

**LANDSCAPE STATEMENT OF COMMON GROUND**  
**BETWEEN THE APPELLANT AND MEDWAY COUNCIL**

APPEAL REFERENCE: **APP/A2280/W/21/3276221**

LPA APPLICATION REFERENCE: **MC/20/1478**

DATE OF INQUIRY: **28 September 2021 for 4 days**

**SITE ADDRESS AND DESCRIPTION OF THE DEVELOPMENT:**

**Address:** Land at Upnor Road, Upper Upnor, Medway (The Appeal Site).

**Description of Development:** *Erection of 72 No. residential dwellings including 18 x affordable housing and erection of Children’s Nursery (Use Class E(f)) associated car parking and infrastructure; new landscaping and public open spaces including new public rights of way and new bus stop; sustainable urban drainage system and associated earthworks and a new vehicular access from Upnor Road.*

**APPELLANT:** Esquire Developments Ltd

**LOCAL PLANNING AUTHORITY:** Medway Council

This Statement of Common Ground addresses the following areas of common ground and areas of disagreement on landscape and visual matters.

- 1.0 Areas of Agreement
- 2.0 Areas of Disagreement

## 1.0 AREAS OF AGREEMENT

- 1.1 It is agreed that the Appeal Site lies in the countryside and outside of any defined settlement boundary but does adjoin the linear residential development of Castle Street.
- 1.2 It is agreed that the context of the Appeal Site is influenced and characterised by arable fields of varying sizes; dense woodland; the built up edge of Stood (large residential area of Wainscott); the busy highway and infrastructural elements of the A289, the Whitewall Creek wastewater treatment works, industrial and commercial development at Medway City Estate; the Frindsbury Lawn Tennis Club (which has some floodlit courts) and cricket club.
- 1.3 It is agreed that the Appeal Site is not publicly accessible and is in active agricultural use.
- 1.4 The most relevant published landscape character assessments are as follows:
- National – NCA Profile 113: North Kent Plain, prepared by Natural England (2012);
  - County – Kent Landscape Character Assessment, Hoo Peninsula LCA, prepared by Kent County Council (2004) (CD5/15); and
  - Local – Medway Landscape Character Assessment, LCA 18 Hogmarsh Valley, prepared by Medway Council (2011) (CD5/17).
- 1.5 The Appeal Site lies within the locally designated landscape, the Hogmarsh Valley Area of Local Landscape Importance (ALLI), as defined under 'saved' policy BNE34 of the Medway Local Plan. which states that:
- "Within the areas of Local Landscape Importance defined on the Proposals Map, development will only be granted 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 areas' landscape character and function."*
- 1.6 It is agreed that the site and surrounding area are part of a valued landscape in terms of Paragraph 174a) of the NPPF (July 2021) due to the aforementioned designation, which is agreed to be at the lowest end of the landscape designation hierarchy.

- 1.7 It is agreed that the Site is not located within or adjacent to a National Park or Area of Outstanding Natural Beauty (AONB).
- 1.8 It is agreed that the ALLI designation was not included within the March-June 2018 Regulation 18 consultation draft of the emerging Local Plan. Furthermore, it is agreed that the Appeal Site does not lie within, or in the setting of, any other locally designated landscapes.
- 1.9 It is agreed that there is no Ancient Woodland within the immediate vicinity of the Appeal Site.
- 1.10 It is agreed that there are no Tree Preservation Orders on the Appeal Site.
- 1.11 It is agreed that the representative viewpoints included within the submitted LVIA (CD2/7) that accompanied the planning submission were agreed with the landscape officer at Medway Council, Stuart Foley.
- 1.12 It is agreed that the methodology employed in undertaking the LVIA assessment is based on the principles and in accordance with the best practice guidelines set out in the Guidelines for Landscape and Visual Impact Assessment (GLVIA3) 3rd Edition 2013.

## **2.0 AREAS OF DISAGREEMENT**

2.1 Areas of disagreement are:

- Whether there are any benefits of the Proposed Development from a landscape and visual perspective.
- The impact of the Appeal Scheme on the function and character of the Hogmarsh Valley ALLI
- The significance of effects on the site and its features, and on local landscape character;
- The significance of effects on visual receptors;

2.2 For the avoidance of doubt the Appellant considers that the nearby telecommunications mast in the vicinity of the Whitewall Creek wastewater treatment works is an existing feature which does have a relationship with the site and its context.

2.3 That the built form tower of Marina Point West which breaches the wooded skyline is also an existing feature and does exert a visual and physical influence on how the contextual appearance of the site is perceived when looking eastwards when seen from PRow RS326, Frindsbury.

**Signed:**



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**On behalf of the Appellant**

**Date: 12<sup>th</sup> August 2021**

**Signed:**



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**On behalf of the Council**

**Date** 12.8.21