

Application by
A C GOATHAM & SON

In respect of:
LAND AT PUMP LANE, RAINHAM

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION,
DATE OF INQUIRY: Commencing 15 February 2021

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Proof of Evidence on

LANDSCAPE AND VISUAL MATTERS

Jon Etchells MA BPhil CMLI

ON BEHALF OF MEDWAY COUNCIL

**Jon Etchells Consulting
Orchard House
Wimbish Manor Estate
Fowlmere Road
Shepreth
SG8 6QP**

01763 269946

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1. QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Jon Etchells and I am a director of Jon Etchells Consulting Limited, which is a registered practice with the Landscape Institute. I have an MA in Geography from the University of Cambridge and a BPhil in Landscape Design from the University of Newcastle upon Tyne. I am a Chartered Member of the Landscape Institute.
- 1.2 I have over 30 years experience of landscape assessment and design. Much of my work has been concerned with the landscape and wider environmental assessment of small and large scale infrastructure projects and a variety of built developments. Recently, I have undertaken landscape, townscape and visual assessments for housing projects in Essex, Cumbria, Kent, Leicestershire and West Sussex, as well as assessments for a variety of major infrastructure projects, including new industrial buildings, several motorway service areas, schools and a new road in Bedfordshire (a Nationally Significant Infrastructure Project under the Planning Act 2008).
- 1.3 I have provided landscape evidence on behalf of North West Leicestershire District Council, South Lakeland District Council, Canterbury City Council and Tonbridge and Malling Borough Council in respect of numerous appeals for housing and other developments. I have also acted for Medway Council on appeals at Hoo St Werburgh, Cliffe Woods, Brompton Farm Road near Strood and Orchard Kennels to the south east of Rainham. I have provided landscape evidence on behalf of developers in respect of appeals for developments within the High Weald AONB, adjacent to the Kent Downs AONB and elsewhere in Kent, for a housing development adjacent to the South Downs National Park in West Sussex, and for a development within the Hayes Village Conservation Area in Bromley.
- 1.4 I have provided evidence on landscape and visual matters in connection with more than 60 appeals, most of them determined by means of Public Inquiries.
- 1.5 The evidence which I have prepared, as set out in this document and the Appendices to it, is true and has been prepared in accordance with the guidance of my professional institute. I confirm that the opinions expressed are my true and professional opinions, irrespective of by whom I am instructed.

2. INTRODUCTION AND SCOPE OF EVIDENCE

2.1 Introduction

- 2.1.1 I have been commissioned by Medway Council to undertake an independent assessment of the landscape and visual effects which are likely to result from the proposed development of land to the west and east of Pump Lane for up to 1,250 dwellings together with retail (or other neighbourhood) uses, a primary school, a 60 bed extra care facility, an 80 bed care home, open space, strategic landscaping and other green infrastructure, and access. The site lies to the north east of the Gillingham to Sittingbourne railway line, which marks the northern edge of the settlement of Twydall at this point, and extends for around 1.2km from Lower Twydall Lane in the west to Lower Bloors Lane in the east, and 0.7km from the railway line in the south to Lower Rainham Road in the north.
- 2.1.2 The site is outside the settlement boundary as shown on the Local Plan Proposals Map and is in the countryside. It is also within (and forms a significant part of) the Gillingham Riverside Area of Local Landscape Importance (ALLI), designated by Medway Council under Local Plan Policy BNE34. The ALLI is described in the supporting text to Policy BNE34 as a '*Rural landscape of orchards and arable fields with country lanes.*' The site also adjoins the Lower Twydall (to the south west) and Lower Rainham (to the north) Conservation Areas.
- 2.1.3 The site comprises an extensive area of fruit orchards which (in common with most modern commercial orchards) consist of closely spaced rows of trees around 4 to 5m in height together with access tracks around and between the fields. The buildings of Pump Farm lie within the western part of the site, to the west of Pump Lane, and there is a small grassed field alongside Pump Lane just to the north of the farm access, with a larger grassed field in the north eastern corner of the site alongside Lower Bloors Lane, but otherwise the entire site area consists of orchards. Three dwellings are indented into the site boundary on the east side of Pump Lane, and there is a residential development of around 25 dwellings at Russett Farm, on the west side of the lane just to the south of Pump Farm. A bridleway runs through the eastern part of the site between Lower Bloors Lane and Pump Lane. The site location is shown on Figures 1 and 2, which form part of Appendix A to my evidence.
- 2.1.4 An outline planning application for the proposed development, with matters of appearance, landscaping, layout and scale reserved for future consideration, was submitted to Medway Council (MC) in June 2019. The application was accompanied by an Environmental Statement (ES), with Chapter 11 of the ES summarising the detailed Landscape and Visual Impact Assessment (LVIA) prepared by Lloyd Bore, a landscape practice based in Canterbury - the full LVIA formed Appendix 11.1 to the ES.

2.1.5 I was asked by MC to review and provide comments on the LVIA submitted as part of the ES, and I did so in a short report ('Review of Submitted Landscape and Visual Impact assessment') dated December 2019, which was used as the basis for the comments on landscape and visual matters in the MC Planning Officer's Report.

2.1.6 The Planning Officer's Report recommended the application for refusal, and that refusal was confirmed in a decision notice dated 12 June 2020, which set out a total of 9 Reasons for Refusal. The third Reason for Refusal is relevant to my evidence, and was as follows:

'3 The proposed development would lead to significant long-term adverse landscape and visual effects to the local valued Gillingham Riverside Area of Local Landscape Importance (ALLI), which would not be outweighed by the economic and social benefits of the scheme, in conflict with Local Plan policy BNE34 and NPPF paragraph 170.'

2.1.7 A Supplementary Environmental Statement (SES) setting out further information in respect of ground conditions, transport, air quality and agriculture had previously been submitted in March 2020, and following the refusal a second SES was submitted to MC in September 2020, seeking to address some of the Reasons for Refusal. As set out in section 1.8 of the September 2020 SES, the further information provided at that time included:

'A new Landscape [and] Visual Impact Assessment taking into account the points raised in the reasons for refusal no. 3, namely the Gillingham Riverside Area of Local Landscape Importance.'

This revised LVIA formed Appendix 11.1a to the second SES, and was prepared by Tyler Grange, a landscape, arboriculture and ecology practice. I will comment on this assessment in my evidence.

2.1.8 The seventh Reason for Refusal related to the lack of information on the design of the two proposed access points along Pump Lane. The second SES therefore included some more detailed drawings of those proposed junctions, and I will also make some comments on those proposals, as they have implications for the character of the lane, and for local landscape character in general.

2.2 Scope and Format of Evidence

- 2.2.1 My evidence relates to the third Reason for Refusal, and covers the effects of the proposed development on the designated Area of Local Landscape Importance and also local landscape character and appearance in general, and the extent to which those effects would lead to conflict with relevant planning policy.
- 2.2.2 I have made my own assessment of the character, quality, value and sensitivity of the landscape of and around the site, and the effects on landscape character and also local views which would result from the proposed development. I have then considered my assessment against that set out in the revised LVIA.
- 2.2.3 My evidence is set out in the following manner: Section 3 describes the baseline situation in terms of the existing site and the character and quality of the surrounding landscape, and also views to the site. Section 4 summarises the relevant policy background, and Section 5 describes the proposed development and the outline landscape proposals which accompanied the application. My assessment of the landscape and visual effects likely to result from the development is set out in Section 6, and in that section I also review the revised LVIA. In Section 7 I consider that assessment against MC's third stated Reason for Refusal, and in Section 8 I summarise my evidence and draw conclusions.
- 2.2.4 A separate volume of Appendices contains Figures which support my assessment (Appendix A), site photographs (Appendix B), a summary of the landscape effects I have identified (Appendix C), a summary comparison of the landscape and visual effects identified by myself, Lloyd Bore and Tyler Grange (Appendix D) and the methodology used in the assessment (Appendix E).
- 2.2.5 As noted above, the site adjoins two Conservation Areas, and there are a number of Listed Buildings within those Conservation Areas and also elsewhere around the site. The second Reason for Refusal relates to harm to the local historic landscape and designated heritage assets, and is addressed in a separate Heritage proof of evidence. My evidence does not consider potential effects on the setting of heritage assets or historic landscape, but it does consider views from the Listed Buildings and potential visual effects upon them, and the presence of heritage assets also has a bearing on my assessment of local landscape character and value, as described in those sections of my evidence.

2.3 Methodology

- 2.3.1 In landscape and visual assessments a distinction is normally drawn between landscape effects (i.e. effects on the character or quality of the landscape, irrespective of whether there are any views of the landscape, or viewers to see them) and visual effects (i.e. effects on people's views of the landscape, from visual receptors such as residential properties, Public Rights of Way and other areas with public access). Thus, a development may have extensive landscape effects but few visual effects (if, for example, there are no properties or public viewpoints), or few landscape effects but significant visual effects (if, for example, the landscape is already degraded or the development is not out of character with it, but can clearly be seen from many residential properties). Though assessed separately, there is a link between the two, with effects on the landscape largely being experienced in terms of views, and views largely being affected by how the landscape in the view changes.
- 2.3.2 The methodology followed is as set out in the 'Guidelines for Landscape and Visual Impact Assessment', produced jointly by the Institute of Environmental Management and Assessment and the Landscape Institute ('the GLVIA', 1995, revised 2002 and again in 2013). The document 'Landscape Character Assessment, Guidance for England and Scotland, 2002' (The Countryside Agency and Scottish Natural Heritage) also stresses the need for a holistic assessment of landscape character, including physical, biological and social factors. The detailed methodology used is set out in Appendix E to my evidence.
- 2.3.3 I visited the site and surrounding area in September 2019 as part of my review of the original LVIA, and again in December 2020. I have therefore been able to assess the site and views of it both in the summer, when deciduous vegetation is in leaf and when views tend to be less open, and also in the winter.
- 2.3.4 My photographs were taken from publicly accessible points within the area around the site, and in December 2020 I was also able to walk around some of the fields within the site, with the Appellant's permission.

3. THE BASELINE SITUATION

3.1 General

3.1.1 In this section I will summarise the existing situation within and around the site, in terms of landscape character, quality, value and sensitivity, and also visibility and views. I will do this partly in terms of reference to the description contained within the submitted LVIA where I have nothing to add to that description, but will add to that description where additional information or clarity would in my view be beneficial.

3.2 Site Location, Boundaries and Land Use

3.2.1 The site lies within a broadly rectangular area of countryside to the north east of the Gillingham to Sittingbourne railway line, which includes the small villages (and Conservation Areas) of Lower Twydall to the west of the site and Lower Rainham to the north east. To the west of this area of open land is the urban area of Gillingham beyond the A289 Yokosuka Way, to the south beyond the railway line is the urban area of Twydall and to the east (on the far side of Berengrave Lane) is the northern part of the urban area of Rainham. The B2004 Lower Rainham Road runs along part of the northern site boundary through the northern side of the open area, with further open land to the north of the road, between it and the Medway Estuary, with the long distance footpath of the Saxon Shore Way running along the coastline at this point (see Figure 1 in my Appendix A).

3.2.2 This is a greenfield site - the site is in the countryside and is in active agricultural use as orchards, a traditional and long-standing use in this part of Kent. It is separated from the urban area to the south west by the railway line, and has a rural character, with tall windbreak hedges alongside the narrow lanes which run to the north east from the urban edge to Lower Rainham Road - Pump Lane continues underneath the railway line, but Lower Twydall Lane to the west and Lower Bloors Lane to the east both terminate at the railway line, with pedestrian only access across it by means of footbridges.

Site Boundaries

3.2.3 The boundaries to the site are indicated on Figure 2 in Appendix A, and are described below:

- The north western site boundary is irregular and runs from the western corner of the site adjacent to Lower Twydall Lane along the north side of a narrow strip of land

within the site (see Photograph 1) and then returns to run to the north along the curtilage boundaries of properties to the west along Lower Twydall Lane, where it is marked by a line of trees. The boundary then runs to the south east alongside a tall hedge and then across the northern part of an orchard field, and returns to the north before running around three sides of an orchard field which is not within the site, which has tall windbreak hedges to its north and south. The boundary then runs around the western and northern sides of a large orchard field within the site, where there are tall hedges and (to the west) some tall trees within the hedge line. The boundary then runs to the north east to Lower Rainham Road, and is marked at this point by a tall windbreak hedge, with an isolated property just to the north west of the site.

- The north eastern boundary runs along the south side of Lower Rainham Road, where there is a windbreak hedge around 5 to 6m in height - the western part of the hedge has ivy growing within it and forms an effective screen even in the winter, but the eastern part is more open in the winter (see Photographs 2 and 3). The boundary then returns around the rear garden boundaries of the Listed Building of Chapel House and Chapel Cottage (see Photographs 4 and 5) and continues to the south along the west side of Pump Lane before running to the south east along the line of a tall windbreak hedge between the site and the rear garden boundary of the southernmost property on the east side of the lane. The boundary then returns to the north and then east around the garden boundaries of properties along Pump Lane and Lower Rainham Road, where there are again tall windbreak hedges, and returns again to the south around the curtilage of Bloors Farm, where there is a tall conifer hedge. Finally, the boundary runs around the western and northern sides of a small grassed field within the site, where it is marked by a tall hedge and a line of closely spaced birch trees within the hedge line (see Photographs 9 and 10).
- The south eastern site boundary runs along the west side of Lower Bloors Lane, and is marked by (from north to south) a thin and gappy hedge around 6m in height allowing views into the site, a line of alder, oak and ash trees, some closely spaced poplars which appear to be an outgrown windbreak hedge (see Photograph 11) and a tall conifer hedge around 9m in height. The boundary then returns to the west and south around the Bloors Lane Allotments, where there is again a conifer hedge around 8 to 9m in height,
- The south western site boundary runs alongside the railway line and is marked to the east of Pump Lane by a line of tall trees with some gaps and to the west by a lower hedge with some intermittent trees (see Photographs 13 and 14).

- Pump Lane runs through the centre of the site, and is generally excluded from the site boundary, though as I describe below extensive works are proposed to the lane as part of the development (see Photographs 6 to 8 and 15 to 22). Also excluded from the site are the residential development of Russett Farm and the Listed Building of Pump Farmhouse on the western side of Pump Lane in the centre of the site and three properties on the eastern side of the road slightly further to the north. The Listed Building of Chapel House/ Chapel Cottage on the western side of the lane close to its junction with Lower Rainham Road is also excluded from the site, with the site boundary wrapping around it on 3 sides (see Photographs 4 and 5).

Land Use and Vegetation Within the Site

3.2.4 As noted above, the majority of the site area comprises orchards, with rows of closely spaced fruit trees around 4 to 5m in height, and the individual orchard fields are divided by access tracks and occasional windbreak hedges (see Figure 2). The exceptions to this general land use are:

- To the west of Pump Lane there is a group of buildings and a yard area at Pump Farm, to the north west of the residential area of Russett Farm, which includes a large barn and a number of caravans used by seasonal workers (see Photograph 22). To the east of those buildings alongside Pump Lane there is the small grassed field noted above, with a line of scrubby trees along its northern side and a small yard area to the north of those trees.
- Alongside Pump Lane there are generally tall windbreak hedges up to around 6 or 7m in height, mainly of poplar or alder but also with some lengths of conifer hedge just to the south of the properties on the east side of the lane at its northern end, and on the east side of the lane at its southern end. These hedges generally screen the site in the summer, but there are some views into the site through the deciduous hedges in the winter, and occasional clear views where there are gaps in the hedges at field gates (see Photographs 16 to 20).
- To the east of Pump Lane the orchard fields are generally larger and more uniform, but there is the small grassed field in the north eastern corner of the site which I have noted above, and a water storage tank on the east side of the orchard field to its south, adjacent to Bloors Lane.
- A bridleway also runs across the eastern part of the site, from Pump Lane just to the north of Pump Farm to Bloors Lane, where it connects with a footpath to the east and

also with routes through the Bloors Lane Community Woodland, an area of coppice woodland to the east of the lane and north of the railway line. The bridleway is largely enclosed by a tall conifer hedge (along its northern side to the west and its southern side to the east), and is enclosed on both sides in its eastern section close to Pump Lane (see Photograph 31). However, there are views out from the route at field gates and also along stretches where the hedge on the opposite side of the route to the conifer hedge is lower or has some gaps (see Photographs 23 to 30).

3.3 Landscape Context

3.3.1 The landscape around the site is as follows:

- To the north of the site is low-lying land on the far side of Lower Rainham Road, leading down to the Medway estuary, which is visible as a backdrop in views to the north from within and around the site, in which industrial areas on the Isle of Grain can also be seen in the distance. The Saxon Shore Way long distance footpath runs along the coast at this point, and between the coastline and Lower Rainham Road is the well-used Riverside Country Park, with a car park and visitor centre to the north of the site. The local promontories of Horrid Hill (to the west) and Motney Hill (to the east) extend out into the estuary at this point - there is public access to both of these areas, and some views back towards the site from them (see Photographs 32, 34 and 35). Closer to the site is the Lower Rainham Conservation Area, which includes the Listed Building of Chapel House/ Chapel Cottage on the west side of Pump Lane and runs to the east to either side of Lower Rainham Road, adjoining the site.
- To the east of the site there are scattered properties along the east side of Lower Bloors Lane, with the Community Woodland on the east side of the lane just to the south east of the site. To the east of the Community Woodland is an area of ongoing housing development between it and Berengrave Lane. Further to the east, beyond Berengrave Lane, is the northern part of the urban area of Rainham, with the woodland of the Berengrave Nature Reserve to the north of the urban area, between it and Lower Rainham Road.
- To the south of the site the railway line forms a visual and physical barrier, with relatively few crossing points into the urban area of Twydall (Pump Lane is the only route providing vehicular access across the railway line in the area of and immediately around the site). Twydall is part of the wider urban area of Gillingham and Rainham, and its shopping centre is around 1.1km to the south west of Pump Farm in a direct line.

- To the west of the site there are arable fields and also some orchards between the site boundary and Lower Twydall Road, with the Lower Twydall Conservation Area directly adjoining the western corner of the site. Further to the west there is a line of houses at Ladds Corner along Grange Road, but otherwise the area is largely rural as far as the line of the A289, which marks the boundary to the urban area of Gillingham.
- The residential development at Russett Farm (and also Pump Farmhouse which adjoins that development) are excluded from the site boundary but are enclosed by the site on all sides.

Topography

3.3.2 The site slopes gently and evenly down from south west to north east. Levels in the southern part of the site alongside the railway line to either side of Pump Lane are around 30m AOD (above Ordnance Datum, or mean sea level), with levels at Pump Lane as it passes beneath the railway line at around 25m AOD. Levels then fall to the north east, with again levels along Pump Lane being slightly lower, to around 7m AOD at the northern end of Pump Lane.

3.3.3 The general slope within the site is part of the wider landform around it, where levels fall gradually and evenly across the urban area towards the Medway estuary. Levels within the urban area to the south west of the site beyond the line of the A2 reach around 100m AOD, and continue to fall to the north of the site, to just below 5m AOD along the shoreline. The promontories of Horrid Hill and Motney Hill are slightly elevated above the generally flat landscape to the north of the site, with a local high point of 8m AOD at Horrid Hill, and 17m AOD just to the north of the short row of houses on the south side of Motney Hill.

Public Rights of Way

3.3.4 As noted above a bridleway runs across the eastern part of the site from Lower Bloors Lane to Pump Lane - this is the only route within the site, but Lower Twydall Lane, Pump Lane and Lower Bloors Lane are all open to both vehicular and pedestrian traffic (though only Pump Lane has a vehicular connection to the south of the railway line), though they are narrow lanes with no footways.

3.3.5 There are also two public footpaths to the east of Lower Bloors Lane, leading to Berengrave Lane, and a byway which runs from Lower Rainham Road just to the north east of the site to connect with the Saxon Shore Way. There is also general public access within the areas of the Riverside Country Park to the north and the Bloors Lane Community Woodland just to the south east of the site.

Existing Light Sources

3.3.6 There are some existing light sources within the site, in and around the existing buildings of Pump Farm, and also lights within and around the houses at Russett Farm and scattered along Pump Lane and also along Lower Twydall Lane to the west of the site and Lower Bloors Lane to the east. The lanes themselves are not lit, but there are some low and widely spaced lighting columns along Lower Rainham Road as it runs to the north of the site. There are also extensive light sources within the urban area to the south of the railway line, but otherwise the area of and around the site to the west, north and east is largely dark.

3.4 Landscape Character

National Landscape Character

3.4.1 Natural England has produced profiles for England's National Character Areas ('NCAs'), which divide England into 159 distinct natural areas, defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. The site lies within NCA 113, the 'North Kent Plain'; this is a large area, extending across the northern edge of the county. The summary description for the NCA includes the following (extracts are from page 3):

- *'The area has a strong urban influence, with several built-up areas, including coastal towns and these occupy a substantial part of the area with significant development around London and the Medway towns, which has a strong influence in the west of the NCA.'*
- *'The Medway dissects the NCA in the west, dominated by the urban conurbations of Chatham and Gillingham, with its strong historic military associations.'*
- *'Development pressures (and the associated infrastructure) are likely to present significant challenges as the area responds to an increasing population and the demands of economic development and a changing climate. In response to these challenges, it will be important to maximise the opportunities for society and the natural environment in a balanced and co-ordinated manner.'*

3.4.2 Key characteristics of this area are noted (on page 6) as including:

- *'An open, low and gently undulating landscape, characterised by high quality, fertile, loamy soils dominated by agricultural land uses.'*
- *'Large arable/horticultural fields with regular patterns and rectangular shapes predominating, and a sparse hedgerow pattern.'*

- *‘Orchards and horticultural crops characterise central and eastern areas, and are often enclosed by poplar or alder shelterbelts and scattered small woodlands.’*
- *‘The area has rich evidence of human activity from the Palaeolithic period. Key heritage assets include Roman sites at Canterbury, Reculver and Richborough; the Historic Dockyard at Chatham; military remains along the coast; and historic parks and buildings.’*
- *Large settlements and urban infrastructure (including lines of pylons) are often visually dominant in the landscape, with significant development around Greater London and the Medway Towns, as well as around towns further east and along the coast. Major rail and road links connect the towns with London.’*

3.4.3 The revised (September 2020) LVIA does not include coverage of the above national character area - as the LVIA points out, national character areas cover wide areas and have limited relevance to individual sites, but it is generally accepted practice to include some reference to them in terms of setting the wider landscape character context.

County Landscape Character

3.4.4 Within this wider definition of character, Kent County Council (KCC) have undertaken a more detailed assessment of the character of the County’s landscape (*‘The Landscape Assessment of Kent’*, 2004), and have identified the site as lying within the western part of the ‘Fruit Belt’ character area. This is a large character area, extending from the edge of Gillingham in the west to the far side of Teynham in the east, and as far south as the M2 motorway. The description of the landscape character area includes the following:

‘This is predominantly a rural, agricultural landscape characterised by a complex landscape pattern of orchards, shelterbelts, fields of arable and pasture and horticultural crops, and divided by small blocks of woodland. Apart from the large urban area of Sittingbourne, the area contains only small, scattered villages and farm complexes which contribute to its rural character and landscape diversity. The A2 and A249 route corridors, and associated ribbon development, run through the area and have a localised urbanising effect.’

‘Land cover is dominated by a richly varied pattern of agricultural land uses. Orchards are the most distinctive feature of the landscape and are still widespread across this area.’

‘The extensive urban area of Sittingbourne, transport corridors and associated ribbon development and suburban land uses have a distinctly localised influence on the generally rural character of the area.’

‘A notable feature in this landscape is the Roman Road Watling Street, now the A2. This transportation corridor has attracted development to it over the course of history. The fruit orchards have been a distinctive feature of this landscape since the 18th century.’

'Rural/agricultural landscape. Complex fruit, hops, pastoral and arable divided by small woodlands.'

- 3.4.5 The condition of the character area is said to be very poor, with an *'incoherent landscape pattern which has many detracting suburban and industrial influences, and main transport corridors'*. The landscape sensitivity is assessed as low, with moderate visibility. The overall recommended landscape actions are to *'create'* new landscape character and features.

District Landscape Character

- 3.4.6 MC have produced a District-level landscape assessment, the *'Medway Landscape Character Assessment'*, 2011 (the MLCA). The introduction to the MLCA notes under the heading of *'Purpose and Scope'* on page 1 that:

'Current National Planning Guidance (PPS7) recommends a change from the use of rigid Local Landscape Designations (LLDs) to a criteria based policy approach, using techniques such as Landscape Character Assessment. This study takes a criteria-based policy approach to all of Medway's landscapes and assesses the value and significance of each landscape character area, including the key characteristics, functions and local distinctiveness of existing rigidly designated areas (known within the current Local Plan as Areas of Local Landscape Importance - ALLIs). This approach ensures that all areas of Medway's countryside outside the urban areas and principal rural settlements have been evaluated in an holistic way that assesses their special and locally distinctive qualities.'

- 3.4.7 The general introductory text of the MLCA notes under the heading of *'New development and landscape context'* (on page 7) that:

'Medway is required to plan spatially to meet its growth requirements. One of the functions of this study is to ensure that new development, where considered appropriate, is sited sensitively within the countryside and integrated in a manner that respects and enhances its immediate context and the wider landscape. The use of standard Landscape Character Assessment and Visual Impact Assessment techniques can be a useful and valuable method of evidencing the impact of new development on the landscape, and may support or discourage different scales and types of development. The suitability for development within areas judged as having high sensitivity and to be in good condition should be given particularly careful attention; however areas with lower levels of sensitivity and in poorer condition should not be judged automatically as more appropriate sites for development. Apart from other factors that may affect judgements, it is important to realise that condition and sensitivity levels may vary across a particular character area depending on the grain of detail at which the character area has been assessed. This study would support the principle of requiring more detailed character assessments for particular sites; these studies would generally be expected to support and nest within the existing landscape character areas, but should provide more detail for the proposed development site and its immediately surrounding area.'

3.4.8 It also goes on, under the heading of 'Reinforcing local distinctiveness' (on page 12) to state:

'This study assesses the current state of the countryside in Medway and offers a set of actions and guidelines appropriate and responsive to the particular character of each defined area. It is intended that these guidelines will provide a framework for maintaining or improving that landscape. The threat of erosion of rural character and local distinctiveness is a recurrent theme within this study, particularly within urban-rural and industrial fringe landscapes. It is therefore important that all new development proposals within the countryside are assessed in the context of their sensitivity to landscape context, avoidance of material harm to landscape character and evidence that proactive steps are being taken to strengthen and enhance landscape character and distinctiveness. New development, where it is allowed, should be appropriately and sensitively sited and carefully designed. Open countryside, particularly on the fringes of urban areas has an important role to play in buffering, separating and protecting the local identity of different communities. As a general principle and in order to retain openness and respect rural character in these buffer areas, major development proposals should be avoided and low key recreational and access improvements would be generally considered as the most appropriate level of intervention.'

3.4.9 The following are included among the list of 'General themes and policies', on pages 12 and 13 of the MLCA:

- '1. Resist the threat of coalescence; maintain separation and openness between rural settlements; retain a strong sense of local distinctiveness and rural character within countryside areas; seek positive roles and functions for all landscapes; seek to address the threat of anti-social uses and activities.'*
- '2. Protect distinctive and prominent landscape features; including views from the Thames and Medway estuaries and across the marshes; green backdrops, escarpments, wooded ridges and open farmed hills.'*
- '3 Repair and restore damaged landscapes, particularly in urban-rural and industrial fringe locations where erosion of rural character and loss of local distinctiveness is most threatened - typical adverse impacts include large pylons and industrial structures, piecemeal and random small scale development, insensitive boundary treatments and a gradual trend towards suburbanisation of the countryside.'*
- '4. Strengthen and reinforce landscape structure in urban-rural fringe areas and across the wider countryside; examples include places where farmland has been denuded by loss of orchards, hedgerows and shelter belts and the gradual erosion of historic field patterns, this is particularly relevant to some areas of farmland on the central Hoo Peninsula.'*
- '7. Ensure that the edges of new and existing urban and rural settlements blend comfortably with the surrounding countryside -balancing sensitivity in architectural and urban design detailing and form with a sound understanding and appreciation of landscape context.'*

- '8. Conserve and protect all landscapes noting particularly those high quality landscapes along the Thames and Medway estuaries; the landscape of the North Downs; the traditional orchard and shelter belt field pattern of the North Kent fruit belt and all areas of ancient woodland and chalk grassland.'
- '10. New development proposals should seek to strengthen and reinforce local distinctiveness and identity; balance and prioritise conflicting land use issues; respect the environmental and cultural heritage of the area in which they are planned and seek to create sustainable landscapes.'
- '11. Accessibility and connectivity - Access and connectivity is what makes the landscape understandable and able to be appreciated by the many rather than the few. In many part of Medway access and connectivity is fragmented and weak. There is great potential to improve off-road cycle and footpath links between urban areas and the countryside.'
- '12. Consider the wider Green Infrastructure framework beyond district boundaries which are often arbitrary in terms of landscape and biodiversity significance; consider especially the inter-connectivity of woodland and farmland with neighbouring boroughs to the south, west and east of Medway.'
- '15. Seek to strengthen landscape coherence around Medway's urban fringe edges and resist gradual trend towards fragmentation by adopting an integrated land management approach.'
- '16. Areas currently designated within the Local Plan as Areas of Local Landscape Importance (see Purpose and Scope section - bullet point 4), have been judged significant not only for their landscape importance but also in considering their role as green hillsides and backdrops to the urban area and other functions, including their role as green lungs and buffers helping to maintain individual identity of urban neighbourhoods and rural communities; as green corridors enabling communities to reach the wider countryside; as 'fringe' land needing protection from the pressures of urban sprawl and as habitats for wildlife and corridors, along which wildlife from the wider countryside can reach the urban environment. It is important that all of these valuable functions continue to be valued and protected, particularly when considering the urban-rural fringe character areas of Medway.'
- '17. Development proposals should be judged on the basis that no material harm is caused to landscape character and function and that a positive land management approach has been evidenced that is both sensitive to landscape context and follows the recommended actions and guidelines with this document.'

3.4.10 The MLCA divides the rural areas of Medway into six 'Principal Landscape Areas', broadly following those set out in the KCC assessment as noted above, with the site being within the North Kent Fruit Belt Principal Landscape Area. It also divides the landscape into a series of landscape types, as set out in its Appendix B - the site is shown as being within type T2b, 'Urban fringe with urban/ industrial influences'. The description for this landscape type (Appendix B of the MLCA, page 121) is as follows:

'Land that is either significantly degraded by adjacent intrusive urban or industrial areas (sometimes characterised by an abrupt urban/rural transition) or contains features which significantly intrude upon or detract from it's once rural character.'

3.4.11 The classification into landscape types was (as set out in Appendix B) based on that used by the much older Kent Thames Gateway Landscape Assessment (1995), which did place the area around the site within type T2b, though at that time I believe that Bloors Wharf just to the north east of the site was in industrial use, so the local landscape would at that time have had a different appearance and character.

3.4.12 Within that generic landscape type, the assessment identifies the site as lying within character area 21, the 'Lower Rainham Farmland' landscape character area. This character area extends to the west and east of the site, between the railway line and Lower Rainham Road, with a further character area, the 'Riverside Marshes' (area 5) to the north of the road. The revised LVIA shows the extent of these character areas on its Plan 4 on page 9, and also summarises the characteristics and guidelines for the two character areas, and I will not repeat that information here, save to note that the characteristics include reference to the presence of orchards.

3.4.13 However, the LVIA does not quote all of the relevant aspects of the assessment, and the following extracts are not quoted in the LVIA text, though they are of obvious relevance:

- *'Value of area as green corridor linking community in urban areas to countryside and role as extended buffer to Country Park and Natura 2000/Ramsar protected coastline.'*
- *Consideration of the integral links between this character area and the Riverside Marshes character area.*
- *Potential to restore traditional orchards; strengthen and enhance biodiversity opportunities; introduce more positive land management systems; respect for historic characteristics.*
- *Threat of expansion to urban edges on south and west sides, along with gradual, pervasive erosion of rural character.*
- *There is considerable variation in the condition of this character area, with some pockets in serious decline and other well managed and cared for areas; area between Lower Rainham and Lower Twydall in generally good condition with urban influences less apparent; area to the east beyond the Rainham urban extension in particularly poor condition with urban fringe and amenity land uses detracting from rural character. Area has high levels of visibility along coastline; inland areas more secluded and screened from views.*

- *There are a number of benefits attached to this area retaining its essentially rural character. It provides a valuable green buffer separating the built up areas of Twydall and Rainham from valuable and internationally protected wildlife sites along Medway estuary; it offers openness and easy access to a countryside area for an extensive urban population; it improves the setting of the A289 along its eastern boundary and provides attractive open views across the marshes and farmland from the railway line and main road; it also improves the setting of the Lower Rainham and Twydall Conservation areas; along with the Riverside Marshes area it provides a distinctive green backdrop when viewed from the Medway estuary.'*

3.4.14 The above omissions from the LVIA are surprising given their obvious relevance to the assessment which it seeks to undertake, and especially since the full text for the Lower Rainham Farmland character area was included as an Appendix to the original 2019 Lloyd Bore LVIA but is not included within the revised LVIA. Furthermore, I did comment on the above omissions in my report of December 2019 (and those comments were repeated in the Planning Officer's Report), but the revised LVIA has still not included the above extracts.

3.4.15 The condition of the Lower Rainham Farmland character area is described as moderate, with a moderate degree of sensitivity. The stated actions are to conserve and create landscape character. The list of issues for this area includes the following, which are again not quoted within the revised LVIA:

- *'Value of area as green corridor linking community in urban areas to countryside and role as extended buffer to Country Park and Natura 2000/Ramsar protected coastline.*
- *Potential to restore traditional orchards; strengthen and enhance biodiversity opportunities; introduce more positive land management systems; respect for historic characteristics.*
- *Poor condition of some farmland areas, tendency towards fragmentation and trend towards urban fringe activities and weakened coherence.*
- *Grade 1 agricultural soil classification.*
- *Threat of expansion to urban edges on south and west sides, along with gradual, pervasive erosion of rural character'.*

Local Landscape Character

3.4.16 The revised LVIA (as did the original LVIA) breaks down the MLCA landscape character areas into three more detailed 'Local Landscape Character Areas', with the site falling within what it calls the 'Lower Rainham and Lower Twydall Fruit Belt' - the extent of that area is shown on Plan 5 on page 11 of the LVIA. There is some benefit in that, as the local landscape character area omits the eastern part of the MLCA Lower Rainham Farmland character area, which is

divided from the remainder by houses along Berengrave Lane and includes the area to the east of Rainham, which the MLCA states has a very different character.

3.4.17 I therefore agree with the revised LVIA that there is some merit in this more detailed approach, but my view is that the area of and immediately around the site exhibits a different character to the parts of the Lower Rainham and Lower Twydall Fruit Belt local landscape character area to its east and west. This is because the landscape of the site (and also some adjoining fields) is dominated by orchards, whereas the landscape to the west comprises mainly arable fields with some scattered settlement, and the landscape to the east is also partly settled, with woodland and some enclosed fields of pasture.

3.4.18 The area of and immediately around the site (taking that area as the land within the visual envelope shown on my Figure 4, i.e. the area which could potentially be affected by the proposed development in landscape and visual terms) reflects that of the above more general assessments in that it is an agricultural landscape dominated by orchards (which are recognised as being characteristic by all of the above assessments).

3.4.19 As I have noted, the MLCA includes the Lower Rainham Farmland character area within landscape type T2b, 'Urban fringe with urban/ industrial influences'. However, that categorisation does appear to date back to the 1995 Kent Thames Gateway Landscape Assessment, and the description in the MCLA of the Lower Rainham Farmland notes that it has an '*essentially rural character*'. While some parts of the character area to the east are more subject to urban influences, the MLCA states that the part of the Lower Rainham Farmland between Lower Rainham and Lower Twydall (i.e. the area of and around the site) is '*in generally good condition with urban influences less apparent*'. My view is that the area of and around the site does have some urban influences in terms of the presence of the urban edge beyond the railway line to the south, but that it does also have an essentially rural character, typified by the enclosed orchard fields, tall windbreak hedges and narrow lanes, with the railway line marking a clear physical and character boundary between the two (see Photograph 15). The generally tall roadside hedges give the area an enclosed character, but it is part of a broad landscape sweeping down towards the estuary from the urban area, and the occasional glimpse views of the estuary and the Isle of Grain at field gates or through gaps in the tall hedges are an attractive component of its character.

3.4.20 The MLCA also notes the importance of the Lower Rainham Farmland as a green corridor or buffer between the urban area and the Country Park and designated nature conservation areas along the estuary shoreline, and this also has a bearing upon its ALLI designation, which I will consider below. It is a matter of fact that the Lower Rainham Farmland character area, and the site within it, do provide an open and largely undeveloped area between the urban area and the coastal landscape to the north of Lower Rainham Road, which forms a green buffer. Access

within that buffer area is limited to the narrow lanes which run to the north east across it and to a few Public Rights of Way, one of which is the bridleway across the eastern part of the site. There are no footways alongside the lanes, but Lower Twydall Lane and Lower Bloors Lane are cut off at the railway line and carry little traffic, and all of the lanes provide important connections between the urban area and the shoreline. The bridleway across the eastern part of the site does provide some physical access within the area of this green buffer, and there is also some additional visual access in the form of views across the orchards both from the bridleway and from the lanes, at field gates or through gaps in the roadside hedges. While the landscape of and around the site is generally enclosed and there are few long distance views across it, there is a general awareness of being in the countryside, amongst orchards and away from built development.

- 3.4.21 I would also note that the site comprises all of the open land between the urban area of Twydall to the south of the railway line and the small settlement of Lower Rainham, much of which is a Conservation Area.

Landscape Designations

- 3.4.22 The site is not subject to any designations for landscape quality at the national level, but is designated as an Area of Local Landscape Importance (ALLI) by MC under Local Plan Policy BNE34. The Gillingham Riverside ALLI is described in the supporting text to Policy BNE34 as a:

'Rural landscape of orchards and arable fields with country lanes. Situated to the north of Rainham and Twydall, adjacent to the River Medway. Medway Towns Northern Relief Road forms the western boundary..'

- 3.4.23 The function and justification for its designation is stated to be:

'Forms an important green buffer separating the built-up areas of Twydall and Rainham from areas of international importance for nature conservation and recreation along the Medway estuary.'

Enhances the setting of the Medway Towns Northern Ring Road on the western boundary, and allows attractive views from the river and railway.'

Provides residents within an extensive urban area with access to an attractive, rural landscape.'

Provides an attractive setting to the Lower Rainham and Lower Twydall conservation areas.'

Contains a number of orchards, mature hedgerows and farm groups complementing and contributing to the Riverside Country Park.'

Forms a green backdrop when viewed from the Medway Estuary.'

- 3.4.24 The extent of the Gillingham Riverside ALLI is shown on Plan 3 on page 6 of the revised LVIA, and I have also shown its boundary on my Figure 3, to illustrate the proportion of the ALLI (and also of the generally open landscape at this point) which is taken up by the site. That Figure shows that the area covered by the ALLI (which is roughly the same as the area covered by the Lower Rainham Farmland and Riverside Marshes character areas combined) is a broad rectangle of countryside, contained by the A289 and the urban area to the west, the estuary to the north, the urban area (and also the District boundary) to the east, with containment within the ALLI also provided by properties along Berengrave Lane, and the railway line and urban area to the south.
- 3.4.25 That area is quite distinct and well defined, and is contained by the features noted above. It includes the small villages of Lower Rainham and Lower Twydall (and their Conservation Areas) and also some scattered properties, but no significant residential areas other than the houses along Berengrave Lane which do intrude into the ALLI and to some extent cut off its eastern end. My Figure 3 shows that the site takes up a significant proportion of the ALLI, leaving a relatively small area of undeveloped land to its east, between the site and Berengrave Lane, and a larger area to its west. If the proposed development goes ahead, the broad, rectangular area of countryside, referred to in the MLCA as a green buffer, would be fragmented and greatly reduced in extent: development would spread beyond the railway line, almost all of the existing orchards within the Lower Rainham Farmland character area and the ALLI would be lost, and access from the urban area to the north east would (for Pump Lane and Lower Bloors Lane) cease to be along rural lanes and would be through or alongside a new residential area.
- 3.4.26 The ALLI extends to the north of the site beyond Lower Rainham Road as far as the shoreline, and the area of the estuary further to the north (and including Horrid Hill) is within the North Kent Marshes Special Landscape Area (SLA). SLAs were originally designated in the Kent Structure Plan, but MC have carried the designation forward under Policy BNE33 of the Local Plan.

3.5 Landscape Quality, Value and Sensitivity

Landscape Quality

- 3.5.1 Using the definitions set out in Appendix E to my evidence, I have assessed the site itself and the land immediately around it (i.e. broadly the area shown as within the visual envelope on my Figure 4) as being of **medium quality** in landscape terms - the local landscape is generally pleasant and with some attractive elements in the form of the narrow country lanes, extensive areas of characteristic orchards and glimpse views to the estuary to the north, but those

elements are offset by less attractive features such as the (largely screened) presence of the urban edge and railway line to the south, the tall lines of conifer hedging and the adjoining presence of the busy B2004 Lower Rainham Road.

Landscape Value

- 3.5.2 As noted in Appendix E, the concept of landscape value is also important - it includes consideration of landscape quality, but also includes other factors in order to avoid a focus only of how scenically attractive an area may be, and thus to avoid undervaluing areas of strong character or important landscape function, but little scenic beauty. Factors such as conservation interests, recreational use and intangible qualities such as wildness or other perceptual qualities can be important in terms of determining landscape value, as set out in Box 5.1 of the GLVIA (on its page 84).
- 3.5.3 In this case, there is built heritage conservation interest in the area around the site in the form of the Conservation Areas which adjoin it to the west and north east and also the Listed Building of Pump Farmhouse, and nature conservation interest in the nationally and internationally designated sites of the estuary to the north. There is also some recreational use in the bridleway which runs through the eastern part of the site, and in the rural lanes which provide connections to the urban area to the south. The GLVIA suggests (in paragraph 5.20) that information that will contribute to understanding landscape value would include national and local landscape designations, and the fact that the site lies within a designated ALLI is therefore a clear indication of its local value. That value is described in the Local Plan as being at least in part due to the function of the local landscape in providing a buffer between the urban area to the south and the estuary to the north, and in my view this does add to the value of the area around the site - it is the last significant area of countryside between the urban area and the estuary at this point, as shown on my Figure 3.
- 3.5.4 My view is therefore that the value of the local landscape is slightly higher than its quality, and is **medium to high**. This can be compared with its medium landscape quality, but there is no conflict there - if quality were always equal to value then there would be no point in having two separate concepts. It is also likely that any disparity between quality and value will tend to occur in edge of settlement areas, where the landscape quality will often be limited to a degree by the presence of the settlement edge, but where the value of the landscape may be enhanced by its location close to the settlement, especially if it has a role in the setting and identity of settlements. I will consider below whether the site should be considered as part of a valued landscape in terms of Paragraph 170 of the NPPF.

Landscape Sensitivity

- 3.5.5 Landscape sensitivity is judged according to the type of development proposed, and relates to the susceptibility of the landscape to change and also to its value, as set out in Table 5 of my Appendix E. The development in this case would be extensive, comprising up to 1,250 dwellings together with retail (or other neighbourhood) uses, a primary school, a 60 bed extra care facility, an 80 bed care home, open space, strategic landscaping and other green infrastructure, and access, with the access arrangements involving significant changes to the character of Pump Lane. This development would extend for around 1.2km from Lower Twydall Lane in the west to Lower Bloors Lane in the east, and 0.7km from the railway line in the south to Lower Rainham Road in the north. However, the site is reasonably well contained by the tall hedges and trees along the lanes which run alongside or through it (noting that some of that vegetation would be removed as part of the development), and there are few long distance views to or across it, and no areas of significantly higher ground with views down onto it.
- 3.5.6 The development would take place within a partly edge of settlement context, but the settlement edge to the south is reasonably well contained visually (and physically contained by the railway line), and the proposals would extend the urban area out to north into the countryside, leapfrogging the existing containment along the railway line, and occupying an area which at the moment comprises mainly orchards and which forms a significant part of the remaining area of open countryside between the urban area and the estuary at this point. My assessment is therefore that the site and the area around it are of **medium to high susceptibility** to the proposed development.
- 3.5.6 Taking into account that medium to high susceptibility together with the medium to high landscape value which I have identified, the sensitivity of the site and surrounds to the proposed development is in my judgment **medium to high**. As set out in Table 5 of my Appendix E, this is based on the site having some ability to accommodate change due to its location and partially enclosed nature, but also on the fact that the change would lead to a loss of characteristic landscape features in the form of the extensive areas of orchards and rural lanes, resulting in a loss of character and quality, and because the new houses and other urban features of the development would appear as new features in (mainly short distance) views of the site, separated from the generally well screened existing urban edge to the south, and would therefore appear as new and discordant features within what is at the moment a largely rural local landscape.

3.6 Visibility

3.6.1 Visibility of the site in its current form is limited to some extent by the screening effects of the generally tall hedges around and also within it, and by the existing urban edge to the south. Further afield, visibility is also contained by windbreak hedges and small blocks of woodland within the wider landscape to the west, east and north, and also because the landscape is relatively flat, with no areas of significantly higher ground which have views down onto it. The main areas from which the site is presently visible are summarised below:

- a. From the north there are short distance and filtered views to the western part of the site from Lower Rainham Road just to the east of Pump Lane, through the roadside hedge (see Photographs 2 and 3). As I have noted above, the hedge has ivy growing within it further to the west, but there are filtered views of the site through the part of the hedge closer to Pump Lane, in the winter. From Lower Rainham Road to the east of Pump Lane there are some intermittent and limited views towards the site through gaps between the properties along the south side of the road, within Lower Rainham (see Photograph 36), and also views from the rear (and mainly upper floor) windows of those properties. From further to the north there are some limited views towards the site from the Saxon Shore Way as it runs through the Riverside Country Park - the route is largely enclosed, but there are some views towards the site where there are gaps in the enclosing vegetation, and in some of those views parts of the orchards within the site can just be made out (see Photograph 33). There are also some views to the orchards in the western part of the site from Horrid Hill and the causeway which leads to it (see Photograph 32), and clearer views of the full width of the site from the Saxon Shore Way as it runs down the south side of Motney Hill (see Photographs 34 and 35). The oast near Bloors Farm can be seen from Motney Hill, with the orchards within the site extending for some distance across the view to its left and right. The existing urban area on the rising ground to the south of the railway line forms the backdrop to this view, but the site can be appreciated as an area of countryside (and in the summer the orchards would be a broad green band across the view) between the urban area and the vegetation and scattered buildings closer to the shoreline.
- b. From the east there are short distance views into the eastern part of the site from Lower Bloors Lane (see Photograph 10) and also from some of the properties along the eastern side of the lane, particularly in the northern section of the lane where there is no boundary hedge, but also further to the south through gaps in the hedge alongside the lane, mainly in the winter. There are no significant views from any further to the east, as they are screened by the properties alongside the lane and their garden vegetation, and (further to the south) by the Bloors Lane Community Woodland. The

two footpaths to the east of Lower Bloors Lane are largely enclosed, with no significant views to the site. The allotments adjoining the site are enclosed and separated from the site by a tall outgrown conifer hedge, and there are no significant views to the site from them. There are no significant views from the footbridge over the railway line at the southern end of Lower Bloors Lane, as it is enclosed by tall trees, and the allotments lie between it and the site (see Photograph 12).

- c. From the south there are some filtered views across the site from the railway line as it runs alongside it for a distance of around 1km. There is a variable line of trees and shrubs along the north side of the railway line to the east of Pump Lane, and most views to the site are filtered, but the line is elevated above the site just to the east of the lane, and there are some clear views across the site (see Photograph 40). The vegetation alongside the railway line to the west of Pump Lane is generally thinner and lower, and in some places there are also relatively clear views across the site in the winter, which would be more strongly filtered in the summer (see Photographs 13, 14 and 39). It should also be noted that Network Rail do generally carry out periodic clearance of trackside vegetation, which would open up views from and across the railway line, but until they do so the vegetation which is there will continue to grow. There are also variable views across the railway line to the site from properties along the urban edge (see Photograph 37). Some of these properties (for example at Gifford Close) are bungalows, but elsewhere they are mainly two storey, with open and generally attractive views across the site to the estuary from their upper floor windows.
- d. From the west there are glimpse views only towards the site from Lower Twydall Lane, but clearer views from upper floor windows of three properties at the south end of the lane which adjoin the western corner of the site. From further to the north along the lane there are limited and more distant views from upper floor windows of the properties along the east side of the lane, mainly in the winter, but no significant views from the lane itself (see Photograph 38). There are also some elevated views across the full width of the site from the footbridge across the railway line at the south end of Lower Twydall Lane - these views are partially filtered by the vegetation alongside the railway line in the winter, and would be partly screened in the summer, but the site can be seen and appreciated as an extensive area of orchards (see Photograph 1).
- e. There are also some clear and short distance views into the site from Pump Lane as it runs between the two parts of the site, either through gaps or thin sections in the boundary hedges or at field gates - such views are the exception rather than the rule, but as the lane is generally enclosed and some of the views are pleasant and towards the estuary they tend to attract attention (see Photographs 16 to 20). There are also views across the western part of the site from mostly upper floor windows of the

properties along the east side of the lane at its northern end (see Photograph 7) - the southern properties here also have views from their rear upper floor windows across the eastern part of the site, and similar views from the properties on the east side of the lane close to Pump Farm. There are views across the north western part of the site from first floor rear windows of Chapel House/ Chapel Cottage at the north end of the lane on its western side (see Photographs 4 and 5). The group of properties at Russett Farm and also Pump Farmhouse have views mainly across the western part of the site, but for the eastern three or four properties their main views are to the east, across the eastern part of the site. All of these views are at the moment generally attractive and rural, with orchards forming the main component of the view.

- f. Finally, there are also some clear and short distance views across the site from the bridleway which runs for around 600m through its eastern part, from Lower Bloors Lane to Pump Lane. The bridleway is enclosed to the south by an outgrown conifer hedge in its eastern part, but has some views to the north, where there is a partial and low hedge only (see Photographs 23 and 24). At the point where the bridleway turns to run northwards, there are clear views to the north, south west and south from field access gates - the views to the south west include the western parts of the site on slightly higher ground to the west of Pump Lane, and the views to the north include glimpses of the estuary (see Photographs 25 to 27). Further to the west along the bridleway the conifer hedge is to the north of the route, and there are more open views of the orchards to the south west (see Photograph 28), and closer to Pump Lane there is another pair of field gates to each side of the route affording views of the orchards to the north and south of the route (see Photographs 29 and 30). The final section of around 110m in length to the south east of Pump Lane is enclosed, with no significant views out from the bridleway (see Photograph 31). Although the bridleway is enclosed along at least one side for much of its route through the site, there is still a clear sense when walking along it of being in the countryside, amongst orchards, and regular users of the route will be able to experience the seasonal variations that orchards provide.

3.6.2 The above is a summary of the visibility of the site in its current form - I will consider the visibility of the proposed development in Section 6 of my evidence.

4. RELEVANT POLICY BACKGROUND

4.1 General

4.1.1 Mr Canavan's evidence sets out a comprehensive review of relevant planning policy, but in this section I will summarise those aspects of it which are of particular relevance to my assessment.

4.2 National Planning Policy

4.2.1 The Government's national planning policy and guidance on various aspects of planning are set out in the National Planning Policy Framework (NPPF, February 2019). The NPPF states that '*the purpose of planning is to help achieve sustainable development*', and that in order to do so, the planning system must perform mutually dependent economic, social and environmental roles.

4.2.2 Paragraph 127 of the NPPF states (in part) that:

'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.'*

4.2.3 Paragraph 170 of the NPPF states (in part) that:

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

- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

- 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 best and most versatile agricultural land, and of trees and woodland;*
- d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'*

4.2.4 The wording '*in a manner commensurate with their statutory status or identified quality in the development plan*' in Paragraph 170 a) was an addition made in the July 2018 update of the NPPF, and shows that firstly landscapes which have an identified quality in the development plan should usually be regarded as valued, and secondly that the protection to be afforded to valued landscapes will vary with their status, with statutorily protected landscapes (Areas of Outstanding Natural Beauty and National Parks) receiving the highest level of protection, and landscapes recognised and protected by development plan policies protected at a lower level, but still above that of ordinary countryside. This is important in relation to the Appeal site, which is within an Area of Local Landscape Importance as set out in the adopted Local Plan, which I discuss further below.

4.2.5 In a recent Appeal decision relating to a site within an ALLI just to the south east of Rainham (Land at Orchard Kennels, APP/A2280/W/19/3240339) the Inspector confirmed that designation as an ALLI was relevant in determining whether a site should be regarded as a valued landscape, stating in paragraph 9 of his decision that:

'To my mind it is clear from these paragraphs of the MLP that the designation of the Mierscourt/Meresborough area as an ALLI is intended to recognise the value of the area's landscape to the locality. Having regard to NPPF paragraph 170, I see no reason to disagree that the ALLI is a 'valued landscape'.'

4.2.6 My view is therefore that the site and surrounding area to the east and west constitute a valued landscape in the terms set out in Paragraph 170 of the NPPF, and should therefore be afforded protection at a lower level than that of statutorily protected landscapes, but a higher level than that of ordinary countryside. I would note that the Appellants appear to agree with this judgment, as section 7.26 of their Statement of Case refers to Paragraph 170 and states that the proposals '*have sought to protect and enhance recognised attributes and function of a locally valued landscape*'.

4.2.7 The supporting Planning Practice Guidance to the NPPF states that:

'One of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside. Local plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. This includes designated landscapes but also the wider countryside.'

4.3 The Local Plan

4.3.1 The Medway Local Plan was adopted in 2003 and remains part of the Statutory Development Plan. It contains the following relevant saved policies:

- Policy S4, 'Landscape and Urban Design', states that:

'A high quality of built environment will be sought from new development, with landscape mitigation where appropriate. Development should respond appropriately to its context, reflecting a distinct local character.'

- Policy BNE1, 'General Principles for Built Development', states that:

'The design of development (including extensions, alterations and conversions) should be appropriate in relation to the character, appearance and functioning of the built and natural environment by:

- (i) *being satisfactory in terms of use, scale, mass, proportion, details, materials, layout and siting; and*
- (ii) *respecting the scale, appearance and location of buildings, spaces and the visual amenity of the surrounding area; and*
- (iii) *where appropriate, providing well structured, practical and attractive areas of open space..*

- Policy BNE6, 'Landscape Design', states that:

'Major developments should include a structural landscaping scheme to enhance the character of the locality. Detailed landscaping schemes should be submitted before development commences and should have regard to the following factors:

- (i) *provide a structured, robust, attractive, long term, easily maintainable environment including quality open spaces, vistas and views; and*
- (ii) *include planting of a size, scale and form appropriate to the location and landform, taking account of underground and overground services; and*
- (iii) *include details of the design, materials and quality detailing of hard works elements such as gates, fences, walls, paving, signage and street furniture; and*
- (iv) *retain important existing landscape features, including trees and hedgerows, and be well related to open space features in the locality; and*
- (v) *support wildlife by the creation or enhancement of semi-natural habitats and the use of indigenous plant material where appropriate; and*
- (vi) *include an existing site survey, maintenance and management regimes and a timetable for implementation.*

- Policy BNE25, 'Development in the Countryside', states that:

'Development in the countryside will only be permitted if:

- (i) *it maintains, and wherever possible enhances, the character, amenity and functioning of the countryside, including the river environment of the Medway and Thames, it offers a realistic chance of access by a range of transport modes; and is either;*
- (ii) *on a site allocated for that use; or*
- (iii) *development essentially demanding a countryside location (such as agriculture, forestry, outdoor or informal recreation); or*
- (iv) *a re-use or adaptation of an existing building that is, and would continue to be, in keeping with its surroundings in accordance with Policy BNE27; or*
- (v) *a re-use or redevelopment of the existing built-up area of a redundant institutional complex or other developed land in lawful use; or*
- (vi) *a rebuilding of, or modest extension or annex to, a dwelling; or*
- (vii) *a public or institutional use for which the countryside location is justified and which does not result in volumes of traffic that would damage rural amenity.*

The countryside is defined as that land outside the urban and rural settlement boundaries defined on the proposals map.'

- Policy BNE34, 'Areas of Local Landscape Importance', states that:

'Within the Areas of Local Landscape Importance defined on the Proposals Map, development will only be permitted if:

- (i) it does not materially harm the landscape character and function of the area; or*
- (ii) the economic and social benefits are so important that they outweigh the local priority to conserve the area's landscape.*

Development within an Area of Local Landscape importance should be sited, designed and landscaped to minimise harm to the area's landscape character and function.'

- Policy BNE47, 'Rural Lanes', states that:

'Development served by, and/or affecting, the important rural lanes defined on the proposals map will only be permitted where there is no adverse effect upon the value of the lane in terms of its landscape, amenity, nature conservation, historic or archaeological importance.'

Pump Lane between the railway line and Lower Rainham Road (i.e. as it passes through the site) is shown on the Proposals Map as an important rural lane, and the supporting text to the policy states that:

'Studies in Medway have identified those rural lanes with the highest physical landscape, amenity, nature conservation and historic value. The Council will seek to protect these highest quality lanes ...'

Policy BNE34 Areas of Local Landscape Importance

- 4.3.2 The supporting text for Policy BNE34 notes (in paragraphs 3.4.104 to 106) that:

'There are several areas of landscape that enhance local amenity and environmental quality, providing an attractive setting to the urban area and surrounding villages. These locally significant landscapes are shown on the proposals map as Areas of Local Landscape Importance (ALLIs). Some of these areas form part of the green hillsides and backdrops of the urban area, which are recognised in the Thames Gateway Planning Framework as a particularly important environmental resource.'

These ALLIs are significant not only for their landscape importance, but also for other important functions:

- (i) As green lungs and buffers, helping to maintain the individual identity of urban neighbourhoods and rural communities:*
- (ii) As green corridors (or links) for the community to reach the wider countryside;*
- (iii) As edge or “fringe” land, needing protection from the pressures of urban sprawl; and*
- (iv) As habitats for wildlife and corridors, along which wildlife from the wider countryside can reach the urban environment.*

There is therefore a need to protect the landscape character and functions of each of the designated ALLIs.’

4.3.3 I would note from the above that this is not solely a landscape quality designation - the wording refers to importance, and the stated functions include elements of the setting and identity of settlements and protection against urban sprawl. The above functions are general, and the specific functions of the Gillingham Riverside ALLI are set out in the Local Plan, as I have noted above in my Section 3.4. I have repeated those functions of the ALLI below in italics, together with an assessment of the degree to which the Appeal site contributes to them in normal text:

‘Forms an important green buffer separating the built-up areas of Twydall and Rainham from areas of international importance for nature conservation and recreation along the Medway estuary.’

The site forms a significant proportion of the area of the ALLI (see my Figure 3), and extends for up to 750m from the edge of Twydall along the railway line to Lower Rainham Road. It comprises mostly fruit orchards, and therefore makes a major contribution to the green buffer function of the ALLI.

‘Enhances the setting of the Medway Towns Northern Ring Road on the western boundary, and allows attractive views from the river and railway.’

The site makes no significant contribution to the setting of the ring road, as it is some distance from it, but it makes a major contribution in terms of the views across it from the railway line (as I have discussed above, views from the railway line are variable, but there are some open views from parts of the 1km length of the railway line which adjoins the site) and also extends across views from the estuary and from Motney Hill and (to a lesser extent) Horrid Hill.

'Provides residents within an extensive urban area with access to an attractive, rural landscape.'

The site provides some direct access into the rural landscape of orchards in the form of the bridleway which runs across its eastern part - as I have noted, the route is partly enclosed, but there are some attractive views from it and there is still a clear sense when walking along it of being in the countryside, amongst orchards. There is no other direct public access within the site, but there is some indirect visual access for people passing along Pump Lane and Lower Bloors Lane, from which there are some views of the orchards within the site, and those lanes (together with Lower Twydall Lane) provide access to the Riverside Country Park and estuary shoreline from the urban area. The site therefore makes a moderate contribution in this respect.

'Provides an attractive setting to the Lower Rainham and Lower Twydall conservation areas.'

The site makes a limited contribution to the setting of the Lower Twydall Conservation Area, as it adjoins it for a short distance only in the western corner of the site, but a more significant contribution to the setting of the Lower Rainham Conservation Area, which it adjoins to the south, wrapping around the western end of the Conservation area at Chapel House/ Chapel Cottage. In overall terms the site makes a moderate contribution in this respect.

'Contains a number of orchards, mature hedgerows and farm groups complementing and contributing to the Riverside Country Park.'

As can be seen from my Figure 2, the site contains almost all of the orchards within the ALLI, and also includes the farm buildings of Pump Farm, with the Listed Pump Farmhouse in the centre of the site (but outside the site boundary). The site therefore makes a major contribution to the ALLI in this respect.

'Forms a green backdrop when viewed from the Medway Estuary.'

The site makes up around half of the width of the ALLI when viewed from the estuary and from Motney Hill. In these views it forms a narrow band between the urban edge on higher ground beyond the railway line and the trees and scattered properties along Lower Rainham Road and closer to the shore line, but can still be appreciated as an open and undeveloped area (see Photographs 32 to 35). The site therefore again makes a major contribution to the ALLI in this respect.

4.3.4 The 2003 Local Plan policies clearly predate the MLCA, but the MLCA provides the level of detail which helps to interpret and apply the policies, and as I have noted above the MLCA states in its introduction that it *'takes a criteria-based policy approach to all of Medway's landscapes and assesses the value and significance of each landscape character area, including the key characteristics, functions and local distinctiveness of existing rigidly designated areas (known within the current Local Plan as Areas of Local Landscape Importance - ALLIs)'*. In that respect it can be noted that the MLCA reiterates many of the ALLI functions in its description of the Lower Rainham Farmland landscape character area (which forms the main, southern part of the ALLI and includes the site), stating that:

'There are a number of benefits attached to this area retaining its essentially rural character. It provides a valuable green buffer separating the built up areas of Twydall and Rainham from valuable and internationally protected wildlife sites along Medway estuary; it offers openness and easy access to a countryside area for an extensive urban population; it improves the setting of the A289 along its eastern boundary and provides attractive open views across the marshes and farmland from the railway line and main road; it also improves the setting of the Lower Rainham and Twydall Conservation areas; along with the Riverside Marshes area it provides a distinctive green backdrop when viewed from the Medway estuary.'

4.3.5 MC are currently preparing their new Local Plan, and as part of that preparation an updated Strategic Land Availability Assessment (SLAA) was published in December 2019. The western part of the Appeal site was included as Site 1061, and was shown as unsuitable for allocation *'due to the impact on agricultural land, landscape, heritage and isolation from local services and facilities'*. The eastern part of the site was included as Site 750, and was also considered unsuitable for allocation.

5. THE PROPOSED DEVELOPMENT

5.1 The Appeal Proposals

5.1.1 The Appeal proposals are in outline (other than for access) at this stage, and are described in the Design and Access Statement (DAS) and the drawings which accompanied the application, and also in the revised LVIA, and I will not repeat that description here, but I will summarise below the main aspects of the proposed development which are relevant to my assessment. These are:

- a. Its scale and extent - this would be a large scale development, comprising up to 1,250 dwellings together with retail (or other neighbourhood) uses, a primary school, a 60 bed extra care facility, an 80 bed care home, open space, strategic landscaping and other green infrastructure, and access, all within a site which extends for around 1.2km from Lower Twydall Lane in the west to Lower Bloors Lane in the east, and 0.7km from the railway line in the south to Lower Rainham Road in the north. The development would take up all of the presently open land between the urban area and the railway line to the south and the small village of Lower Rainham to the north.
- b. Building heights are shown on the Building Heights Parameter Plan (drawing 11047/PL/004B) which formed part of the revised 2020 proposals as up to 12m (i.e. equivalent to a 3 storey dwelling) for most of the site, and up to 10m for the 'village centre' just to the north of Pump Farmhouse and also for the primary school, which is indicated as being to the south of Lower Rainham. The DAS states on page 29 that the development would be mostly 2 storeys in height, but with some 2½ or 3 storey buildings, and I assume that the extension of the maximum 12m height across almost the entire site has been to allow some flexibility in eventual detailed design. However, as things stand there would be some 12m buildings, and they could be located within most of the site area, and I have made my assessment on that basis. The height of the new buildings is important because there are some tall windbreak hedges within and around the site - these are typically around 4 to 6m in height (though some of the conifer hedges are taller), so the upper parts of the new buildings would in general be visible above the hedges, where they are present.
- c. Access would be by means of a new T junction with Lower Rainham Road, to the west of Pump Lane. There would then be an internal loop road through the western part of the site to a new junction with Pump Lane towards its southern end, and then a T junction off Pump Lane to lead into a further internal road looping around the

eastern part of the site (and crossing the line of the bridleway) to return to a further junction with Pump Lane to the north of Pump Farm. The access proposals are shown in detail on drawings which form Appendix E to the September 2020 Transport Assessment Addendum, and the detailed drawings for the junctions on Pump Lane did not form part of the original planning application. I would note the following aspects of the access proposals:

- Drawing 20230-05-2E shows the proposed access off Lower Rainham Road, which would be widened to the north to allow a ghost island for traffic turning right into the site. That widening would involve the loss of some semi-mature roadside trees along the north side of the road. The drawing shows the required visibility splays for the new junction, and (though the drawing does not show existing vegetation) it seems clear to me that the proposals will involve the loss of the existing hedge along the south side of the road for a length of around 150m, as the line of the visibility splay is either along the hedge line or to the south of it for around that distance. That would be a significant loss of vegetation, and would also open up views into the site.
- Drawing 20230-05-5E shows the southern junctions with Pump Lane, and indicates that (for traffic heading northwards), the road would be diverted to the north west into the western part of the site, with a new T junction to continue Pump Lane along its existing alignment. There would also be another T junction off Pump Lane to serve the new loop road through the eastern part of the site. The net effect of these works would be to remove a significant length of the existing tall hedges along each side of the road, opening up views into the site, and also to completely change the character of the lane at this point. At the moment Pump Lane is a narrow, enclosed rural lane with tall hedges to either side - after these works it would be locally widened, with two new junctions and associated signage, and would have the appearance of a residential access road within a suburban area.
- Drawing 20230-05-6E shows the point where the site access road would cross the northern part of Pump Lane, which would be by means of a staggered crossroads, with the site access road having priority and Pump Lane being locally widened and also diverted to the north on the western side of the new site access road. That diversion would involve the loss of around a 70m length of the existing hedge along the north west side of Pump Lane at this point, opening up views into the site, and would again completely change the character of the lane at this point.

- d. The existing bridleway would be retained on its present alignment, but would run for the most part through new residential areas, with its north western end passing through part of the new 'village green'. It would need to cross the new internal site access road, and there are no proposals for how that crossing would be detailed.
- e. The 'Proposed Residential Development Masterplan' (drawing 11047/PL/009C) shows an illustrative layout for the development, and indicates a 'village green' open space to the south east of Pump Farm and also some community orchards and other areas of open space, many of which would contain drainage attenuation ponds or swales, as shown on the Green and Blue Infrastructure Parameter Plan.
- f. The 'Green and Blue Infrastructure Parameter Plan' (drawing 11047/PL/005B) shows existing vegetation which would be retained, including some of the tall windbreak hedges alongside the bridleway, alongside Pump Lane and also between some of the orchard fields. However, it does not specifically show vegetation which would need to be removed, and in my view that is a significant omission, given the above discussion of the access proposals. It also leaves some areas uncertain - for example it does not show the tall hedges along Lower Bloors Lane as retained, so it is not clear if they are proposed for removal, though I have assumed that they would be retained. It is also unclear as to how the tall windbreak hedges would be maintained in the future - the deciduous hedges are in effect lines of very closely spaced trees, and if not regularly cut they will continue to grow, so it would be important for the detailed design to make some provision for their future maintenance. Some of the conifer hedges are already too tall to be able to cut without difficulty, so I am again unsure as to how the retained sections of conifer hedge (including those alongside the bridleway) would be maintained - if they are not cut back then they will result in a line of very tall, closely spaced evergreen trees which would look somewhat incongruous.

5.1.2 There are no lighting proposals for the development at the moment, but I have assumed that the lighting would be designed to accord with good practice and to avoid sky glow and glare as far as possible. However, I have also assumed that the new roads through the site would be lit and that there would also be lights within and around the new houses, and the development would represent a significant extension of lighting into what is at the moment a largely dark landscape (though, as I have noted above, there are other existing light sources in the area around the site, particularly to the south).

5.2 Landscape Proposals

- 5.2.1 There are no detailed landscape proposals at this stage, but the revised LVIA does include a description of what is intended in its section 6, and illustrates that on Plan 10, the Landscape Framework. The description in the text refers to the retention of roadside hedges, the planting of community orchards and areas of open space adjoining the two Conservation Areas. The text and a note on the drawing also refer to '*strengthening of existing hedgerows to site boundaries with Lower Rainham Road*', but do not acknowledge the need to remove a significant length of the existing hedge alongside that road or significant parts of the hedges along Pump Lane, as shown on the access drawings.
- 5.2.2 The LVIA also refers to the provision of improved access through the site, including a link to Lower Twydall Lane, and the planting of a landscape buffer along the southern edge of the site, to the north of the railway line - that would help to screen views of the development for people on passing trains and for the properties to the south, but would also mean that the presently open views across the site and to the estuary beyond are closed down or lost entirely.
- 5.2.3 The description of the development in section 6.12 of the LVIA does also refer to '*Limiting the height of the development to respect the existing built form*', but the existing built form is almost entirely of 2 storeys only, and as I have noted above there could be widespread use of 3 storey buildings within the development, which would tend to stand out in views from the shoreline and estuary to the north.

6. LANDSCAPE AND VISUAL EFFECTS

6.1 General

6.1.1 This section sets out the landscape and visual effects which I believe would result from the proposed development, and then compares my assessment with the treatment of this matter set out in the revised LVIA.

6.2 Landscape and Visual Change

Visibility

6.2.1 I have described the current visibility of the site in Section 3.6 above. The addition of up to 1,250 new dwellings of up to 12m in height as well as the other elements of the proposed development to the site would increase that degree of visibility, as they would tend to be (even if only 9m in height, for 2 storey dwellings) visible above (or in the winter, through) the hedges which enclose much of the site, and the removal of a significant lengths of the hedges alongside Lower Rainham Road and Pump Lane would also lead to a reduction in existing screening and allow views into the site. The visibility of the proposed development would be as follows:

- a. From the north there would be open and short distance views of new houses in the north western part of the site as a result of the removal of much of the existing roadside hedge along Lower Rainham Road at this point, and also views into the site along the line of the new access (see Photographs 2 and 3). These views could be screened over time by any replacement hedge planting, but it would take some time for any newly planted vegetation to fully screen the new houses. From Lower Rainham Road to the east of Pump Lane there would be some intermittent and limited views towards the site though gaps between the properties along the south side of the road (see Photograph 36), and also views from the rear (and mainly upper floor) windows of those properties, though the closest part of the development in these views would be the new school and its playing fields. From further to the north there would be some limited views towards the site from the Saxon Shore Way as it runs through the Riverside Country Park, and in some of those views the roofs of new houses within the site would be visible (see Photograph 33). There would also be some views of the upper parts and roofs of new houses in the western part of the site from Horrid Hill and the causeway which leads to it (see Photograph 32), and clearer views of the upper parts and roofs of new houses across the full width of the site from the Saxon Shore Way as it runs down the south side of Motney Hill (see Photographs 34 and 35). I note that the revised LVIA includes a viewpoint on the far side of the Medway estuary, and I

agree that the view from that location includes the site, but at a distance of more than 4km I do not believe that there would be any significant visibility of the development, or any significant effects, so I have no considered views from the far side of the estuary any further.

- b. From the east there would be some short distance views of the new houses in the eastern part of the site from Lower Bloors Lane and also from some of the properties along the eastern side of the lane, particularly in the northern section of the lane where there is no boundary hedge (see Photograph 10), but also further to the south through gaps in the hedge alongside the lane, and mainly in the winter. There would be no significant views from any further to the east, and no significant views from the Bloors Lane Community Woodland or the allotments adjoining the south eastern corner of the site.
- c. From the south there would be some filtered views of the new houses across the full width of the site from the railway line as it runs alongside the site for a distance of around 1km. There is a variable line of trees and shrubs along the north side of the railway line to the east of Pump Lane, and most views to the site are filtered, but the line is elevated above the site just to the east of the lane, and there are some clear views across the site (see Photograph 40). The vegetation alongside the railway line to the west of Pump Lane is generally thinner and lower, and in some places there are also relatively clear views across the site in the winter, which would be more strongly filtered in the summer (see Photographs 13, 14 and 39). In the more open sections the new houses would be readily visible, in replacement for the presently attractive and relatively clear views across the site towards the estuary. There would also be similar views across the railway line to the new houses in the southern part of the site from mainly upper floor windows of properties along the urban edge to the south of the railway line, and again their presently attractive (though in some cases filtered) views across the site would be closed down and lost (see Photograph 37).
- d. From the west there may be some glimpses of the roofs of new houses in the western corner of the site from Lower Twydall Lane, and clearer views from upper floor windows of three properties at the south end of the lane, in which the new houses would be seen in replacement for existing views across the orchards. From further to the north along the lane there would be some limited and more distant views of the upper parts of the new houses from upper floor windows of the properties along the east side of the lane, mainly in the winter, but no significant views from the lane itself. There would also be some elevated views across the full width of the site from the footbridge across the railway line at the south end of Lower Twydall Lane - these views are partially filtered by the vegetation alongside the railway line in the winter, and would

be partly screened in the summer, but in this elevated and oblique view some appreciation of the extent of the new residential development, in replacement for the presently extensive views across the orchards, could be obtained (see Photograph 1).

- e. There are also some clear and short distance views of the new houses and other buildings within the site from Pump Lane as it runs between the two parts of the site, through gaps or thin sections in the boundary hedge or at field gates (see Photographs 6, 8 and 16 to 20), and also (and in a significant change from the existing situation) at the two points where significant lengths of the existing roadside hedges would be removed as part of the works for the two new road junctions. At these points the existing rural character of the lane would change completely, and the adjoining presence of new residential areas would be a significant and discordant change. There would also be clear views of new houses in the western part of the site from mostly upper floor windows of the properties along the east side of the lane at its northern end (the southernmost of which would also have views from their rear upper floor windows of new houses in the eastern part of the site), and similar views from the properties on the east side of the lane close to Pump Farm. There would be views of the new houses and also the new internal access road in the north western part of the site from first floor rear windows of the Listed Building of Chapel House/ Chapel Cottage at the north end of the lane on its western side (see Photographs 4 and 5), though the nearest part of the development to these properties would be a small area of new orchard planting. The group of properties at Russett Farm and also Pump Farmhouse would have views mainly of the new houses in the western part of the site, but for the eastern three or four properties their main views are to the east, across the eastern part of the site where the new village green would be located, though the houses beyond it would also be visible in that direction. All of these views are at the moment generally attractive and rural, with orchards forming the main component of the view, and if the development were to go ahead the dominant features in the view would be the new houses or other buildings.
- f. Within the site itself there would also be some clear and short distance views of the new houses from the bridleway which runs for around 600m through its eastern part, from Lower Bloors Lane to Pump Lane. The bridleway is partly enclosed by an outgrown conifer hedge along one side for much of its route through the site, though I have commented above on the difficulties of maintaining that vegetation into the future. There would be more open views of the new houses and associated access roads, parking areas and general activity from the side of the route away from the conifer hedge, and also clear views in both directions at the point where the bridleway would need to cross the new internal access road. Even where the route is screened in visual terms, there would be a general awareness of passing through a new residential area

rather than walking amongst orchards - the present, generally pleasant experience of walking along this route would change completely (see Photographs 23 to 30).

6.2.2 I have estimated the visual envelope for the proposed development, and this is shown on my Figure 4, illustrating the above analysis of views. In general, the proposed development would be visible, and in some cases prominent, from an area around the site which would be limited by Horrid Hill and Motney Hill to the north, the east side of Lower Bloors Lane to the east, properties along the existing edge of the settlement to the south of the railway line and Lower Twydall Lane to the west. This area is relatively tightly drawn around the site, but is in itself a large area of around 1.5km in each direction, and within that area the development would represent a readily visible and locally dominant incursion of large scale built development into what is at present a relatively tranquil area of countryside with a rural, undeveloped character, forming a significant proportion of the designated ALLI.

Landscape and Visual Change

6.2.3 Before considering the likely landscape and visual effects of the proposed development, it is important to note the following important characteristics of both it and the surrounding landscape:

- a. The site is in the countryside, outside the defined settlement boundary, and almost all of it is occupied by orchards, a locally characteristic land use as noted by landscape assessments at all scales.
- b. The site lies within (and forms a significant part of) an Area of Local Landscape Importance, designated in the adopted Local Plan. The development would take up a significant proportion of the ALLI, leaving a relatively small area of undeveloped land to its east, between the site and Berengrave Lane, and a larger area to its west. The green buffer of the ALLI would therefore be fragmented and greatly reduced in extent.
- c. The generally tall roadside hedges give the area of and around the site an enclosed character, but it is part of a broad landscape sweeping down towards the estuary from the urban area, and the occasional glimpse views of the estuary and the Isle of Grain at field gates or through gaps in the tall hedges are an attractive component of its character, and there is a general awareness of being in the countryside, amongst orchards and away from built development.
- d. This would be a significant and large scale development, comprising up to 1,250 new dwellings, a new primary school and care facilities, together with associated access and infrastructure.

- e. The new houses on the site would be at least 2 storeys in height, with some 3 storey buildings which (as shown on the Building Heights Parameter Plan) could be located anywhere across the site.
- f. The existing urban edge to the south of the site is partially screened by vegetation along the railway line, and the railway line forms a clear boundary to the urban area at this point. The proposed development would leapfrog that existing boundary into an area which presently has a largely rural character, with the site consisting mainly of orchards.
- g. Within that area of presently rural character, the development would take up all of the open land between the urban area alongside the railway line to the south and the small village of Lower Rainham to the north, effectively subsuming the village into the expanded urban area.
- h. The existing roads through and to either side of the site to the west and east are narrow rural lanes, and their character would be changed by the proposed development, particularly that of Pump Lane, which is identified in the Local Plan as an important rural lane under Policy BNE47, and which would be partly realigned, with significant loss of roadside hedges and two new, staggered junctions with the proposed site access road.
- i. The development would be visible from a relatively limited area around the site, but the site itself covers a large area, and the area from within which the development would be visible extends for around 1.5km in each direction: within that area the development would be a readily visible and locally dominant feature.
- j. I consider the site and surrounds to be of medium quality and medium to high value in landscape terms - I also consider that the area including the site is a valued landscape in terms of Paragraph 170 of the NPPF.

6.2.4 Bearing the above in mind, the degree of change to the landscape around the site (i.e. the areas most directly affected by the development proposals, as broadly indicated by the extent of the visual envelope shown in Figure 4 of my Appendix A) brought about by the proposed development would in general be **medium to high**, but within the site itself there would be a **high** degree of change.

6.3 Landscape Effects

6.3.1 The anticipated effects of the proposed development on the landscape of and around the site are set out below, and are summarised in the tables in my Appendix C.

Effects on Landscape Features

- 6.3.2 There would be some direct effects on landscape features within the site as a result of the need to remove significant lengths of roadside hedge at the proposed access point off Lower Rainham Road and around the proposed junctions on Pump Lane, but the main effects would be in the removal of the existing orchards which extend across most of the site, and which landscape character assessments at all scales regard as characteristic features.

Effects on Landscape Character

- 6.3.3 I have assessed the landscape of and around the site as of medium to high sensitivity to development of the type proposed. The degree of change brought about by the development would be medium to high for the landscape around the site and high within it, and overall landscape effects would therefore be **high adverse** for the area of the site, and on average **moderate to high adverse** for the area around it. This would be in the winter of the first year following completion, when the various elements of the development would be at their most visible.
- 6.3.4 The effects would be felt over the area of the visual envelope, as indicated on my Figure 4 - as I have noted that area is relatively tightly drawn around the site, due to the lack of any longer distance views to it, but within that area (which is in itself extensive) the effects would be widespread and high level - the character of the local landscape would change completely, from being a pleasant, largely rural area dominated by orchards to a new residential area with an urban character.
- 6.3.5 The small village of Lower Rainham (and its Conservation Area) would effectively become part of the expanded urban area, and would largely lose its present identify and character. That was recognised by the Lloyd Bore LVIA, which noted in its paragraph 11.6.168 that:
- 'The proposed scheme will increase the settlement envelope of the Twydall and Rainham urban area effectively merging the settlement with Lower Rainham'.*
- 6.3.5 The site makes up a significant proportion of the Gillingham Riverside ALLI, and the proposed development would have significant adverse effects on the purposes and functions of the designated area. I have reproduced the specific functions of the Gillingham Riverside ALLI from the Local Plan below in italics, together with an assessment of the effects of the proposed development upon them in normal text:

'Forms an important green buffer separating the built-up areas of Twydall and Rainham from areas of international importance for nature conservation and recreation along the Medway estuary.'

The site forms a significant proportion of the area of the ALLI, and extends for up to 750m from the edge of Twydall along the railway line to Lower Rainham Road. The proposed large scale built development within the site, extending from the railway line to Lower Rainham Road, would significantly affect the green buffer function of the ALLI.

'Enhances the setting of the Medway Towns Northern Ring Road on the western boundary, and allows attractive views from the river and railway.'

The development would have no significant effects in terms of the setting of the ring road, as it is some distance from it, but views from the railway line and also from the estuary and Motney Hill and Horrid Hill to the north would be significantly affected, and the function of the ALLI in this respect would be significantly harmed.

'Provides residents within an extensive urban area with access to an attractive, rural landscape.'

The site provides some direct access into the rural landscape of orchards in the form of the bridleway which runs across its eastern part, and the character of that route, and the experience of walking along it, would change completely. There would also be some indirect harm in terms of the loss of the intermittent views of the orchards within the site from Lower Bloors Lane and Pump Lane, and people using Pump Lane to access Riverside Country Park and estuary shoreline from the urban area would be affected by the significant harm to the character of the lane caused by the development. As set out in the revised LVIA, there would be some benefits in this respect, as the development would allow some additional access and connectivity through the site, and new routes to the land to the north of Lower Rainham Road would be opened up. However, while there may be increased opportunities for access, that access would no longer be within *'an attractive, rural landscape'*, as the price of the enhanced access would be the loss of that landscape and its replacement with an extensive new urban area. The function of the ALLI in this respect would therefore be harmed.

'Provides an attractive setting to the Lower Rainham and Lower Twydall conservation areas.'

The site makes a limited contribution to the setting of the Lower Twydall Conservation Area, as it adjoins it for a short distance only in the western corner of the site, but a more significant contribution to the setting of the Lower Rainham Conservation Area. The proposals allow for some landscaped areas (and the school and its playing fields to the south of the Lower

Rainham Conservation Area) between the proposed built development and the Conservation Areas, but they would still lose aspects of their presently largely rural settings, and there would be some harm to the function of the ALLI in this respect. In particular, as I have noted above, the overall settlement of Lower Rainham would effectively become part of the expanded urban area, and would largely lose its present identity and character.

‘Contains a number of orchards, mature hedgerows and farm groups complementing and contributing to the Riverside Country Park.’

The site contains almost all of the orchards within the ALLI, and almost the entire area of orchards would be lost, and replaced with a new urban area. The function of the ALLI in this respect would therefore be significantly harmed.

‘Forms a green backdrop when viewed from the Medway Estuary.’

The site makes up around half of the width of the ALLI when viewed from the estuary and from Motney Hill. In these views it forms a narrow band between the urban edge on higher ground beyond the railway line and the trees and scattered properties along Lower Rainham Road and closer to the shore line, and the upper parts and roofs of the new development (noting that at least some of the new houses would be 3 storey in height) would be apparent across the view, and much of the green backdrop would be lost. The function of the ALLI in this respect would therefore again be significantly harmed.

- 6.3.6 The above adverse effects would be expected to decrease slowly with time, as the proposed planting begins to mature. However, they would never disappear completely, and some long term adverse effects (declining to generally **moderate to high adverse** for the site itself, where the loss of the orchard fields would be a permanent adverse effect, and **moderate adverse** for the landscape around the site after 10 to 15 years) would be likely to persist, as a result of the significant extension of the urban area to the north, the loss of the orchards which make up the majority of the site, the continuing visibility of the development (especially in the winter) from the surrounding area and the general loss of a significant area of countryside within the ALLI.

6.4 Visual Effects

- 6.4.1 Landscape effects are those affecting the landscape as a resource, while visual effects are those affecting a specific visual receptor. Visual receptors are normally taken to be people in their homes or at publicly accessible points, or moving along public highways or footpaths. Visual effects have been assessed on the basis of the development proposals described in

Section 5, and may be expected to vary in detail according to the eventual detailed design, but in principle the visual effects would be expected to be as summarised below. The assessment of visual effects is set out below. As set out in my Appendix E, residential properties are normally taken to be of high sensitivity, unless they have partial views only, and users of Public Rights of Way are also generally of high sensitivity unless stated otherwise.

- a. Properties to the north along Lower Rainham Road - there would be some views from the rear (and mainly upper floor) windows of around 7 properties on the south side of the road, including the Listed Building of Bloors Place, though the closest part of the development in these views would be the new school and its playing fields, and there is some filtering garden boundary vegetation in most cases. The existing views (though filtered) are across the open orchard fields, and would change completely to short distance views of the new residential areas or school. There would be up to a medium to high degree of change for these receptors of medium sensitivity, resulting in **moderate to high adverse visual effects** for two properties with the clearest views, **moderate adverse visual effects** for three properties and **slight to moderate adverse effects** for the remainder. There is also an isolated property further to the west on Lower Rainham Road, to the west of the proposed access point, which would have some views from its first floor windows. Those views would include the upper parts of new houses within the site, and potentially of the new access, and there would be a medium degree of change and **moderate adverse visual effects** for this property.

- b. Properties to the east along Lower Bloors Lane - there are four properties along the eastern side of the lane with varying views to the site, mainly from upper floor windows. The northernmost property (Hoskins Cottage) has the clearest views from both ground and first floor windows at a point where there is no significant hedge along the site boundary (see Photograph 10), and would have clear views of the new houses in the north eastern corner of the site, resulting in a high degree of change for this property of high sensitivity and **high adverse visual effects**. The remaining properties to the south are better screened and of medium sensitivity, but would have some views of the new houses in the eastern part of the site, mainly in the winter, and would experience a generally low degree of change and **slight to moderate adverse effects**.

- c. Properties to the south in Twydall - there are varying views across the site for around 80 properties along the south side of the railway line along Kingsnorth Road, Thornham Road and to the north of Beechings Way. There is a generally dense line of trees and shrubs along the north side of the railway line to the east of Pump Lane, but the vegetation alongside the railway line to the west of Pump Lane is generally thinner and lower, and the views to the north are more open, though still mainly filtered to some degree. In these views the new houses on the site would replace and also significantly

close down the presently attractive views across the site towards the estuary. Most of the views are from upper floor windows and the properties are of medium sensitivity - some of the properties are bungalows, but would still have some views of the upper parts of the nearest houses, across the railway line (see Photographs 13, 14 and 37). The degree of change would vary with the presence of filtering vegetation, but there would be up to a high degree of change for the properties with the most open existing views, resulting in **moderate to high adverse visual effects** for around 15 properties, with **moderate adverse effects** for around another 25 properties and **between insignificant and slight to moderate adverse effects** for the remainder.

- d. Properties to the west along Lower Twydall Lane - there would be some views of the new houses in the western corner of the site from upper floor windows of three properties at the south end of the lane, in replacement for existing views across the orchards, and the southern two properties would have more direct views. There would be up to a medium degree of change for these receptors of medium sensitivity, resulting in **moderate adverse visual effects** for the two properties with the more direct views, and a low degree of change and **slight to moderate adverse effects** for the third property to the north. From further to the north along the lane there would be some limited and more distant views of the upper parts of the new houses from upper floor windows of the properties along the east side of the lane, resulting in **between insignificant and slight adverse effects**, depending on the openness of the view.
- e. Properties along Pump Lane - there are a number of properties scattered along both sides of the lane, and all of them have some views across the existing orchards, though the openness and extent of those views vary. All of the views are at the moment generally attractive and rural, with orchards in most cases forming the main component of the view, and the dominant features in the view if the development proceeds would be the new houses or other buildings. From north to south along the lane effects would be as follow:
- There would be views of the new houses and also the new internal access road in the north western part of the site from first floor rear windows of the Listed Building of Chapel House/ Chapel Cottage at the north end of the lane on its western side, though the nearest part of the development to these properties would be a small area of new orchard planting (see Photographs 4 and 5). There would be a medium degree of change for these receptors of medium sensitivity, resulting in **moderate adverse visual effects**.
 - There would be clear views of new houses and also the care home/ facility in the western part of the site from mostly upper floor windows of the properties along the

east side of the lane at its northern end (see Photograph 7), and the southernmost 5 properties would also have views from their rear upper floor windows of the school and new houses in the eastern part of the site, above the tall boundary hedge. There would be a low degree of change for the 3 northernmost properties whose views are partly screened by Chapel House/ Chapel Cottage, and **slight to moderate adverse effects**. Views and effects for the central 5 properties would be similar to those for Chapel House/ Chapel Cottage, and they would experience **moderate adverse visual effects**. The southernmost 5 properties would have views of the new buildings both to the west and south east, and would be largely surrounded by the new development, though the closest part of the development to the south would be the school and its playing fields. There would be a medium to high degree of change for these receptors of high sensitivity, resulting in **moderate to high adverse visual effects**.

- There are three properties on the east side of the lane close to Pump Farm. These properties would be enclosed by the new development, but the closest part of the development would be the new village green to the south and the school to the east. The properties presently have far-reaching views across the orchards (including some from rear ground floor windows), and these would be closed down and replaced by views of the new houses and school buildings, beyond the new open space or on the west side of the lane, and there would also be some views of the new site access road and its junction with Pump Lane just to the north. There would be a high degree of change for these receptors of medium sensitivity, resulting in **moderate to high adverse visual effects**.
- The group of properties at Russett Farm and also Pump Farmhouse would have views mainly of the new houses in the western part of the site (there are some narrow but clear views across the north western part of the site from Pump Farmhouse - see Photograph 41), but for the eastern three or four properties their main views are to the east, across the eastern part of the site where the new village green would be located, though the houses beyond it would also be visible in that direction. The openness of the views and hence the level of change and effect would vary with the position of the individual property (some of the properties within the Russett Farm development are partially screened by other houses, and Pump Farmhouse itself is largely enclosed to the west, south and east by other houses but has some clear views to the north), but in broad terms there would be partial views only from mainly upper floor windows and **slight to moderate adverse visual effects** for around 7 properties, more open views for a further 9 properties (including Pump Farmhouse) resulting in **moderate adverse**

effects, and clear views from both ground and first floor windows for around 10 properties, with **high adverse visual effects**.

- f. Public Rights of Way - effects on the routes concerned would be as follow:
- o There would be clear and short distance views of the new development from the bridleway as it runs through the site between Lower Bloors Lane and Pump Lane - for most of its route the bridleway would run through the new residential areas, and would also need to cross the new internal site access road, but closer to Pump Lane it would run for a short distance across the new village green. The bridleway is partly enclosed by an outgrown conifer hedge along one side for much of its route through the site, and the proposals are for that vegetation to be retained. There would be relatively open views of the new houses and associated access roads, parking areas and general activity from the side of the route away from the conifer hedge, and also clear views in both directions at the point where the bridleway would need to cross the new internal access road. Even where the route is screened in visual terms, there would be a general awareness of passing through a new residential area rather than walking amongst orchards - the present, generally pleasant experience of walking along this route would change completely (see Photographs 23 to 30). There would therefore be a high degree of change for receptors of high sensitivity, resulting in **high adverse visual effects**.
 - o There would be some views for people walking along the Saxon Shore Way as it runs through the Riverside Country Park, and in some of those views the roofs of new houses within the site would be visible, in particular in views from the route as it runs down the south side of Motney Hill, and (to a lesser extent) from Horrid Hill (see Photographs 32 to 35). There would be up to a medium degree of change for receptors of high sensitivity, and **moderate to high adverse visual effects** for those sections of the route with the most open views to the site.
 - o There would be no significant views and **no significant effects**, for people using the two footpaths to the east of Lower Bloors Lane or within the Bloors Lane Community Woodland.
- g. Local Roads - as set out in my Appendix E, motorised road users are taken to be of medium sensitivity for minor or unclassified roads in the countryside (with non-motorised users of generally high sensitivity), and low sensitivity for users of main roads. Effects would be as set out below:

- For users of Pump Lane there would be a high degree of change around the areas of the two proposed junctions, where the character of the lane itself would change completely and where there would also be views of the new houses and other uses in the adjoining parts of the site. The central part of the lane would not change physically, but there may be an increase in the levels of traffic using it, and some views of the new houses to either side of it, through or above the roadside hedges. For motorised users of the lane there would be an overall medium to high degree of change and resultant **moderate to high adverse visual effects**, and for non-motorised users there would be the same degree of change and **high adverse effects**.
- Users of Lower Twydall Lane may have some limited views of the roofs of the new houses in the western part of the site through gaps in the roadside vegetation or between existing properties, but in overall terms there would be a negligible degree of change and **insignificant visual effects**.
- For users of Lower Bloors Lane there would be a medium degree of change - there would be some clear views of the new houses on the site through gaps in the roadside vegetation or where the hedge is lower (or, as at the northern end of the lane, largely non-existent), but even where the vegetation is denser, there would still be some awareness (especially in the winter) of passing alongside a residential/ urban area, rather than the present experience of passing alongside orchards. There would therefore be **moderate to high adverse effects** for non-motorised users and **moderate adverse effects** for motorised users.
- Motorised users of Lower Rainham Road would be of low sensitivity as it is a busy road, but non-motorised users (there are footways alongside the road) would be of medium sensitivity. There would be a high degree of change at the point of the proposed access, resulting in **moderate adverse visual effects** for motorised users and **moderate to high adverse effects** for non-motorised users, who (if walking on the south side of the road) would have to cross the new access road.
- There would be limited and filtered views only for people using the footbridge across the railway line at the south end of Lower Bloors Lane, which is generally enclosed by adjoining trees, and no more than **slight adverse visual effects**.
- The views from the footbridge at the south end of Lower Twydall Lane are much more open, and at the moment it is possible to experience attractive and sweeping views across the orchards within the site. People on the footbridge

would be of medium sensitivity and would experience a high degree of change - their presently open and attractive views would be lost, and from this elevated viewpoint it would be possible to appreciate the extent of the new development, resulting in **moderate to high adverse visual effects**.

- h. Rail passengers - there would be some variable views for passengers on trains as they pass the site for a distance of more than 1km - in some areas the line is reasonably well enclosed, but in others there are clear views across the site to the Medway estuary beyond (especially from the length of the line just to the east of Pump Lane, which is elevated above the site - see Photograph 40), and there is a general sense of passing an extensive area of orchards, with a rural character (see Photograph 39). Those views would be closed down and replaced by short distance views of the new houses. Rail passengers are of low sensitivity, but there would be a high degree of change in the view (in the winter - the change in the summer would be at a lower level as the views would be more filtered), and **moderate adverse visual effects** for the length of the route as it passes the site.

6.4.2 As for landscape effects, the above effects are those which would be experienced in the winter - effects in summer would generally be at a lower level, though where there is little screening vegetation effects would be at a similar level. These would be direct effects, and would be temporary in that they would be expected to decrease progressively with time as the proposed planting begins to grow up, but some lower level adverse effects would persist into the future. It is also likely that the majority of any new planting would be deciduous, so its screening effects would be reduced in the winter.

6.4.3 There would also be some adverse effects on the overall visual amenity of the area, as the presently largely open nature of the site would be replaced by new development. In my view the overall effects would be initially **moderate to high adverse**.

6.5 Night Time Effects

6.5.1 There would be some adverse effects in terms of extending lighting out into the countryside, across an area which is at the moment mostly unlit. The lighting would be most apparent from the surrounding area in the winter, when the hours of darkness are longer and when the majority of the vegetation around the site would not be in leaf. I have assumed that lighting within the new development would be limited as far as possible (and could be controlled by a planning condition), but nevertheless this would be a significant change, and there would be **adverse effects** of a similar level to those experienced during the daytime.

6.6 Planning Policy

6.6.1 In terms of the relevant planning policies which I have summarised above, the development would have the following effects:

- a. There would be a conflict with Paragraph 170 of the NPPF as the site and surrounding area constitute a valued landscape, and should be afforded protection at a higher level than that of ordinary countryside - the proposals would neither protect nor enhance this landscape. There would also be a conflict with Paragraph 127c) of the NPPF, as the proposals are not sympathetic to local landscape character.
- b. There would be a conflict with Policy BNE25 (Development in the Countryside), as the development would neither maintain nor enhance the character, amenity and functioning of the countryside.
- c. There would be a clear conflict with Policy BNE34 (Areas of Local Landscape Importance), as the site is within (and forms a significant part of) a designated ALLI and the proposals would materially harm local landscape character. The proposed development would cause harm to each of the functions cited in the supporting text to Policy BNE34 as justifying the designation of the Gillingham Riverside ALLI. The ALLI is described in the Local Plan as a '*Rural landscape of orchards and arable fields with country lanes*', and the development would involve the removal of most of the orchards within the ALLI and significant harm to the rural character of Pump Lane, materially diminishing and harming the existing character of the landscape which led to its designation.
- d. There would also be a clear conflict with Policy BNE47 (Rural Lanes), as there would be a clear adverse effect on the landscape character and value of Pump Lane. That policy was not specifically cited in the third Reason for Refusal, but at the time of the decision the detailed proposals for the junctions along Pump Lane were not available. Having studied those drawings it seems clear to me that there would be an adverse effect on the landscape and amenity of the lane.
- e. Policy BNE6 (Landscape Design) would in general be complied with (or could be complied with once detailed proposals are submitted) in that appropriate landscape proposals could be prepared, though I do not believe that any landscape scheme, in conjunction with the proposed development, could lead to a net enhancement of the character of the locality.

6.7 Review of the Revised LVIA

6.7.1 As I have noted, a revised LVIA formed an appendix to the second (September 2020) Supplementary Environmental Statement (SES), and is in general terms a reasonably thorough and detailed assessment following a clearly stated methodology. I do however have some comments upon it as set out below, taken in order as they appear in the LVIA:

- a. As I have noted, on its page 8 the revised LVIA does quote some extracts from the description of the Lower Rainham Farmland character area as set out in the MLCA. However, it does not quote all of the passages which are of relevance, including the following:

'There are a number of benefits attached to this area retaining its essentially rural character. It provides a valuable green buffer separating the built up areas of Twydall and Rainham from valuable and internationally protected wildlife sites along Medway estuary; it offers openness and easy access to a countryside area for an extensive urban population; it improves the setting of the A289 along its eastern boundary and provides attractive open views across the marshes and farmland from the railway line and main road; it also improves the setting of the Lower Rainham and Twydall Conservation areas; along with the Riverside Marshes area it provides a distinctive green backdrop when viewed from the Medway estuary.'

That is in my view a surprising omission, given the relevance of the extract, and also given the fact that I commented on the omission of that and other extracts from the original LVIA in my report of December 2019 (and those comments were repeated in the Planning Officer's Report), and the author of the revised LVIA would have been aware of those comments.

- b. In its section 4.29 the LVIA states that the ALLI designation indicates a 'local value' for the landscape, but does not address the issue of whether it should be regarded as a valued landscape in terms of Paragraph 170 of the NPPF.
- c. The LVIA identifies a number of local landscape character areas (LLCAs) around the site, with the one including the site identified as the 'Lower Rainham and Lower Twydall Fruit Belt' LLCA. On its page 21 it sets out a table assessing the contribution which this LLCA makes to the features and functions of the ALLI. This is a useful exercise, but in my view would have been more useful if it had been carried out for the Appeal site (given that is the area which would change as a result of the proposed development), as I have done in my section 4.3 above. In my view that table underestimates the contribution which the LLCA makes to the ALLI - it appears to

downplay the contribution to the green buffer function because there is limited access within the LLCA and also limited visibility - I do not agree that those factors limit the ability of the land to act as a buffer. It also downplays the views across the LLCA from the railway line - as I have noted, there is a significant distance over which the railway line runs alongside the site (and the LLCA), and there are (especially in winter) some far reaching views across the site to the estuary to the north. The analysis also discounts the landscape value of the orchards within the site, and considers that they do not provide an attractive setting to the Conservation Areas, because they are '*commercial orchards*' which '*do not reflect the traditional distinctive landscape character of the area*'. While I would agree that the orchards do comprise closely spaced trees in rows, that is what orchards look like nowadays, and in my view they still do reflect the traditional and historic character of the area, and carry on the long local tradition of fruit growing. Finally, I would note that (though I think it has underestimated the contributions), the table does still identify four medium level contributions and two low level contributions, but concludes (in section 4.89) that the overall contribution amounts to low to medium - my view would be that the overall contribution should on that basis have been assessed as medium.

- d. In section 7.1 the LVIA states that landscape effects at the scale of the Lower Rainham and Lower Twydall Fruit Belt LLCA would be moderate adverse. That compares with the assessment for the same development set out in the previous (Lloyd Bore) LVIA of moderate to major adverse landscape effects on the whole of the Lower Rainham Farmland character area. The revised LVIA does not explain why there is a difference between the two assessments, or why it has disagreed with the previous assessment and found a lower level of effects on a smaller area - it would normally be the case that effects of a given development would be higher if they are judged against a smaller area.
- e. Section 7.2 then states that '*effects at a site-wide scale*' (i.e. within the site itself) would be no more than moderate adverse. It may be that this is an error, as the table on page 60 does say that initial effects within the site would be moderate to major adverse, declining to moderate adverse by year 15, but it is at best inconsistent, as the moderate adverse effects for the wider LLCA noted above are for year 1. However, following what the table on page 60 says rather than the summary text, in my view the assessment of moderate to major effects within the site is still an underestimate - the landscape of the site would change completely, from being an extensive area of orchards with a largely rural character to a new urban area. For most new developments the change within the site would be at a high level, and this would be a large urban development.

- f. The table on page 62 sets out effects on individual landscape features within the site, and states that the long term effects on the orchards which make up the majority of the site area would be moderate adverse, on the basis that the proposals would introduce some areas of community orchards, which would be more traditional (i.e. with larger, more widely spaced trees) than the existing orchards. That seems to me to entirely miss the point that the existing orchards which cover almost all of the site (and which are recognised as characteristic features by all of the relevant landscape character assessments) would be entirely removed and replaced with a large scale urban development, and the planting of some small areas of community orchards would in no way replace them as landscape features.

- g. Section 8 of the LVIA considers visual effects. I will not review all of those effects in detail, but I would highlight in particular the assessment of visual effects for users of the bridleway through the eastern part of the site. Section 8.16 states that there would be minor beneficial visual effects for users of the bridleway. The table on page 73 shows that the LVIA acknowledges there would be a moderate to high degree of change for the bridleway, so presumably that change is considered to be beneficial, and the table notes the '*opening up of views within the village green*' as a beneficial effect. In my opinion that is a completely unrealistic assessment - at the moment the bridleway is a rural route, partly enclosed but with some open and attractive views across the orchards - I fail to see how its enclosure by new residential development (even if there may be some areas of open space alongside the route within that development) and the need to cross a new road could possibly result in any kind of benefit. As I have noted, the experience of walking along this route would change completely, and my assessment is that there would be significant adverse visual effects. I would also note that my assessment is shared by the previous Lloyd Bore LVIA, which stated (on page 33) that there would be moderate to major adverse visual effects for users of the bridleway.

6.7.2 The above comments have been on what the revised LVIA has said - I also have some observations on what it has omitted to say:

- a. Despite the September 2020 SES stating that the further information provided would include a new LVIA '*taking into account the points raised in the reasons for refusal no. 3, namely the Gillingham Riverside Area of Local Landscape Importance*', the LVIA does not address the issue of whether the purposes and functions of the ALLI would be significantly harmed. It does include some discussion of those matters in the table on page 21 (which as I have noted in my view underestimates the contribution made by the Lower Rainham and Lower Twydall Fruit Belt LLCA) and also in sections 9.9 to 9.12 on page 81, but does not really come to a conclusion as to what the effects on

the ALLI might be, despite that being one of the main elements of the third Reason for Refusal. However, despite the LVIA not assessing effects on the purposes and functions of the ALLI as such, the Appellants' Statement of Case makes the surprising claims that (in paragraph 5.5) the proposed development '*complies with the objectives*' of Policy BNE34 and (in paragraph 7.12) that '*The proposals will retain the function of the site as a buffer*'. Given that one of the stated functions of the ALLI is that it forms an important green buffer, I fail to see how the construction of 1,250 houses and other built features across a significant part of the ALLI can in any way retain this function. Furthermore, as the Tyler Grange LVIA does not carry out a specific assessment of how the ALLI functions would be affected, the Statement of Case appears to be making these assertions without any evidence to support them.

- b. There appears to be no significant consideration within the revised LVIA of vegetation loss associated with the proposed access works, along Lower Rainham Road and also at the proposed junction points on Pump Lane. That is an important omission for two reasons - firstly the vegetation loss itself would be extensive and would have its own implications for landscape and visual effects, and secondly the removal of significant lengths of tall hedgerow would open up views of the new development - replacement planting could be provided, but would take many years to reach the height of the existing hedges.
- c. The LVIA makes no assessment of effects on the character of Pump Lane, despite noting (on page 7) that it is designated as an important rural lane under Policy BNE47, and despite the fact that the proposals involve partial realignment, two new staggered junctions, an increase in traffic flows and (in my view) a consequential complete change in character of this presently narrow, rural lane. Visual effects for users of Pump Lane are considered on page 74, though in my opinion those effects are an underestimate, but effects on the character of the lane itself are not considered.

6.7.3 There are three assessments of the landscape and visual effects of the proposed development - my assessment, the Tyler Grange LVIA as discussed above, and also that carried out by Lloyd Bore and submitted as part of the original planning application. I have made a summary comparison of the way in which those effects are considered in each assessment, and this is set out in the tables in my Appendix D. The comparison is interesting, as it shows:

- For landscape effects, the Tyler Grange assessment is at a lower level than the other two assessments.

- However, it is still an assessment of moderate to major adverse effects for the (extensive) area of the site in Year 1, and moderate adverse effects on the Lower Rainham and Lower Twydall Fruit Belt local landscape character area in Year 15. I would note from the methodology tables set out in Appendix 2 of the Tyler Grange LVIA that a moderate adverse effect is one where *'The development would cause substantial permanent loss or alteration to one or more key elements of the landscape'*, and that a major adverse effect is where *'The development would irrevocably damage, degrade or badly diminish landscape character features, elements and their setting.'* My own criteria for moderate adverse effects are that (as set out in Table 6 of my Appendix E) they would tend to arise from a development which is out of scale or at odds with the landscape, is visually intrusive and will adversely impact on the landscape, and is not possible to fully mitigate. In my view moderate adverse effects, particularly where they persist in the longer term, are significant and harmful, and should be carefully weighed in the planning balance.
- For visual effects, the Tyler Grange assessment is again at a lower level than the other two assessments, apart from effects on Pump Lane where it is broadly similar.
- The Tyler Grange assessment is particularly out of step in the case of visual effects for users of the bridleway through the site, which it considers to be beneficial, whereas the other two assessments find high level adverse effects.

7. REVIEW AGAINST REASON FOR REFUSAL

7.1 The Reason for Refusal

7.1.1 MC's third Reason for Refusal is:

'3 The proposed development would lead to significant long-term adverse landscape and visual effects to the local valued Gillingham Riverside Area of Local Landscape Importance (ALLI), which would not be outweighed by the economic and social benefits of the scheme, in conflict with Local Plan policy BNE34 and NPPF paragraph 170.'

7.1.2 The reason is relatively simple and contained, but there are a number of strands to it, and I will comment on them in turn as follows, with a summary of the component of the reason in italics, and then my observations in normal type below:

The proposed development would lead to significant long-term adverse landscape and visual effects to the local valued Gillingham Riverside Area of Local Landscape Importance (ALLI)

My assessment is that there would be significant and long term adverse landscape and visual effects. The site and the area around it which would be affected form a significant proportion of the area of the ALLI, and there would therefore be significant harm to the landscape of the ALLI. The Local Plan lists a number of specific functions of this ALLI, and my assessment is also that each of those functions would be harmed by the development, leading to overall significant harm to the functions of the ALLI and the reasons for its designation.

which would not be outweighed by the economic and social benefits of the scheme,

The planning balance is considered in Mr Canavan's evidence.

in conflict with Local Plan policy BNE34 and NPPF paragraph 170.

As there would be significant harm to the landscape and functions of the ALLI, there would be a significant conflict with Policy BNE34. My assessment is that the site and surrounding area are part of a valued landscape in the terms of Paragraph 170 of the NPPF - as that landscape would be neither protected nor enhanced, and there would in fact be significant adverse effects upon it, there would be a significant conflict with paragraph 170.

7.1.3 In summary, I would therefore conclude that the third stated Reason for Refusal insofar as it relate to my evidence is fully justified, and is in essence a simple statement of the effects and the resultant policy conflict which would result from the proposed development.

8. SUMMARY AND CONCLUSIONS

8.1 The site for the proposed development is outside the settlement boundary as shown on the Local Plan Proposals Map and is in the countryside. It is also within (and forms a significant part of) the Gillingham Riverside Area of Local Landscape Importance (ALLI), designated by Medway Council under Local Plan Policy BNE34. The ALLI is described in the supporting text to Policy BNE34 as a '*Rural landscape of orchards and arable fields with country lanes.*' The site also adjoins the Lower Twydall (to the south west) and Lower Rainham (to the north) Conservation Areas.

8.2 The site comprises an extensive area of fruit orchards which (in common with most modern commercial orchards) consist of closely spaced rows of trees around 4 to 5m in height together with access tracks around and between the fields. Fruit growing is a traditional and long-standing use in this part of Kent. The site is separated from the urban area to the south west by the railway line, and has a rural character, with tall windbreak hedges alongside the narrow lanes which run to the north east from the urban edge to Lower Rainham Road - Pump Lane continues underneath the railway line, but Lower Twydall Lane to the west and Lower Bloors Lane to the east both terminate at the railway line, with pedestrian only access across it by means of footbridges.

8.3 The Medway Landscape Character Assessment places the site within the Lower Rainham Farmland landscape character area, and the assessment notes that:

'There are a number of benefits attached to this area retaining its essentially rural character. It provides a valuable green buffer separating the built up areas of Twydall and Rainham from valuable and internationally protected wildlife sites along Medway estuary; it offers openness and easy access to a countryside area for an extensive urban population; it improves the setting of the A289 along its eastern boundary and provides attractive open views across the marshes and farmland from the railway line and main road; it also improves the setting of the Lower Rainham and Twydall Conservation areas; along with the Riverside Marshes area it provides a distinctive green backdrop when viewed from the Medway estuary.'

8.4 This would be a significant development within the Lower Rainham Farmland landscape character area and the ALLI, and would take up a significant proportion of both their areas. The development would comprise up to 1,250 dwellings together with retail (or other neighbourhood) uses, a primary school, a 60 bed extra care facility, an 80 bed care home, open space, strategic landscaping and other green infrastructure, and access, all within a site which extends for around 1.2km from Lower Twydall Lane in the west to Lower Bloors Lane in the

east, and 0.7km from the railway line in the south to Lower Rainham Road in the north. The access proposals would involve significant loss of the roadside hedgerow along the south side of Lower Rainham Road, and significant works to Pump Lane, including local realignment and widening, two new staggered junctions and associated signage and other works - the lane would lose its presently rural character.

- 8.5 The generally tall roadside hedges give the area of and around the site an enclosed character, but it is part of a broad landscape sweeping down towards the estuary from the urban area, and the occasional glimpse views of the estuary and the Isle of Grain at field gates or through gaps in the tall hedges are an attractive component of its character, and there is a general awareness of being in the countryside, amongst orchards and away from built development. The existing urban edge to the south of the site is partially screened by vegetation along the railway line, and the railway line forms a clear boundary to the urban area at this point. The proposed development would leapfrog that existing boundary into an area which presently has a largely rural character, with the site consisting mainly of orchards, and the small village of Lower Rainham (and its Conservation Area) would effectively become part of the expanded urban area, and would largely lose its present identify and character.
- 8.6 The proposed development would be visible, and in some cases prominent, from an area around the site which would be limited by Horrid Hill and Motney Hill to the north, the east side of Lower Bloors Lane to the east, properties along the existing edge of the settlement to the south of the railway line and Lower Twydall Lane to the west. This area is relatively tightly drawn around the site, but is in itself a large area of around 1.5km in each direction, and within that area the development would represent a readily visible and locally dominant incursion of large scale built development into what is at present a relatively tranquil area of countryside with a rural, undeveloped character, forming a significant proportion of the designated ALLI.
- 8.7 I have assessed the site and immediately surrounding area as of medium landscape quality and medium to high value, with the ALLI designation helping to add to the landscape value of the area, and medium to high sensitivity to development of the type proposed. The landscape of and around the site also constitutes a valued landscape in terms of Paragraph 170 of the NPPF.
- 8.8 There would be a high degree of landscape change within the site as a result of the proposed development, as the orchards which presently make up the majority of the site would in effect become a new urban area. Change beyond the site boundary would be at a lower level, and there would be a medium to high degree of change to the local landscape.

- 8.9 My assessment is that there would be high adverse effects on the character of the site itself, and on average moderate to high adverse landscape effects for the area around it, within the visual envelope which I have identified. That area is relatively tightly drawn around the site, due to the lack of any longer distance views to it, but within that area (which is in itself extensive) the effects would be widespread and high level, and the character of the local landscape would change completely.
- 8.10 These adverse effects would be expected to decrease slowly with time, as the proposed planting begins to mature. However, they would never disappear completely, and some long term adverse effects (declining to generally moderate to high adverse for the site itself, where the loss of the orchard fields would be a permanent adverse effect, and moderate adverse for the landscape around the site after 10 to 15 years) would be likely to persist, as a result of the significant extension of the urban area to the north, the loss of the orchards which make up the majority of the site, the continuing visibility of the development (especially in the winter) from the surrounding area and the general loss of a significant area of countryside within the ALLI.
- 8.11 There would also be some significant adverse visual effects, mainly for users of the bridleway which passes through the site, for residential properties adjoining the site whose presently attractive rural views would be closed down and replaced by views of new houses and other buildings, and for users of Pump Lane.
- 8.12 The landscape effects which I have identified would decline over time, and would also be felt over a relatively small area around the site. However, they are significant adverse effects, they would initially be at a high level and would persist into the future, and they would affect an area which is in my view a valued landscape in terms of Paragraph 170 of the NPPF and is also locally designated for its importance.
- 8.13 It could be argued that the adverse effects of this development are no worse than those which would be expected from a development of a similar scale on any greenfield site, and are the inevitable result of some development within the Medway Council area needing to be on greenfield sites. Such an argument would in my opinion be incorrect - while any development of a greenfield site will lead to some degree of adverse landscape and visual effects, in this case the development would be within (and would occupy a large part of) a designated ALLI which is also a valued landscape in terms of Paragraph 170 of the NPPF, and would represent a significant and large scale incursion of built development into the last significant area of undeveloped countryside between the urban area and the Medway estuary at this point.
- 8.14 The proposed development would cause harm to each of the functions cited in the supporting text to Policy BNE34 as justifying the designation of the Gillingham Riverside ALLI. The ALLI is described in the Local Plan as a '*Rural landscape of orchards and arable fields with country*

lanes', and the development would involve the removal of most of the orchards within the ALLI and significant harm to the rural character of Pump Lane, materially diminishing and harming the existing character of the landscape which led to its designation.

- 8.15 Turning to the third stated Reason for Refusal, this relates to harm to landscape character in general and to the locally valued ALLI landscape in particular. My assessment is that there would be significant and long term adverse landscape and visual effects. The site and the area around it which would be affected form a significant proportion of the area of the ALLI, and there would therefore be significant harm to the landscape of the ALLI. The Local Plan lists a number of specific functions of this ALLI, and my assessment is also that each of those functions would be harmed by the development, leading to overall significant harm to the functions of the ALLI and the reasons for its designation.
- 8.16 The Reason for Refusal also refers to Paragraph 170 of the NPPF - in my view the site and surrounding area form part of a valued landscape, which would be neither protected nor enhanced by the proposed development.
- 8.17 In summary, I would therefore conclude that the third Reason for Refusal insofar as it relates to my evidence is fully justified, and is in essence a simple statement of the effects, and the resultant policy conflict, which would result from the proposed development.

