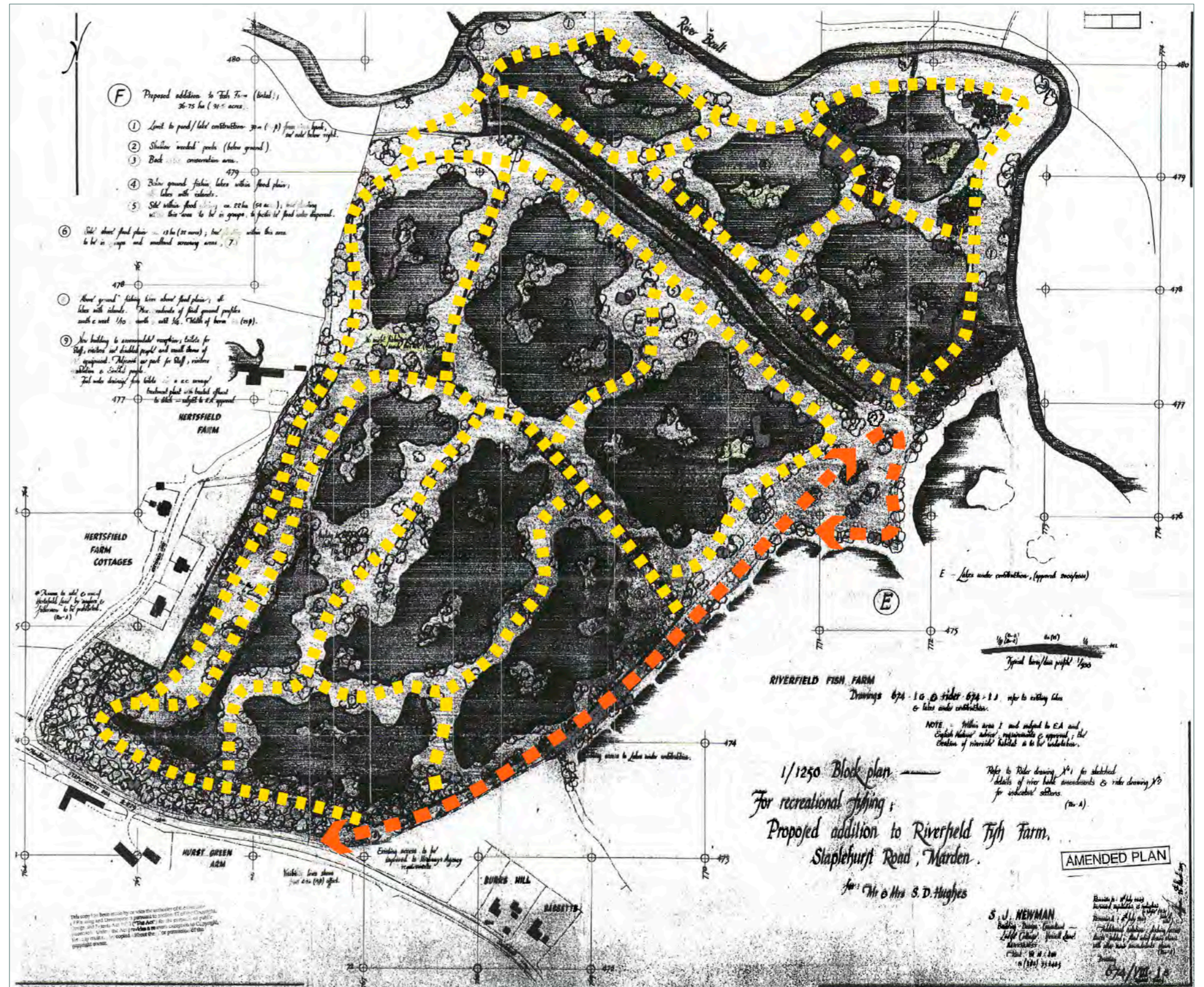





Figure 4.9 – showing Proposed Masterplan and footpaths (S J Newman 2003)

4. Assessment of Appeal Site

4.4.2 Public Access 2011

Legend

-  Site Boundary
-  Potential Pedestrian / Maintenance Access
-  Vehicular Access

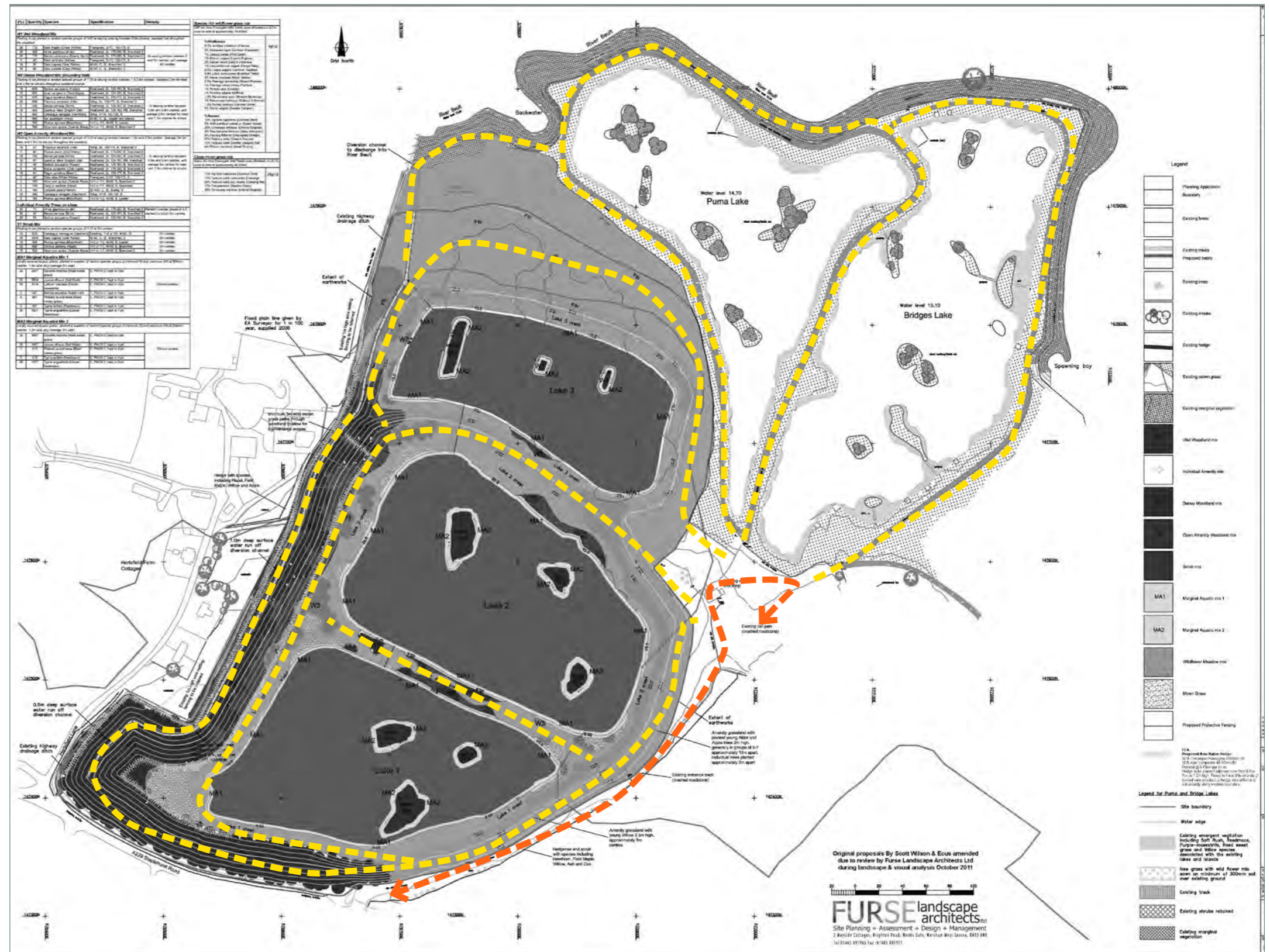


Figure 4.10 – showing proposed Masterplan and footpaths (FURSE Landscape Architects 2011)

4. Assessment of Appeal Site

4.5.1 County Landscape Character (2004)

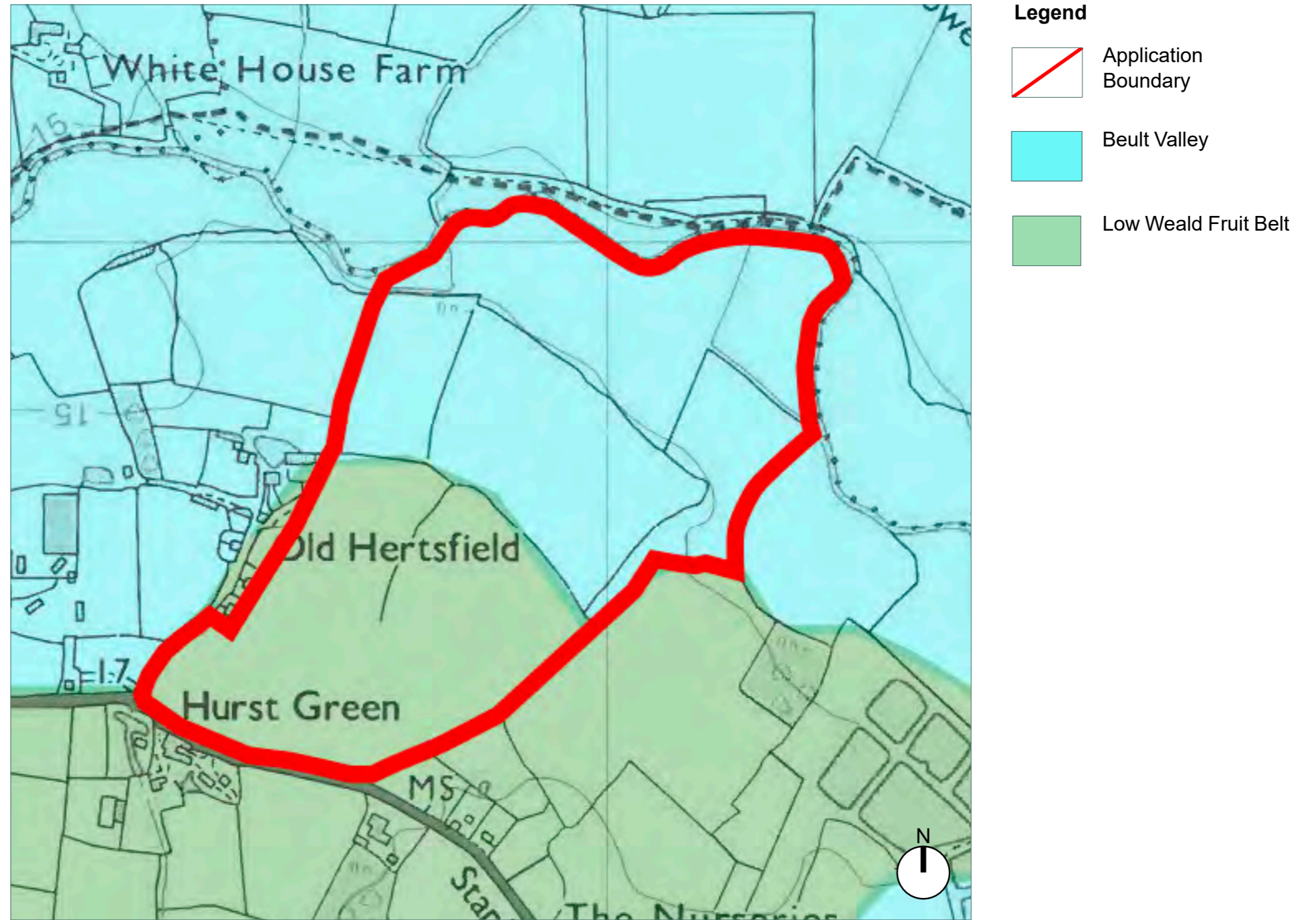


Figure 4.11 – Extract from Kent Landscape Character Assessment (Kent County Council, October 2004)

4. Assessment of Appeal Site

4.5.2 Local Authority Landscape Character (2000)

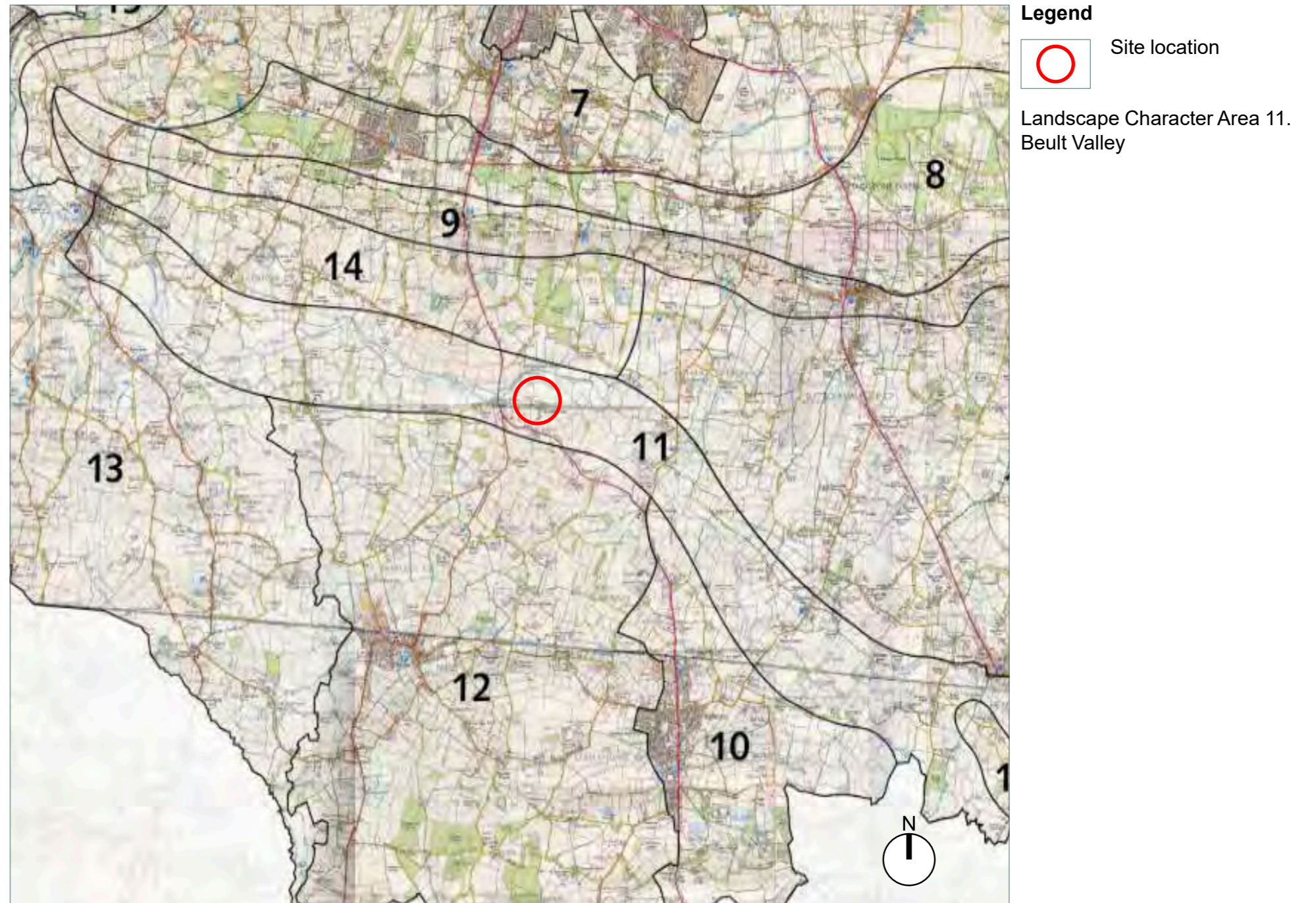


Figure 4.11 – Plan extract from Maidstone Borough Council Landscape Character Assessment (The Landscape Partnership: 2000)

4. Assessment of Appeal Site

4.5.3 Local Authority Landscape Character (2012)

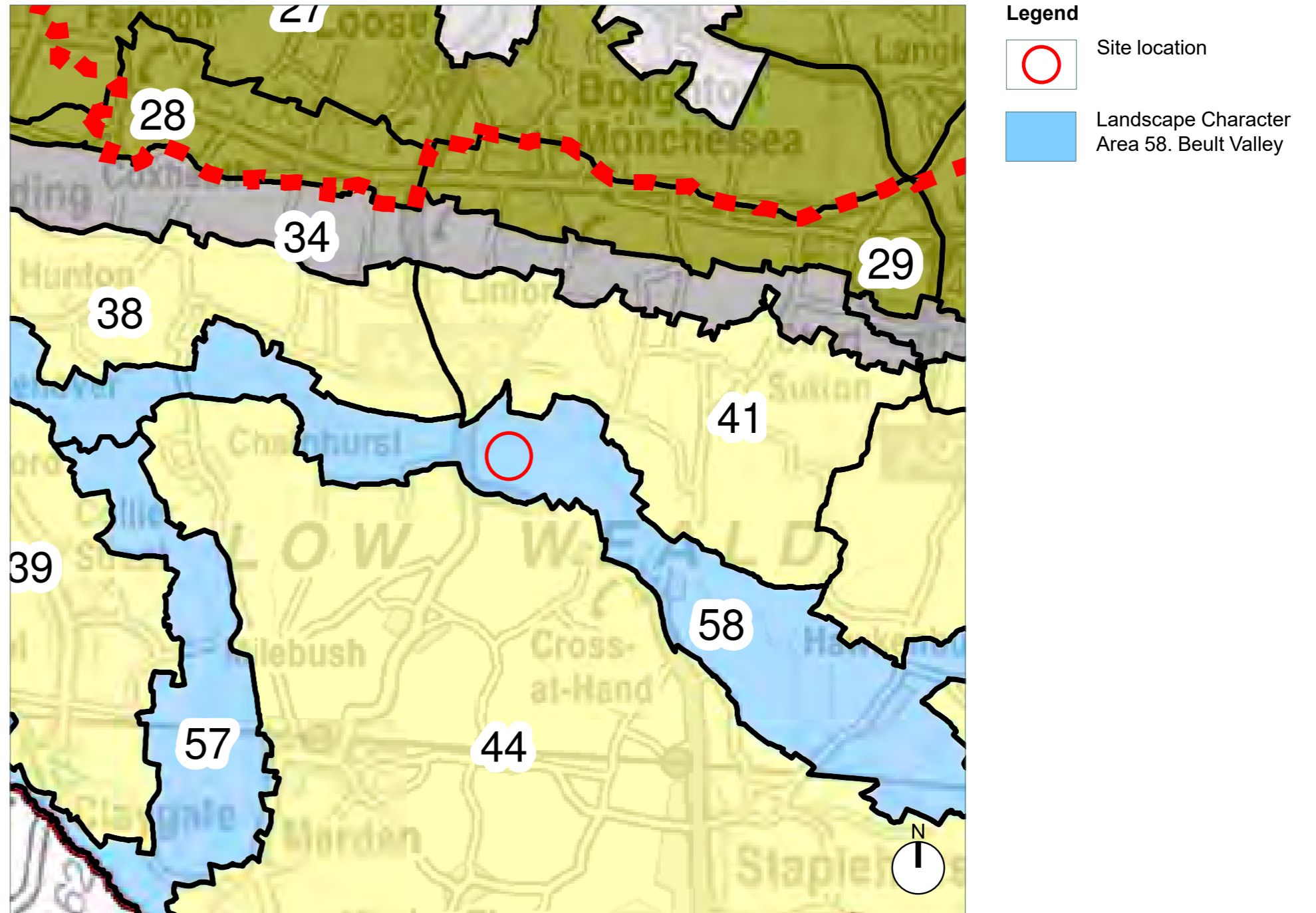


Figure 4.12 – Plan extract from Maidstone Borough Council Landscape Character Assessment (2012)

5. Development Proposals

5.1 Application Proposals 2003

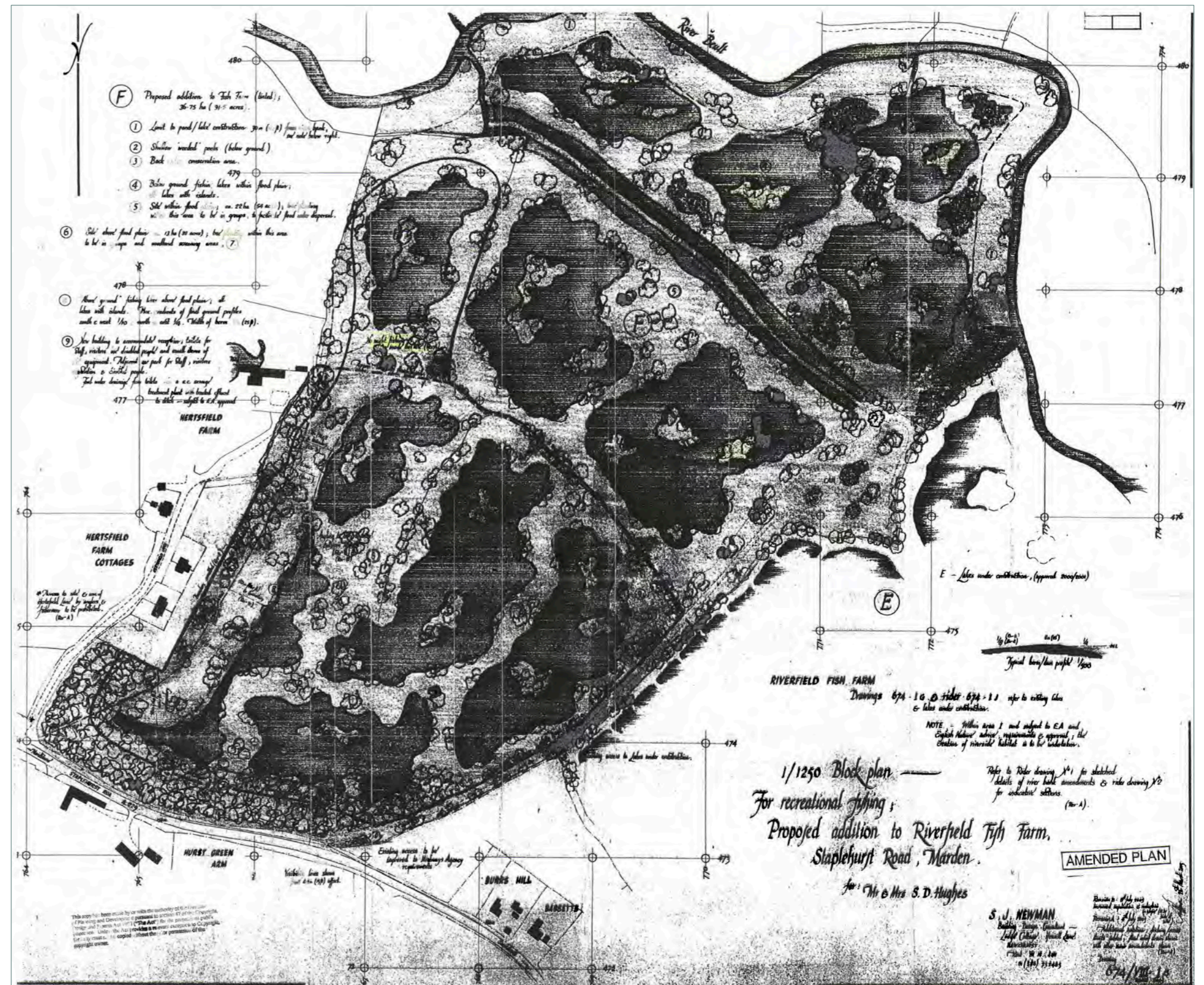


Figure 5.1.1 – showing Proposed Masterplan (S J Newman 2003)

5. Development Proposals

5.1 Application Proposals 2003

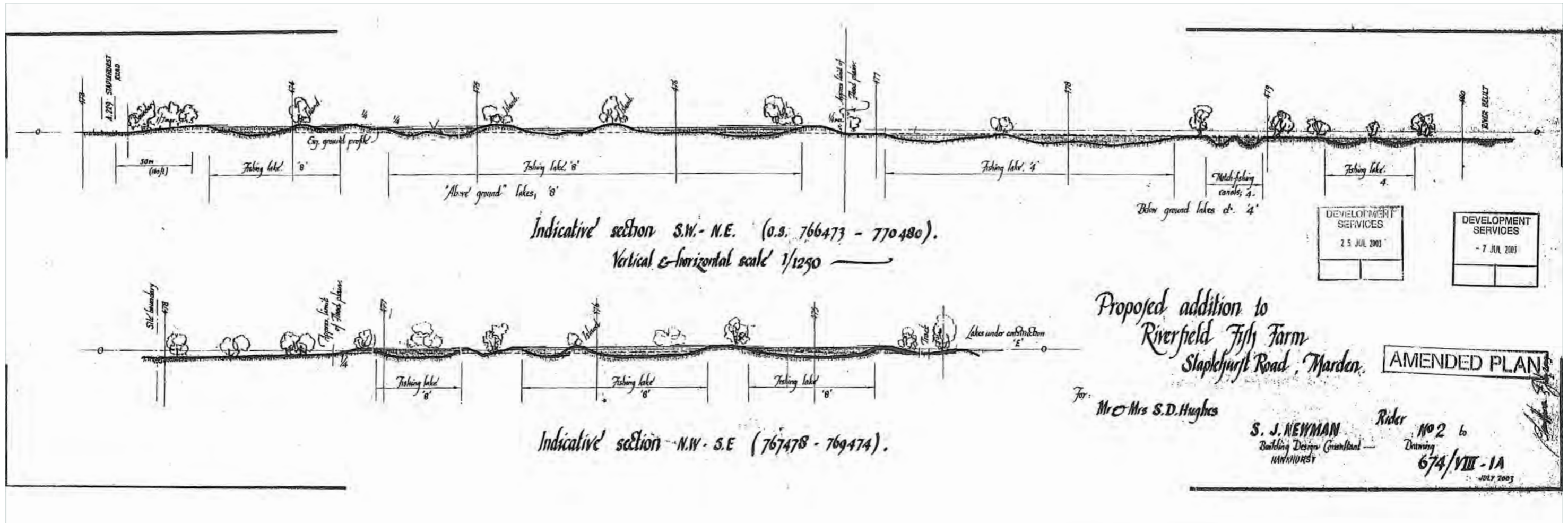


Figure 5.1.2 – showing Proposed Sections (S J Newman 2003)

5. Development Proposals

5.2 Application Proposals 2011



Figure 5.2.2 – showing Proposed Masterplan (FURSE Landscape Architects 2011)

5. Development Proposals

5.2 Application Proposals 2011



Figure 5.2.3 – showing Proposed Topography (FURSE Landscape Architects 2011)

5. Development Proposals

5.2 Application Proposals 2011

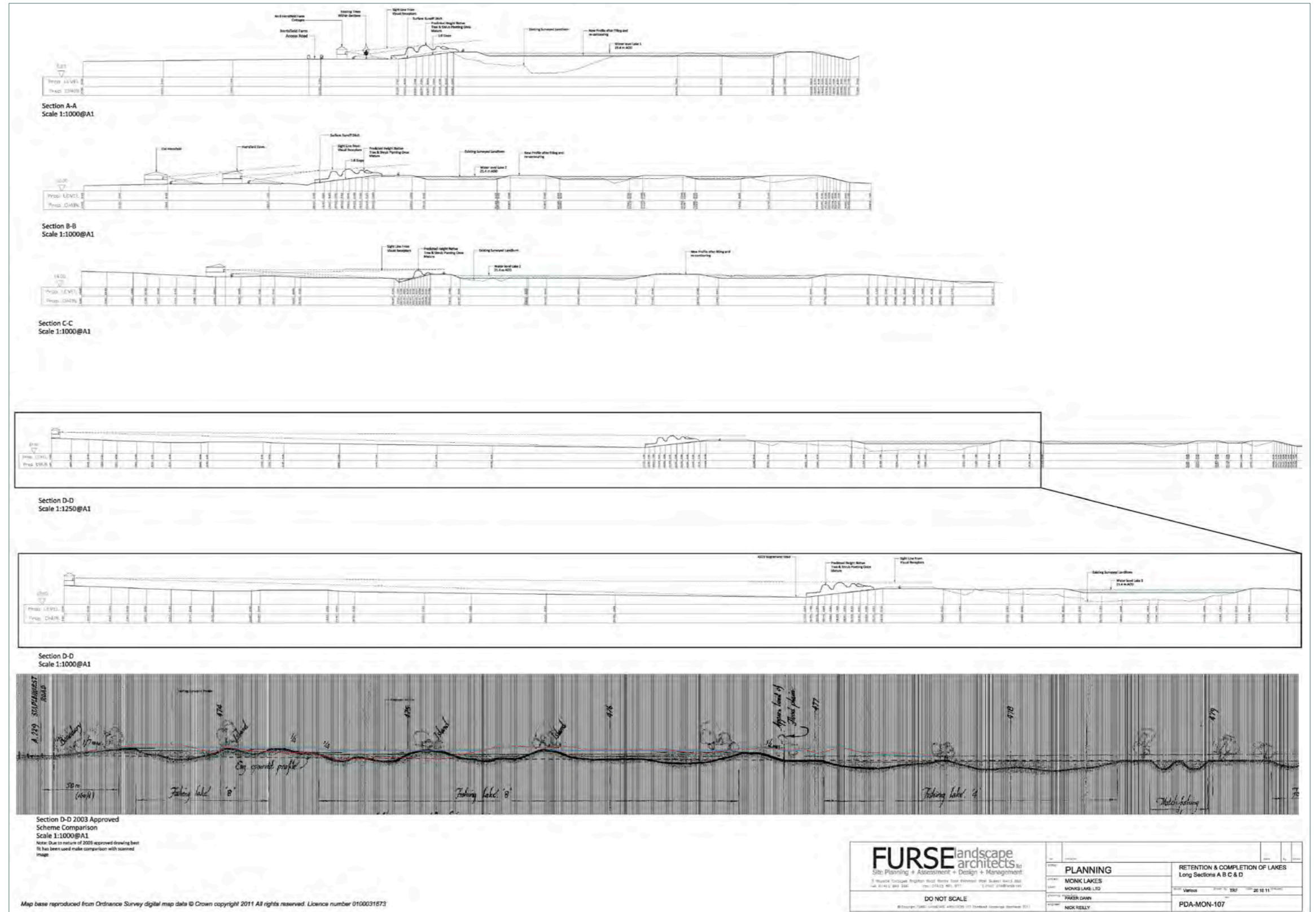


Figure 5.2.4 – showing Proposed Sections (FURSE Landscape Architects 2011)

6. Appeal Site - Current Conditions

6.1 Current Site Conditions

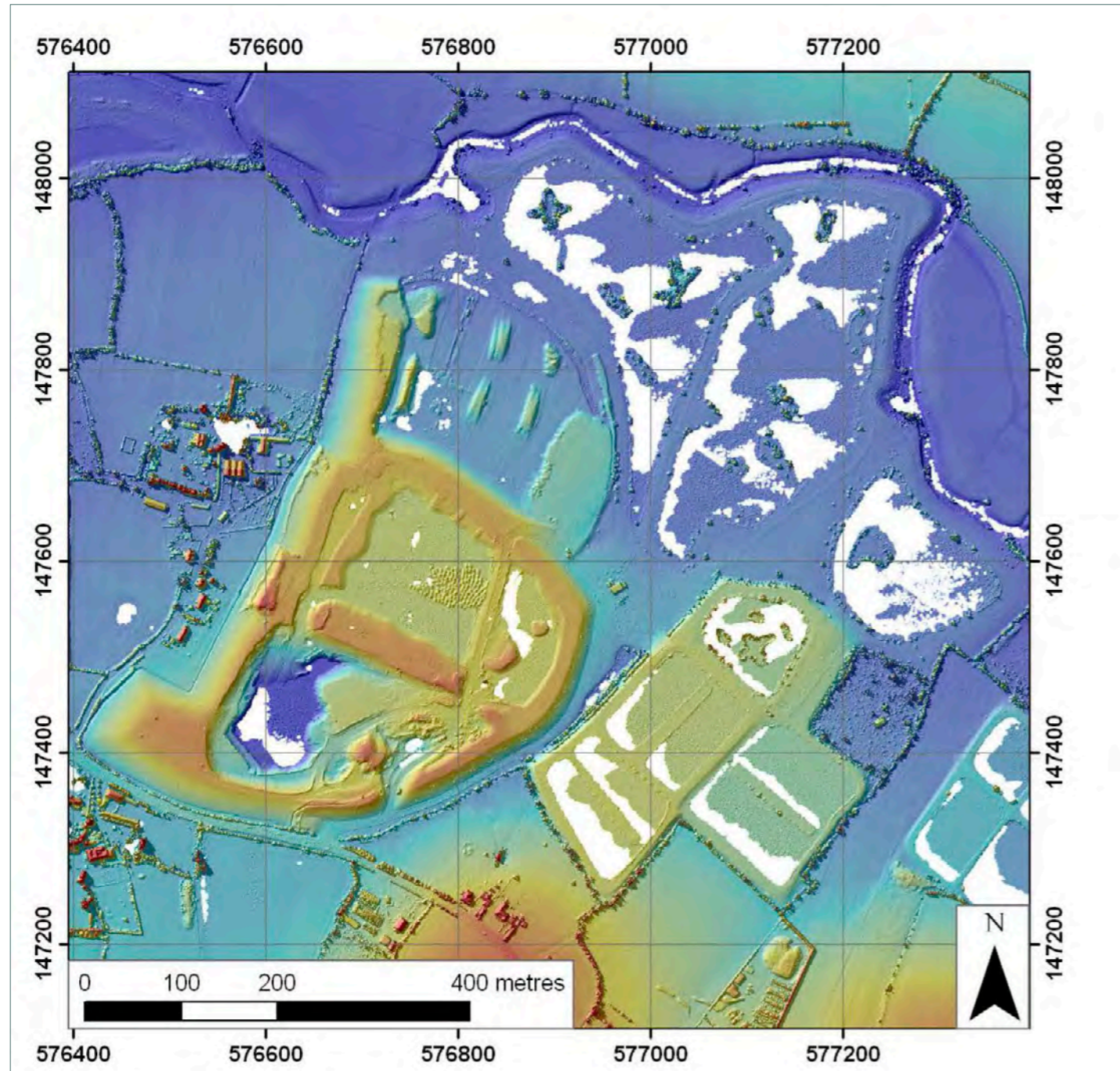


Figure 6.1a – Plan showing 2012 LIDAR elevation data (Geomatics 2012)

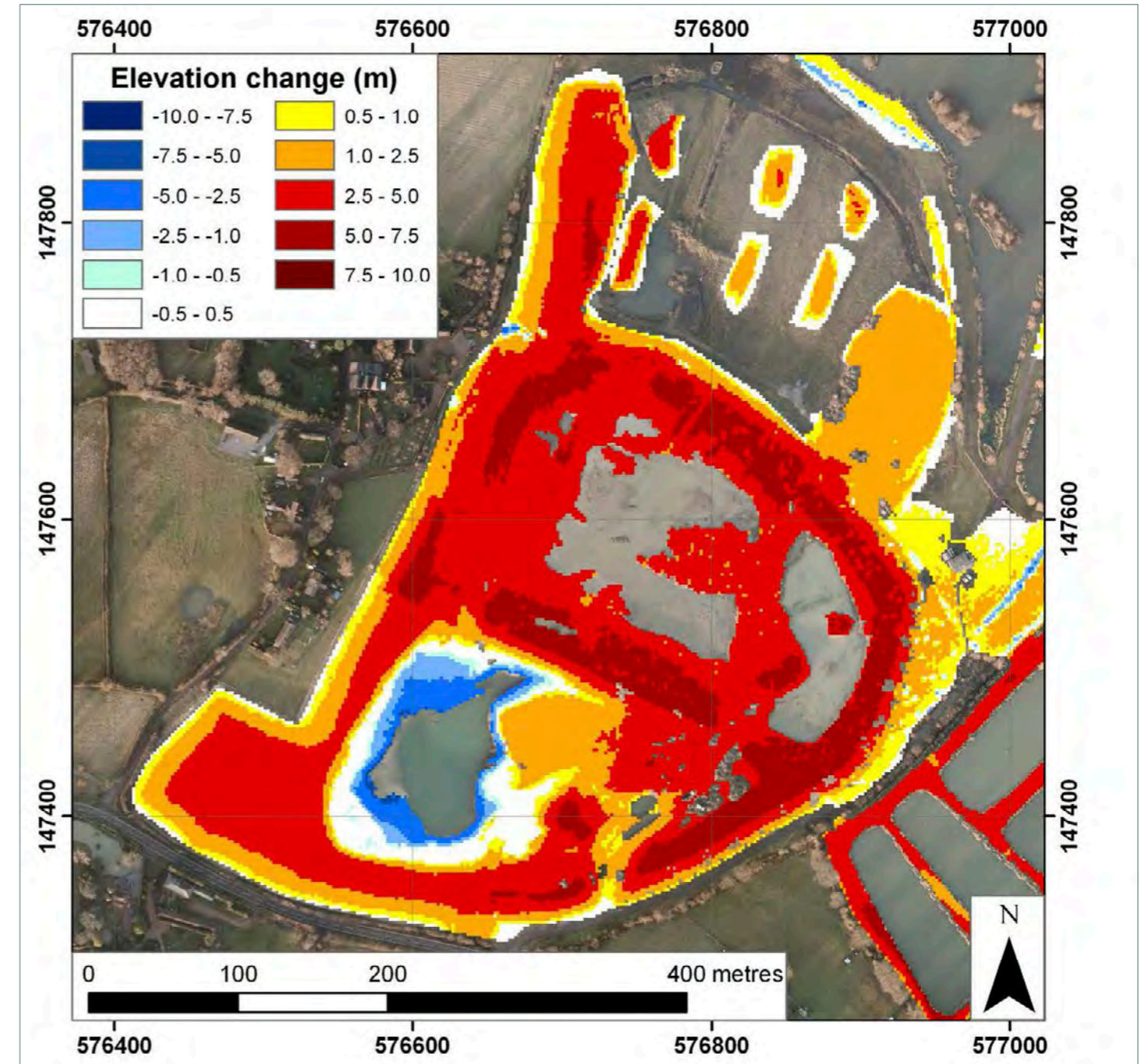


Figure 6.1b – Plan showing elevation change estimate from 6 March 2002 to 17 December 2012 (Geomatics 2012)

6. Appeal Site - Current Conditions

6.1 Current Site Conditions



Figure 6.2 – 2014 aerial photography of Site (google earth - accessed Feb 2015)

7. Landscape and Visual Impacts

7.1 Landscape Sensitivities				
Landscape Receptors	Description	Value	Susceptibility	Sensitivity
Topography 2003	The gently sloping landform rises from the northern boundary (adjacent to the river corridor) to the south eastern boundary (adjacent to the A229)	Medium	High	Med-High
Topography 2008	Earthwork bunds within the central and southern parcel of the Site protrude from the adjacent gently rolling landform.	Low	Low	Low
Topography 2011	Extensive earthwork bunds (within the central and southern parcel of the Site plus the western boundary) protrude from the adjacent gently rolling landform.	Low	Low	Low
Topography 2012	Extensive earthwork bunds (within the central and southern parcel of the Site plus the western boundary) protrude from the adjacent gently rolling landform.	Low	Low	Low
Land cover and Vegetation 2003	Existing arable agricultural land with boundary hedgerows and standard trees, plus wet grassland with hedgerow boundaries adjacent to the river to the north of the Site.	Med-High	High	Med-High
Land cover and Vegetation 2008	Fisheries / lakes and associated bunds within the northern parcel of the Site, lakes and bunds under construction within the southern parcel of the Site	Low	Low	Low
Land cover and Vegetation 2011	Fisheries / lakes and associated bunds within the northern parcel of the Site, lakes and bunds under construction within the southern parcel of the Site	Low	Low	Low
Land cover and Vegetation 2015	Fisheries / lakes and associated bunds within the northern and central parcels of the Site, lakes and bunds under construction within the southern parcel of the Site.	Low	Low	Low
Historic & Cultural 2003	Historic patterns, typical of the local landscape character. The Site provides the setting to the adjacent listed Barn.	High	High	High
Historic & Cultural 2008	Earthworks and lakes incongruous of the local landscape character. The Site provides the setting to the adjacent listed Barn.	Medium	Medium	Medium
Historic & Cultural 2011	Earthworks and lakes incongruous of the local landscape character. The Site provides the setting to the adjacent listed Barn.	Medium	Low	Low
Historic & Cultural 2015	Earthworks and lakes incongruous of the local landscape character. The Site provides the setting to the adjacent listed Barn.	Medium	Low	Low
Public Access 2003	No public access to Site. Public Right of Way KM129 runs in a west-east direction to the north of the Site.	Medium	High	Med-High
Public Access 2008	Public and maintenance access to the northern parcel. Works access to the southern and central parcel. Public Right of Way KM129 runs in a west-east direction to the north of the Site.	Med-High	Low	Low
Public Access 2011	Public and maintenance access to the northern parcel. Works access to the southern and central parcel. Public Right of Way KM129 runs in a west-east direction to the north of the Site.	Med-High	Low	Low
Public Access 2015	Public and maintenance access to the northern and central parcel. Works access to the southern parcel. Public Right of Way KM129 runs in a west-east direction to the north of the Site.	Low	Low	Low
Landscape Character 2003	The northern parcel of the Site is typical of the Beult Valley character area whilst the southern parcel of the Site is typical of the Low Weald Fruit Belt (in which it is located - as in the Kent Landscape Character Assessment 2004).	Medium	High	Med-High
Landscape Character 2008	The extensive earthwork bunds within the Site are incongruous with the surrounding landscape character - as highlighted in the Kent Landscape Character Assessment 2004.	Med-Low	Low	Low
Landscape Character 2011	The extensive earthwork bunds within the Site are incongruous with the surrounding landscape character - as highlighted in the Kent Landscape Character Assessment 2004.	Low	Low	Low
Landscape Character 2015	The extensive earthwork bunds within the Site are incongruous with the surrounding landscape character - as highlighted in the Kent Landscape Character Assessment 2004.	Low	Low	Low

7. Landscape and Visual Impacts

7.2 Landscape Effects				
Landscape Receptors	Sensitivity	Magnitude of Change	Effect	Duration
Topography 2003	Medium - High	High	MAJOR NEGATIVE	Long Term
Topography 2008	Low	Low	MINOR TO NEGLIGIBLE	Long Term
Topography 2011	Low	Low	NEGLIGIBLE	Long Term
Topography 2012	Low	Low	NEGLIGIBLE	Long Term
Land cover and Vegetation 2003	Medium - High	High	MAJOR NEGATIVE	Long Term
Land cover and Vegetation 2008	Low	Low	NEGLIGIBLE	Long Term
Land cover and Vegetation 2011	Low	Low	NEGLIGIBLE	Long Term
Land cover and Vegetation 2015	Low	Low	NEGLIGIBLE	Long Term
Historic & Cultural 2003	High	High	MAJOR NEGATIVE	Long Term
Historic & Cultural 2008	Medium	Low	MINOR NEGATIVE	Long Term
Historic & Cultural 2011	Low	Low	MINOR NEGATIVE TO NEGLIGIBLE	Long Term
Historic & Cultural 2015	Low	Low	MINOR NEGATIVE TO NEGLIGIBLE	Long Term
Public Access 2003	Moderate - High	High	MAJOR NEGATIVE	Long Term
Public Access 2008	Low	Low	NEGLIGIBLE	Long Term
Public Access 2011	Low	Low	NEGLIGIBLE	Long Term
Public Access 2015	Low	Low	NEGLIGIBLE	Long Term
Landscape Character 2003	Medium - High	High	MAJOR NEGATIVE	Long Term
Landscape Character 2008	Low	Low	MINOR NEGATIVE	Long Term
Landscape Character 2011	Low	Low	MINOR NEGATIVE	Long Term
Landscape Character 2015	Low	Low	MINOR NEGATIVE	Long Term

7. Landscape and Visual Impacts

7.3 Visual Sensitivities				
Visual Attributes	Description	Value	Susceptibility	Sensitivity
Visual Analysis 2004				
Viewpoint 1	Open view of the Site from the window of Oast Cottage looking east.	Low	High	Low - Medium
Viewpoint 2	Open view from the boundary of Oast Cottage looking east across the Site.	Low	High	Low - Medium
Viewpoint 3	Open view from rear garden of Farm Cottages looking north east over appeals site and towards distant horizon. Internal boundary hedges and standard trees are evident.	Low	High	Low - Medium
Visual Analysis 2008				
Viewpoint 1	Open view looking north east towards the Site from the access track and gate.	Low	Medium	Low - Medium
Viewpoint 2	Open view looking east towards the Site from the area to the rear of the Farm Cottages.	Low	High	Low - Medium
Viewpoint 3	Partial view looking east towards the Site from the boundary of the north of Barn.	Low	Medium	Low - Medium
Viewpoint 4	Open view looking north east towards the northern parcel of the Site from the boundary north of Barn.	Medium	Medium	Medium - High
Viewpoint 5	Open view looking south east towards the Site from the driveway of Barn.	Medium	High	Medium - High
Viewpoint 6	Open view looking east towards the Site from the driveway of Barn.	Medium	High	Medium - High
Visual Analysis 2011				
Viewpoint 5	Looking southeast from the public footpath that runs along the northern bank of the River Beult.	Low	Medium	Low - Medium
Viewpoint 6	Looking south from the public footpath that runs along the northern bank of the River Beult.	Low	High	Low - Medium
Viewpoint 7	Looking west from the public footpath that runs along the northern bank of the River Beult.	Low	High	Low - Medium
Viewpoint 8	Looking south from the public footpath that runs along Greensand Ridge 2km to the north of the Site.	Low	High	Low - Medium

7. Landscape and Visual Impacts

7.3 Visual Sensitivities				
Visual Attributes	Description	Value	Susceptibility	Sensitivity
Visual Assessment 2015				
Viewpoint 1	View looking south east from Barn towards the appeal site. From this location the earthwork bund is clearly evident and obscures distance views of the landscape beyond and foreshortens the horizon.	Medium	High	High
Viewpoint 2	View looking south from Barn towards the appeal site. From this location the earthwork bund is clearly evident and obscures distance views of the landscape to the south and foreshortens the horizon.	Medium	High	High
Viewpoint 3	View looking south east from pasture land associated with Barn towards the appeal site. From this location the earthwork bund is clearly evident and obscures distance views of the landscape beyond and foreshortens the horizon.	Low	High	Low-Medium
Viewpoint 4	View looking south east from pasture land associated with Barn towards the appeal site. From this location open views of part of the earthwork bund is evident and obscures distance views of the landscape beyond and foreshortens the horizon.	Low	High	Low-Medium
Viewpoint 5	View looking east from pasture land associated with Barn towards the appeal site. From this location open views of part of the earthwork bund is evident and obscures distance views of the landscape to the east and foreshortens the horizon.	Low	High	Low-Medium
Viewpoint 6	View looking north east from Cottages towards the appeal site. From this location open views of the earthwork bund is evident and obscures distance views of the landscape to the north east and foreshortens the horizon.	Low	High	Low-Medium
Viewpoint 7	View looking east from Cottages towards the appeal site. From this location open views of the earthwork bund is evident, dominates the foreground and obscures distance views of the landscape and foreshortens the horizon.	Low	High	Low-Medium
Viewpoint 8	View looking south from Cottages towards the appeal site. From this location open views of the earthwork bund is evident, it dominates the foreground and obscures distance views of the landscape to the south and foreshortens the horizon.	Low	High	Low-Medium
Viewpoint 9	View looking east from Lane towards the appeal site. From this location partial views of the earthwork bund is evident through the intervening vegetation and dominates the foreground and obscures distance views of the landscape to the east and foreshortens the horizon.	Low	Medium	Low-Medium
Viewpoint 10	View looking north east from Maidstone Road towards the appeal site. From this location views of the earthwork bund are truncated due the intervening vegetation and topography.	Low	Low	Low
Viewpoint 11	View looking north from Summerhill Road towards the appeal site. Pasture land dominates the foreground with hedgerows the boundaries. From this location views of the earthwork bund are truncated due the intervening vegetation and topography.	Low	Low	Low
Viewpoint 12	View looking north from the public footpath that provides a link with Grave Lane towards the appeal site. Tall hedgerows create a green corridor along Grave Lane and the boundaries. From this location views of the earthwork bund are truncated due the intervening vegetation and topography.	Low	High	Low-Medium
Viewpoint 13	View looking north west from the public footpath that provides a link with Staplehurst Road towards the appeal site. Tall hedgerows create a green corridor and the boundaries. From this location views of the earthwork bund are truncated due the intervening vegetation.	Low	Low	Low

7. Landscape and Visual Impacts

7.3 Visual Sensitivities				
Visual Attributes	Description	Value	Susceptibility	Sensitivity
Viewpoint 14	View looking west from Chart Hill Road towards the appeal site. Tall hedgerows the boundaries and road corridor that obscure views of the earthwork bund from this location.	Low	Low	Low
Viewpoint 15	View looking west from Lower Farm Road towards the appeal site. Tall hedgerows the boundaries and road corridor that obscure views of the earthwork bund from this location.	Low	Low	Low
Viewpoint 16	View looking west towards the appeal site from the public footpath that provides a link between Chart Hill Road Linton Hill. Views of pasture land dominate this view with hedgerows the pattern. Views of the earthwork bund are truncated from this location due to the intervening vegetation.	Low	Low	Low
Viewpoint 17	View looking south towards the appeal site from the public footpath that provides a link between Peens Lane and Lower Farm Road. Views of pasture land dominate with hedgerows the pattern. Views of the earthwork bund are truncated from this location due to the intervening vegetation.	Low	High	Low-Medium
Viewpoint 18	View looking south west towards the appeal site from the public footpath (National Trail Greensands Way) that provides a link in an east-west direction with the study area. Partial views of part of the earthwork bunds are evident from this elevated location.	Low	High	Low-Medium
Viewpoint 19	View looking south towards the appeal site from the public footpath (National Trail Greensands Way) that provides a link in an east-west direction with the study area. Partial views of part of the earthwork bunds are evident from this elevated location.	Low	High	Low-Medium
Viewpoint 20	View looking south east towards the appeal site from Loddington Lane. Open views across horticultural land dominate this views. Due to the topography falling towards the south, partial views of part of the earthwork bundd are evident from this elevated location.	Low	Low	Low
Viewpoint 21	View looking south east towards the appeal site from Loddington Lane. Open views across horticultural land dominate this views. Due to the topography falling towards the south, partial views of part of the earthwork bunds are evident from this elevated location.	Low	Low	Low
Viewpoint 22	View looking south east towards the appeal site from Linton Park. Open views across the park are evident and dominate this view. Due to the intervening vegetation associated with Linton Park, views towards the earthwork bunds are truncated from this location.	Low	High	Low-Medium
Viewpoint 23	View looking south east towards the appeal site from the public footpath that provides a link to Linton Hill. Hedgerows the boundaries and create a green corridor along Linton Hill. Due to the intervening vegetation views towards the earthworks bund are truncated from this location.	Low	High	Low-Medium

7. Landscape and Visual Impacts

7.3 Visual Sensitivities				
Visual Attributes	Description	Value	Susceptibility	Sensitivity
Visual Assessment 2015 continued				
Viewpoint 24	View looking east towards the appeal site from Linton Hill (Stile Bridge). Views of the River Beault and surrounding / pasture land dominate this view with distance views of the landscape beyond evident towards the north east as the topography rises. Due to the intervening vegetation towards the east views of the earthworks bunds are truncated from this location.	Low	Low	Low
Viewpoint 25	View looking north towards the appeal site from Staplehurst Road. From this elevated location open views of part of the earthwork bunds are clearly evident through the intervening vegetation associated with Staplehurst Road. Distance views of the landscape beyond are also obscured and the horizon foreshortened.	Low	Low-Medium	Low
Viewpoint 26	View looking northeast towards the appeal site from Staplehurst Road. From this elevated location partial views of part of the earthwork bunds are evident through the intervening vegetation associated with Staplehurst Road.	Low	Low-Medium	Low
Viewpoint 27	View looking southeast towards the appeal site from the footpath that provides a link between Linton Hill and Lower Farm Road. Open views of the / pasture land associated with the River Beault dominate this view. Due to the intervening vegetation in the middle distance views of the earthwork bunds are truncated from this location.	Low	High	Low-Medium
Viewpoint 28	View looking south towards the appeal site from the footpath that provides a link between Linton Hill and Lower Farm Road. Open views of the / pasture land associated with the River Beault dominate this view. Open views of part of the earthworks bund are clearly evident in the distance and obscures distance views of the landscape to the south and foreshortens the horizon.	Low	High	Low-Medium
Viewpoint 29	View looking south west towards the appeal site from the footpath that provides a link between Linton Hill and Lower Farm Road. Open views of the / pasture land and the River Beault dominate this view. Open views of part of the earthworks bund are evident in the distance and obscures distance views of the landscape to the south and foreshortens the horizon.	Low	High	Low-Medium
Viewpoint 30	View looking south towards the appeal site from the footpath that provides a link between Linton Hill and Lower Farm Road. Open views of pasture land dominate this view with glimpsed views of Farm House evident in the distance through the intervening vegetation. Open views of part of the earthwork bunds are evident in the distance and obscures distance views of the landscape to the south and foreshortens the horizon from this location.	Low	High	Low-Medium

7. Landscape and Visual Impacts

7.3 Visual Effects				
Visual Attributes	Sensitivity	Magnitude of Change	Effect	Duration
Visual Analysis 2004				
Viewpoint 1	Low - Medium	High	MODERATE - MAJOR NEGATIVE	Long Term
Viewpoint 2	Low - Medium	High	MODERATE - MAJOR NEGATIVE	Long Term
Viewpoint 3	Low - Medium	High	MODERATE - MAJOR NEGATIVE	Long Term
Visual Analysis 2008			Retrospective Effect	
Viewpoint 1	Low - Medium	High	MODERATE - MAJOR NEGATIVE	Long Term
Viewpoint 2	Low - Medium	High	MODERATE - MAJOR NEGATIVE	Long Term
Viewpoint 3	Low - Medium	High	MODERATE - MAJOR NEGATIVE	Long Term
Viewpoint 4	Medium - High	High	MODERATE - MAJOR NEGATIVE	Long Term
Viewpoint 5	Medium - High	High	MAJOR NEGATIVE	Long Term
Viewpoint 6	Low - Medium	High	MAJOR NEGATIVE	Long Term
Visual Analysis 2011			Retrospective Effect	
Viewpoint 5	Low - Medium	Medium	MODERATE NEGATIVE	Long Term
Viewpoint 6	Low - Medium	High	MODERATE - MAJOR NEGATIVE	Long Term
Viewpoint 7	Low - Medium	High	MODERATE - MAJOR NEGATIVE	Long Term
Viewpoint 8	Low - Medium	High	MODERATE - MAJOR NEGATIVE	Long Term

7. Landscape and Visual Impacts

7.3 Visual Effects				
Visual Attributes	Sensitivity	Retrospective Magnitude of Change	Retrospective Effect	Duration
Visual Assessment 2015				
Viewpoint 1	High	High	MAJOR NEGATIVE	Long Term
Viewpoint 2	High	High	MAJOR NEGATIVE	Long Term
Viewpoint 3	Low-Medium	High	MODERATE - MAJOR NEGATIVE	Long Term
Viewpoint 4	Low-Medium	Medium	MODERATE NEGATIVE	Long Term
Viewpoint 5	Low-Medium	Medium	MODERATE NEGATIVE	Long Term
Viewpoint 6	Low-Medium	High	MODERATE - MAJOR NEGATIVE	Long Term
Viewpoint 7	Low-Medium	High	MODERATE - MAJOR NEGATIVE	Long Term
Viewpoint 8	Low-Medium	High	MODERATE - MAJOR NEGATIVE	Long Term
Viewpoint 9	Low-Medium	Medium	MODERATE NEGATIVE	Long Term
Viewpoint 10	Low	Neutral	NEUTRAL	Long Term
Viewpoint 11	Low	Neutral	NEUTRAL	Long Term
Viewpoint 12	Low-Medium	Neutral	NEUTRAL	Long Term
Viewpoint 13	Low	Neutral	NEUTRAL	Long Term
Viewpoint 14	Low	Neutral	NEUTRAL	Long Term
Viewpoint 15	Low	Neutral	NEUTRAL	Long Term
Viewpoint 16	Low	Neutral	NEUTRAL	Long Term
Viewpoint 17	Low-Medium	Neutral	NEUTRAL	Long Term
Viewpoint 18	Low-Medium	Medium	MINOR NEGATIVE	Long Term
Viewpoint 19	Low-Medium	Medium	MINOR NEGATIVE	Long Term
Viewpoint 20	Low	Medium	MINOR NEGATIVE	Long Term
Viewpoint 21	Low	Medium	MINOR NEGATIVE	Long Term
Viewpoint 22	Low-Medium	Neutral	NEUTRAL	Long Term

7. Landscape and Visual Impacts

7.3 Visual Effects				
Visual Attributes	Sensitivity	Retrospective Magnitude of Change	Retrospective Effect	Duration
Visual Assessment 2015 continued				
Viewpoint 23	Low-Medium	Low	MINOR NEGATIVE	Long Term
Viewpoint 24	Low	Neutral	NEUTRAL	Long Term
Viewpoint 25	Low	Medium	MINOR NEGATIVE	Long Term
Viewpoint 26	Low	Medium	MINOR NEGATIVE	Long Term
Viewpoint 27	Low-Medium	Neutral	NEUTRAL	Long Term
Viewpoint 28	Low-Medium	High	MODERATE - MAJOR NEGATIVE	Long Term
Viewpoint 29	Low-Medium	High	MODERATE - MAJOR NEGATIVE	Long Term
Viewpoint 30	Low-Medium	High	MODERATE - MAJOR NEGATIVE	Long Term

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Landscape Receptors: Value Criteria

Criteria	Typical Scale	
Very High	International - Local	<ul style="list-style-type: none"> • Very attractive, scenic and rare; • Exceptional landscape and perceptual qualities; • No or limited potential for substitution; • A landscape that contains key important characteristics or elements which the character of the area; • A highly valued landscape for cultural, literary or artistic reasons and / or recreational activity where the experience of the landscape is important; • e.g. World Heritage Site, or Heritage Coast or key elements/features within them.
High	National - Local	<ul style="list-style-type: none"> • Very attractive or attractive scenic quality and in part rare; • High or good landscape and perceptual qualities; • Limited potential for substitution; • A landscape that contains particular characteristics or elements recognised to be important to the character of the area; • A highly valued landscape for cultural, literary or artistic reasons and / or recreational activity where the experience of the landscape is important; • e.g. National or Regional Parks, such as an Area of Outstanding Natural Beauty (or similar local landscape designations such as Conservation Areas, TPO's, Areas of Great Landscape Value, Listed Buildings) or key elements within them.
Medium	Regional - Local	<ul style="list-style-type: none"> • Typical and commonplace or in part unusual; • Ordinary landscape and perceptual qualities; • Potential for substitution; • A landscape that contains some particular characteristics or elements that are important to the character of area; • A landscape which there is some cultural, literary or artistic relationships and / or provides recreational activity where there are focused areas to experience the landscape qualities. • e.g. Generally undesignated but value expressed through literature, historical and / or cultural associations or through demonstrable use by the local community.
Low	Local	<ul style="list-style-type: none"> • Monotonous, degraded or damaged; • Poor landscape and perceptual qualities; • Can be substituted; • A landscape that does not contain any particularly unique characteristics; • A landscape which has no literary, historical or cultural associations and provides some informal recreational activities with limited focus on the landscape attributes. • e.g. Generally undesignated. Certain individual landscape elements or features may be worthy of conservation and landscape either or would from restoration or enhancement.

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Landscape Receptors: Susceptibility to Change the Proposed Change Criteria

Criteria	
High	A landscape with little ability to accommodate the proposed development without undue harm to the characteristic landscape features or elements.
Medium	A landscape with some ability to accommodate the proposed development without undue harm to the characteristic landscape features and elements.
Low	A landscape with substantial ability to accommodate the proposed development without undue harm on the characteristic landscape features and elements.

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Visual Receptors: Value Criteria

Criteria	
High	Views from landscapes / viewpoints of national importance, or highly popular visitor attractions where the view forms an important part of the experience, or with important cultural associations.
Medium	Views from landscapes / viewpoints of regional / district importance or moderately popular visitor attractions where the view forms part of the experience, or with local cultural associations.
Low	Views from landscapes / viewpoints with no designations, not particularly popular as a viewpoint and with minimal or no cultural associations.

Visual Receptors: Susceptibility to the Proposed Change Criteria

		Susceptibility of Visual Receptor		
		High	Medium	Low
Value of Visual Receptor	High	High	Medium - High	Medium - Low
	Medium	Medium - High	Medium	Low
	Low	Low - Medium	Low	Low

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Landscape Receptors: Sensitivity Matrix

		Susceptibility of Receptor/Receiving Environment to Change/Effect		
		High	Medium	Low
Landscape Value	Very High	High	High	High - Medium
	High	High	Medium - High	Medium - Low
	Medium	Medium - High	Medium	Low
	Low	Medium - Low	Low	Low

Visual Receptors: Susceptibility to the Proposed Change Criteria

Criteria	
High	<p>People with a particular interest in the view, or with prolonged viewing opportunity:</p> <ul style="list-style-type: none"> • those using public rights of way, or engaged in outdoor recreation, whose attention or interest may be focused on the landscape and on particular views, and their environment; • views from within the designated landscapes; • occupiers of residential properties; • visitors to heritage assets, where views of the surroundings are an important contributor to the experience; • communities where views contribute to the landscape setting enjoyed by the residents; and • travellers along designated scenic routes.
Medium	<p>People with a moderate interest in the view and their surroundings:</p> <ul style="list-style-type: none"> • people travelling through or past the affected landscape in cars, on trains or other transport routes; • people engaged in outdoor recreation, where their appreciation of their surroundings and particular views is incidental to their enjoyment.
Low	<p>People with a momentary, or little, interest in the view, as their focus is on other activities:</p> <ul style="list-style-type: none"> • engaged in, and focused on, the outdoor sport and recreation; • at their places of work, where the setting is not important to the quality of working life; and • travellers, where the view is incidental to the journey.

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Landscape and Visual Receptors: Magnitude

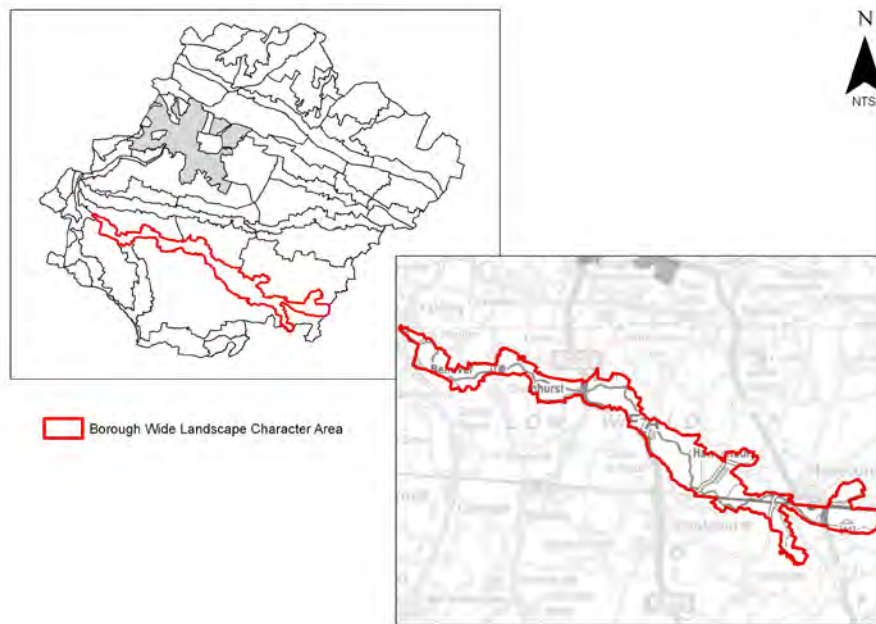
- High: Where the scheme would cause a significant change.
- Medium: Where the scheme would cause a noticeable change.
- Low: Where the scheme would cause a barely perceptible change.
- Negligible: Where the scheme would cause an almost imperceptible change.
- Neutral: No change.

Landscape and Visual Receptors: Sensitivity of Effects Matrix

		Sensitivity of Receptor/Receiving Environment to Change/Effect		
		High	Medium	Low
Magnitude of Change	High	Major	Moderate - Major	Minor - Moderate
	Medium	Moderate - Major	Moderate	Minor
	Low	Minor - Moderate	Minor	Minor - Negligible
	Negligible	Negligible	Negligible	Negligible

Appendix 2.0

58. Beult Valley



Key Characteristics:

- Low lying broad shallow valley of the meandering River Beult and Hammer Stream within the Low Weald
- Many ponds and watercourses with important ecological interest
- Species rich native hedgerow field boundaries with mature oak trees as imposing hedgerow trees and sometimes within fields where boundaries have been removed
- Mixed agriculture with large fields supporting arable cultivation and small riverside fields with pasture
- Sparsely scattered small woodlands

- Historic north-south crossing points with ragstone bridges over the River Beult

Landscape Character Sensitivity: High

Overall, the typical characteristics of the landscape create a strong sense of place. Distinctive elements include the river itself, historic buildings and bridges, mature oak trees within species rich hedgerows, pasture, ditches and ponds. The large arable fields are much less distinctive and the river is not always a distinctive feature within the flat arable landscape. Away from the river banks, loss of hedgerows to allow more intensive arable cultivation has caused loss of pattern and some ecological connectivity; although the river itself is highly valued.

The traditional small field pattern and hedgerow boundaries are reasonably intact in some areas, but elsewhere the land use has changed from predominantly pastoral land uses to larger arable fields and man-made fishing lakes. Built development has a generally positive impact on the landscape with many traditional farmhouses, cottages and bridges. However the development south east of Headcorn at New Bridge is poorly screened. Although the London mainline railway runs through part of the area it is generally unobtrusive and well contained by wooded belts.

Visual Sensitivity: Moderate

Views are variable, being intimate and small scale along the river, but open and exposed within some arable areas. The backdrop of the Greensand Ridge is an important element in many views.

There are no significant settlements within the valley itself. The population is mostly limited to scattered properties and farmsteads, although the key settlements of Headcorn and Yalding abut the area. This means there are relatively low

58. Beult Valley

numbers of people in residential properties with views of the landscape. Overall visual sensitivity is assessed as moderate.

Overall Landscape Sensitivity: High

Landscape Character Sensitivity	high	Moderate	High	High
	Moderate	Low	Moderate	High
	Low	Low	Low	Moderate
		Low	Moderate	High
		Visual Sensitivity		

The Beult Valley is assessed as being of high overall landscape sensitivity and is **sensitive to change**.

Pressure for development to spread onto the visually sensitive valley floor, notably at Yalding and Headcorn, should be resisted to maintain the open character of the floodplain. Minor development to support existing scattered settlements and farmsteads could be considered.

Guidelines and Mitigation:

- Consider the generic guidelines for Valleys in the Maidstone Landscape Character Assessment 2012
- New development should respect the local vernacular in scale, density and materials
- Conserve the river and its corridor by promoting improved water quality and reducing nitrogen-rich runoff from nearby arable fields and discharges
- Conserve oak as a dominant hedgerow tree species, and plant new oak standards within hedgerows to replace ageing species
- Conserve the species rich hedgerows, ensuring that they are correctly managed and gaps replanted
- Encourage the restoration of lost hedgerow boundaries in arable areas
- Conserve the pastoral land and occasional orchards and resist conversion to arable land
- Conserve and restore the fabric of historic bridges and traditional agricultural buildings
- Conserve and restore habitat features around water bodies and ditches by promoting and managing a framework of vegetation with links to the river
- Integrate the fishing ponds into the landscape by using more appropriate plant species. Resist further artificial earthworks

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