

TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

27 May 2009

Report of the Director of Planning Transport and Leisure

Part 1- Public

Matters for Recommendation to Cabinet - Council Decision

1 CHARACTER AREA APPRAISALS SUPPLEMENTARY PLANNING DOCUMENT (SPD)

Summary

Character Area Appraisals are being undertaken for the whole Borough pursuant to a policy in the Managing Development and the Environment DPD. This report describes the process and progress with this project. It also addresses the issue as to whether a Strategic Environmental Assessment is needed and concludes that it is not.

1.1 Character Area Appraisals SPD – Programme and Progress

1.1.1 Policy SQ1 in the Managing Development and the Environment DPD (MDE DPD) seeks to protect, conserve and enhance the environment and character of the Borough. This policy will be supported by a Supplementary Planning Document (SPD) which will ultimately contain, in a series of separate volumes, Character Area Appraisals for the entire Borough. The intention is that the majority of these Appraisals will be progressed in parallel with the statutory adoption processes for the MDE DPD so that the SPD can be adopted as soon as possible after the adoption of the development plan. The principle purpose of the Character area Appraisals is to provide a comprehensive approach to localities that will prove a valuable tool in the development control process and in considering other proposed changes or interventions.

1.1.2 Work on preparing the SPD is now underway. It comprises three main elements:

- The urban areas – Tonbridge (including the Hilden Park part of Hildenborough Parish), the Medway Gap (including Snodland, Kings Hill and Aylesford Forstal) and Walderslade.
- The Rural Service Centres - Hildenborough, Hadlow, East Peckham, West Malling and Borough Green.
- Landscape Character Assessment of the countryside (outside the built confines of the urban areas, rural service centres and the villages)

- 1.1.3 For resource reasons, we do not intend to carry out Character Area Appraisals of the remaining villages at this stage, though it has been indicated through the Parish Partnership Panel that we will be able to provide limited support to any Parish Council which wishes to take forward its own character assessment in the form of a Village Design Statement, though this would need to be produced to a format compatible with the rest of the character area appraisal work. Action with Rural Communities in Kent has indicated its willingness to assist any Parish Council that wishes to take this matter forward, and we would be relying to a great extent upon that assistance.
- 1.1.4 As mentioned elsewhere on the agenda, the intention is to carry out **Conservation Area Appraisals** (where these have not already been done) as an integral part of the character area appraisal process. Whilst the on-site assessment process and public/stakeholder involvement will be very similar, the level of detail in the published document will be greater and the statutory processes for adoption and the legislation under which they are adopted is different.
- 1.1.5 As part of the Character Area Appraisal process, Conservation Area Appraisals will be prepared for: Hildenborough, Hadlow, Holt Wood, Larkfield Church, Cobdown Farm and Bullen Corner. Conservation Area Appraisals for West Malling and Snodland and for Tonbridge and Quarry Hill will not be prepared because they are all relatively recent. Conservation Area Appraisals will need to be read alongside the Character Area Appraisals SPD and will consequently appear as “holes” in the Character Area SPD.
- 1.1.6 Due to the scale of the task and the efficiencies to be gained Tony Fullwood Associates (TFA) have been commissioned to assist. Because of their experience in the Tonbridge area, having successfully completed the Conservation Area Appraisals of the historic core and the Quarry Hill area (see separate report) and because of the good working relationship which has been established with the Civic Society we have allocated the Character Area Appraisals of Tonbridge and Hildenborough to TFA, though in the case of Hildenborough TFA will, of course, be working with the Parish Council and local Preservation Association. TFA will then carry out the Appraisal of Hadlow Village (including a Conservation Area Appraisal) but, for budgetary reasons, this will not be until after April next year. In both the cases of Hildenborough and Hadlow TFA will also prepare a Conservation Area Appraisal. Character Area Appraisals of the rest of the Borough, as described above, will be undertaken in-house.
- 1.1.7 In terms of process, the first task for the **Urban Character Appraisals** is to determine, in consultation with local members, Parish Councils (where they exist) and other local interest groups the general extent of each discrete character area – the way in which the urban area or rural service centre is to be sub-divided into areas of identifiable character. This is mainly a desktop exercise using maps and aerial photographs but checked on site where necessary. However, any such sub-division is provisional and dependent upon the next task which is the detailed,

street-by-street appraisal of each area, the boundaries of which may be changed as a result. Local Members, Parish Councils (where they exist) and any other local interest group will be given the option of joining your officers (or the consultant in the case of Tonbridge, Hildenborough and Hadlow) on the walkabout, so that features regarded as important locally can be identified.

- 1.1.8 Once a batch of Appraisals has been undertaken for a particular settlement or part of the urban area a Stakeholder Workshop will be arranged at which the initial findings of the Appraisals for that area can be discussed and refined. A draft set of Appraisals for those areas will then be prepared and shared with the stakeholder consultees and at the same time be subject to a small scale, manned, public exhibition/display which will be promoted in each area. The draft Appraisals will then be finalised in the light of any comments received and grouped together in a compendium for the formal consideration of this Board in the autumn of next year. Following approval of the draft SPD it will be subject to a 6 week period of formal consultation under Regulation 17, the response to which will be reported back to this Board, Policy Overview Committee and Cabinet early in 2011 prior to formal adoption by Council.
- 1.1.9 The **Landscape Character Assessment** will follow a similar, but because of the scale and nature of the exercise, not identical process. As with the urban areas the first task is to decide on the sub-division of the Borough. In this case, we are not starting from scratch in that the County Council carried out a countywide Landscape Character Assessment that was published in 2002. We will critically appraise that work, update it and ensure that it properly reflects local circumstances and characteristics. As with the urban areas we will then consult with local Members, Parish Councils and other stakeholders, including the AONB Units, Valley of Visions Landscape Partnership and the CPRE whether we have identified the correct areas, whether the boundaries are accurate and what local name is most appropriate.
- 1.1.10 For logistical reasons, the landscape character assessment will then be undertaken by your officers, unaccompanied. The initial results of the exercise will then be shared with local Members, Parish Councils and other stakeholders at a series of workshops to be arranged in the summer of next year. The draft assessments will then be prepared in the light of feedback from those workshops. Local Members, Parish Councils and other stakeholders will then be sent a copy of the draft assessments for their comments which will be taken on board before they are reported, together with the Urban Character Appraisals, to the meeting of this Board in the autumn of next year. They will then be subject to formal consultation under Regulation 17 and progressed through to formal adoption in the spring of 2011 as an integral part of the SPD.

1.2 Strategic Environmental Assessment

- 1.2.1 Although, under new Regulations that came into effect in April this year, there is no longer a need to prepare a Sustainability Appraisal of a SPD, planning

authorities must still consider whether there is a need to undertake a Strategic Environmental Assessment (SEA) in accordance with European Directive 2001/42/EC. The SEA process specifically relates to the assessment of potential significant environmental impacts resulting from the SPD. However, under the Environmental Assessment of Plans and Programmes Regulations 2004, a Local Authority, in consultation with the statutory consultees (Natural England, English Heritage and the Environment Agency), may make a determination that if there are unlikely to be any significant environmental impacts associated with the SPD, then an SEA will not be required.

- 1.2.2 In April 2009 we sought a Screening Opinion from the statutory consultees as to whether the Character Area Appraisals SPD would generate any significant environmental impacts and therefore need to be subject to the SEA process. Our Screening Report [attached at **Annex A**] concluded that there were no such impacts and that therefore no SEA would be necessary. The views of the statutory consultees will be reported to the meeting. It is therefore, under the terms of the Regulations, for the Council to make a formal determination that an SEA is not required and to so notify the statutory consultees and the general public.

1.3 Legal Implications

- 1.3.1 SPD's are prepared pursuant to, and have to follow the procedures set out in, the Town and County Planning (Local Development)(England) Regulations 2004 (as amended). Conservation Areas are designated pursuant to Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. SEA procedures are set down in the Environmental Assessment of Plans and Programmes Regulations 2004.

1.4 Financial and Value for Money Considerations

- 1.4.1 The cost of this exercise is covered by existing budgets with the external costs during 2009/10 being covered by a one-off contribution from the Housing and Planning Delivery Grant.

1.5 Risk Assessment

- 1.5.1 The greatest risk is that, because of the scale of the overall project, we will not be able to deliver on time. It is to be hoped that with the assistance of TFA that this will not be the case, but I will report regularly to this Board on progress so that Members can monitor the situation.

1.6 Recommendations

- 1) Members note the programme and process for preparing the Character Area Appraisals SPD.
- 2) It be determined that a SEA is not required and the necessary notifications be made.

Background papers: MDE DPD

contact: Brian Gates

Steve Humphrey
Director of Planning Transport and Leisure