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1st April 2016

SHLAA DISCUSSIONS: PREMATURITY & NEW POLICY CONSIDERATIONS FOR HOUSING LAND AVAILABILITY APPLIED TO SW/143

Dear Swale Planning Department,

We are writing to invite Swale Borough Council to reassess the suitability of "Housing Land Availability" (SHLAA) as it applies to current ranking of SW/143 (Between Lynsted Lane & Claxfield Lane, Lynsted Parish).

Our grounds for doing so are:

(a) Prematurity – we raise this now in response to a bizarre public presentation on 29th February, hosted by Lynsted Parish Council where Scott Property Group threatened 120 new homes on half of the SW/143 plot. They argued that their opportunistic proposal is in response to "Swale Borough Council not having a five-year plan", which opens the door for quick planning applications on greenfield sites. We believe this unfairly misrepresented SBC's position and ignores national guidance on this important point;

(b) New Policy Consideration - SBC Air Quality Management Area No5 – Teynham (issued 14th January 2016). National planning policy framework (NPPF, 2012) states that planning proposals that add traffic into areas where "exceedances" have been measured, should be considered as "cumulative". This policy argues against developments that otherwise fall below the normal thresholds (250 homes) for prior environmental screening. When SBC Planners first reviewed the priorities for Housing Land Availability under their five-year plan, the SBC Order establishing the SBC Air Quality Management Area No5 (Feb 2016) was not in existence. We believe this new Policy consideration should lead to further downgrading of SW/143 (and others) as no longer suitable, **on policy grounds**, for development.

Our attachment develops those arguments and suggests which other previously rejected sites should be reassessed in light of the AQMAs in Ospringle, *Teynham/Lynsted* and two in Sittingbourne along the same stretch of the A2.

Our community (both sides of the A2) has an historic pattern of development that means most residents and businesses stand adjacent to the A2 between Station Road and Frogmal Lane. This pattern of development is shared by Ospringle where the prevailing wind direction also intensifies pollution at ground level through the "canyon effect". This traps pollution below the prevailing air-flow across the top of buildings on both sides of the A2. Contrast this with Bapchild where most buildings are set away from the carriageway.

We should also draw your attention to the reserved option to argue the land to the south of the A2 as "Special Green Space" based on the democratically expressed views contained in the Lynsted Parish Design Statement, adopted into Planning Guidance in 2002. This document identified a "sensitive edge" because of its open rural aspect, amenity value, and support for diversity in thriving mammals and songbirds.

Yours sincerely,
Nigel Heriz-Smith

Copy recipients:-
Swale Borough Councillors Lloyd Bowen and David Simmons
Lynsted Parish Council and Teynham Parish Council
CPRE (Kent) Chairman Dr Peter Blandon

PREMATURITY AND NEW POLICY CHANGES

- 1) Prematurity of any decision to include SW/143 in the Swale Housing Land Availability Assessment (SHLAA)
- 2) New policy grounds for objection: SBC Air Quality Management Area No5 – Teynham (issued 14th January 2016)

We wish to object to any emerging planning proposal for development on land identified by owners south of the A2/London Road in Lynsted Parish - SW/143.

Prematurity

Opportunism of this kind and on this scale is no substitute for a balanced, planned approach that tests all potential land against a coherent set of criteria base in sustainability and core economic regeneration plans of SBC.

The same objection can and should be made for any large-scale development in the period during which Swale Borough Council (SBC) are consulting on how best to meet the increased targets identified by the Planning Inspector in her response to SBC's own plan. Apart from the matter of housing totals, the Planning Inspector applauded SBC's structured, logically consistent approach to evaluation of land to meet its economic regeneration plan and corresponding housing need.

To say there is "no 5-year plan" (as claimed in the recent public meeting with the developers – Scott Properties - who made many incorrect claims around SW/143) when the due and proper processes are in hand is a distortion of the planning process and thoroughly prejudicial.

The anticipated yield of up to 390 homes [SBC/PS/037h(i): *Swale Borough Council draft Strategic Housing Land Availability Assessment 2014-2015 (provisional)*] on the land along the northernmost edge of the rural Lynsted Parish is of such a scale that it ought to be rejected out of hand on multiple grounds of policy.

Ministerial guidance (dated 19th December 2014) to the Chief Executive of the Planning Inspectorate states *"the outcome of a Strategic Housing Market Assessment is untested and should not automatically be seen as a proxy for a final housing requirement in Local Plans. It does not immediately or in itself invalidate housing numbers in existing Local Plans.*

Councils must consider SHMA evidence carefully and take adequate time to consider whether there are environmental and policy constraints, such as Green Belt, which impact on their overall final housing requirement."

"Prematurity" is a clear grounds for objection contained in Guidance for the National Planning Policy Framework (Ref: <http://planningguidance.communities.gov.uk/blog/guidance/determining-a-planning-application/how-must-decisions-on-applications-for-planning-permission-be-made/>) - Paragraph: 014 Reference ID: 21b-014-20140306

"in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area."

Premature permission for any developments outside the plan-making process will undermine the plan-making process. This current process is based on extensive community consultation and wider ambitions of SBC for a coherent economic development plan.

Opportunistic development of the SW/143 site, as proposed by Scott Development falls outside the existing formal planning process:

- Is entirely out of scale to the patterns of development for rural Parish of Lynsted;
- Ignores the “sensitive edge” established under the Lynsted Parish Design Statement that was adopted by Swale Borough Council in 2002 as Planning Guidance;
- *Special Green Spaces.* We understand that areas of countryside, identified through democratic instruments like the Lynsted Parish Design Statement, are capable of being nominated as Special Green Spaces. We understand there are some people in the Parish of Lynsted who plan to nominate the two “sensitive edges” so identified in the Parish Design Statement – namely, the extensive open land to the south of the A2 (including SW/143) and the Lyn Valley that runs adjacent to Lynsted village. Please accept notice that such a nomination is in hand and further argues against development of the land at SW/143.
- Ignores DEFRA’s categorisation of the land south of the A2 as “excellent” - the highest grade of agricultural land. The National Planning Policy Framework (NPPF) (Para. 112) states: “*Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality*”;
- Ignores Swale Planning Policy on restricting the use of “greenfield sites” to the areas covered by their strategic economic development plans. *Policy KTG1 of the SERSS (South Eastern Regional Spatial Strategy) provides that the release of greenfield should be considered to facilitate the revitalisation of Sittingbourne and Sheppey in Swale. This promoted site does not fall within either of these new development areas and will therefore not be progressed further within the SHLAA.*

New Policy Consideration: Harmful Pollution (AQMA, No.5 - Teynham)

- Intensifies already unlawful levels of harmful pollution along the built areas of the A2 between Ospringe and Sittingbourne. These “exceedances” lead to:
 - High levels of harmful NO₂ pollution being measured by Swale Borough Council along the A2 between Greenstreet Hill and Lynsted Lane. The “canyon effect”, which traps and intensifies pollution at ground level, is also a common feature between Lynsted Lane and Frognall Lane. Consequently, at the recent Lynsted Parish Council Meeting, Councillor Simmons agreed to inspect suitable monitoring sites beyond Lynsted Lane. Swale Borough Council has made an Order for an Air Quality Monitoring AQMS (No5 Teynham) Monitoring area (February 2016). There are serious breaches of health limits for NO₂ and associated particulates at three more monitoring sites along the A2, specifically in Ospringe, Teynham, and two in Sittingbourne. The A2 is a ‘closed system’, each of these communities experience the same traffic levels and concentration of pollutants coming from traffic being slowed by the complex road-scape of junctions, obstacles (parked cars, bus stops and delivery vehicles), crossings, pedestrians, cyclists, etc. ***On these grounds, there should be no further large-scale developments between Ospringe and Sittingbourne (that includes the 600 dwellings proposed at Stones Farm, Bapchild where Kent County Council has already objected. That development would have pronounced adverse effect on the capacity and flow along the A2. Ref: 14/501588/OUT).***
 - Levels of harmful pollution will **already** intensify due to
 - existing approval of the significant expansion of the **Fowler-Welch cold-store site**, which will shortly come on line. Lorries are the major source of harmful NO_x and particulate matter.
 - Equally, the Planning Inspector will shortly be considering planned brick-earth extraction from sites on the A2 (Tonge) and Barrow Green Farm (Teynham). The lorry traffic will add significant further pollution burden in an area that already exceeds safe limits of NO_x and particulates.

Lorries transporting brick-earth will adversely affect the capacity of the A2, adding to congestions at pinch-points – a pattern that is best understood through so-called “**queuing theory**”. In short, the capacity of a road (measured as sustained velocity of traffic) reduces rapidly whenever there are constrictions and obstacles that create multiple decision-points and slowing. The model is not a linear one. The **cumulative** impact of individual additions to traffic flows can have a disproportionate impact on ‘friction’ within the system, triggering severe and rapid congestion. For the A2, the result must logically extend the effect of congestion along all residential stretches of the A2 between Ospringe and Sittingbourne **in both directions**.

- Even seemingly modest developments (such as the 67 homes applied for at Norton Ash, 14/505933/FULL) should be treated as ‘cumulative contributors’ to pollution and automatically rejected until a successful and sustained reduction of pollution levels is achieved in all the existing residential communities along the A2. Planning Guidance for NPPF [Paragraph: 002 Reference ID: 32-002-20140306] states, “*in plan making, it is important to take into account air quality management areas, ... potential cumulative impact of a number of smaller developments on air quality as well as the effect of more substantial developments*”;

The adverse effects of a large-scale development at SW/143 outweigh any argument for opportunistic increases in housing supply – supply that can better be met through a planned policy-led approach.

The landowner’s ‘offer’ of **SW/143** for development **fails to meet any rational test for economic development and service provision**. It does not address local economic need as there are no significant employment opportunities in either Teynham or Lynsted Parishes. Service provision is more sustainable in existing urban centres where multiple suppliers of many services allow market-led responses to increases in population. Development of core services are not sustainable in smaller, rural, communities where relatively large population increases place significant additional burdens on access to existing services. At the same time, these population increases are insufficient locally to attract investment in new services to meet the greater demand. This parcel of land lacks suitable access to road infrastructure; the proposed access onto a narrow Lynsted Lane at a point that already experiences localised congestion and poor line of sight raises safety issues too.

SW/143 has consistently failed over several years to pass **all** previous SBC Planning Assessments.

The lack of collaboration between the two Parish Councils in matters affecting the community along the A2 means that there is a very real risk that the “cumulative impacts” arguments will not be recognised by either Parish Council. It is essential to consider this community as an entity in its own right. In public discussion documents, SBC has always referred to “pollution” and “SW/143” as a “*Teynham*” problem. Clearly, this threatens to diminish views from Lynsted Parish and disenfranchises residents on both sides of the A2.

Policy consistent alternatives to previously rejected sites

All previously rejected sites for development that fall between Ospringe and Sittingbourne should be rejected at “Stage 1 – Policy Constraints” to take account of recently established *exceedances* in harmful pollution in our community.

Ospringe Street AQMA LAQM Further Assessment (January 2013), page 29, adds a cautionary note that original assumptions on pollution reduction “could be an optimistic estimate, as projected concentrations are likely to be underestimated as shown by recent NO₂ monitoring trends across the UK.”

We believe it follows that SW/143 should be removed from the list at “Stage 1” (Policy Constraints) for all the policy reasons identified above. A **plan-led approach should be retained**, centred in SBC’s economic development area between Sittingbourne and Sheppey. These parcels are more policy consistent, scalable, likely to trigger market-led investment in enhancing local services and are better-suited to local employment.

SHLAA 2013-14 (May 2015) identified a supply of 13,482 homes to meet its original target of 10,800 = 2,682 projected oversupply over the full period 2011-2031. The first logical step is to commit this oversupply to the revisions proposed by the Planning Inspector. The Planning Inspector’s (P.I.) recommendations may not of course be

achievable simply as a consequence of supply-side economics! The P.I. proposal calls for an increase in *build rate* that has no historic pattern of delivery locally. Taking account of the capacity of the local building industry, it is to be expected that developers will argue on an opportunistic basis for greenfield sites. Developers will present their opportunistic greenfield sites (SW/143 is top grade agricultural land) as somehow ‘doing us and SBC a favour’ – in reality it is an attempt to hijack the proper processes already based in democratic engagement and many months of representations.

We believe it would be **negligent** to contemplate approval of any developments that cumulatively intensify already harmful levels of pollution to residents and workers along the A2 between Ospringe and Sittingbourne. *It is in Ospringe and Teynham/Lynsted (and parts of Sittingbourne) that the historic pattern of development brings residents immediately adjacent to the pavements, the traffic and its pollution. This proximity does not exist in Newington or Bapchild, where front gardens are common (but any development in Bapchild would worsen pollution in both directions along the A2).*

What has changed on the Planning Policy front?

The threat to residents from worsening pollution (“exceedances”) was not included in SBC’s original consideration of parcels of land between Sittingbourne and Ospringe. Currently, these sites generally fall into **Tier C of SBC’s ordered list** on the grounds that there are “no significant environmental constraints”. Clearly this assessment now needs to be updated since material “exceedances” of harmful pollution levels have been measured and are likely to get much worse even without any further building. This is because of Fowler Welch’s expansion of their distribution and cold-store centre and the threat of brick-earth extraction at Barrow Green. Both these existing threats promise to further damage the health of residents and workers adjacent to the A2 (Teynham and Lynsted).

On the grounds of new policy evidence, in line with national planning guidance on cumulative impacts, the following parcels should be **removed** from of SBC’s consideration of previously rejected sites:

SBC/PS/037h(i): Swale Borough Council draft Strategic Housing Land Availability Assessment 2014-2015 (provisional).

- SW/071 - Land at Frogmal Lane - Teynham - Yield 260 – *Should now be removed from Plans*
- SW/101 - Land at Hempstead Lane - Bapchild - Yield 62
- SW/143 – Between Lynsted Lane and Claxfield Lane, Lynsted Parish – Yield 390 (up from 377)
- SW/144 - Land at Station Road - Teynham - Yield 120 – *Should now be removed from Plans*
- SW/410 - Land adj. School Lane, Bapchild - Yield 40
- SW/453 - Land at School Lane - Bapchild - Yield 24
- SW/996 - Land at Barrow Green Farm - Teynham - Yield 74

The remainder of the list in SBC/PS/037h(i) - Swale Borough Council draft Strategic Housing Land Availability Assessment 2014-2015 (provisional) should also take into account the importance of direct access to free-flowing roads. For example,

Faversham

Notwithstanding Swale Borough Council’s *initial* intention to protect Faversham in setting out their development plans, we believe similar scale proposals that are well served by direct access to main roads and enjoy the resilience of being part of a larger community and highly developed services should be given another look – e.g. SW/413 - Perry Court Farm – Yield 370 homes (this site does not face comparable concerns over harmful pollution).

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