

HIGHSTED PARK PROPOSAL

Planning applications 21/503906/EIOUT & 21/503914/EIOUT

Representations on behalf of Teynham and Tonge Parish Councils.



October 2021

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Our Concerns



9,250 dwellings



Building on farmland



Loss of rural character & environment



Impact on air quality



Urban extension

Houses



Rural character



Farmland



Roads



Air quality



A2 Teynham designated 'Air Quality Management Area'

Long term exposure to air pollution can cause ...



Heart Disease



Lung Disease



Type 2 Diabetes

1 Introduction

1.1 Basis for Representation

- 1.1.1 These representations are made to Swale Borough Council (SBC) as the Local Planning Authority in respect of planning applications 21/503906/EIOUT Land to the west of Teynham and 21/503914/EIOUT Land to the south and east of Sittingbourne.
- 1.1.2 The representations are made jointly by both Teynham Parish Council and Tonge Parish Council.
- 1.1.3 Planning application 21/503906/EIOUT Land to the west of Teynham seeks outline planning permission for the following development:

Phased development of up to 95.51 hectares of land comprising:

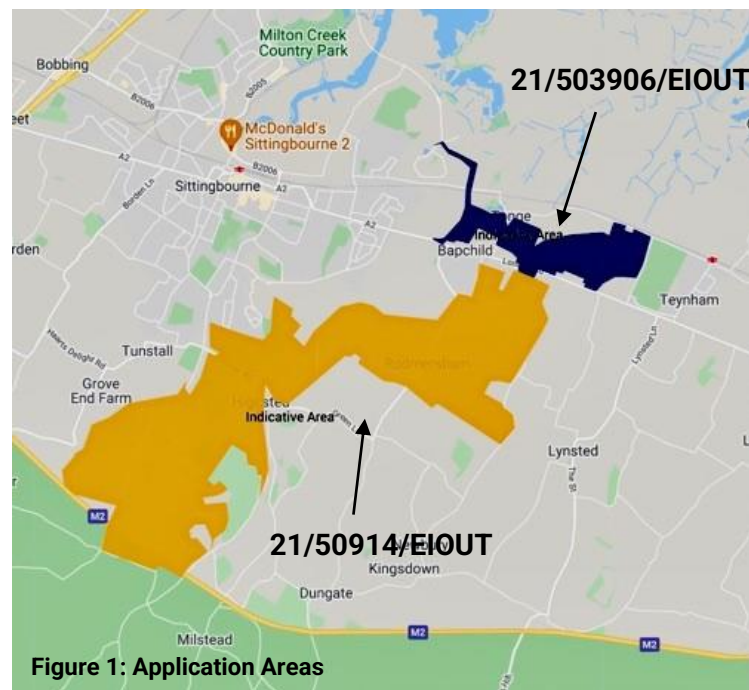
- demolition and relocation of existing farmyard and workers cottages,
- up to 1,250 residential dwellings including sheltered/extra care accommodation
- up to 2,200 sq.m/1 hectare of commercial floorspace
- mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace, non-residential institutions and local community uses and Public Houses
- learning institutions including a primary school
- open space, green infrastructure, woodland, and community and sports provision
- highways and infrastructure works including the completion of a Northern Relief Road, Bapchild Section and new vehicular access points to the existing network
- associated groundworks, engineering, utilities, and demolition works.

- 1.1.4 Planning application 21/503914/EIOUT Land to the south and east of Sittingbourne seeks outline planning permission for the following development:

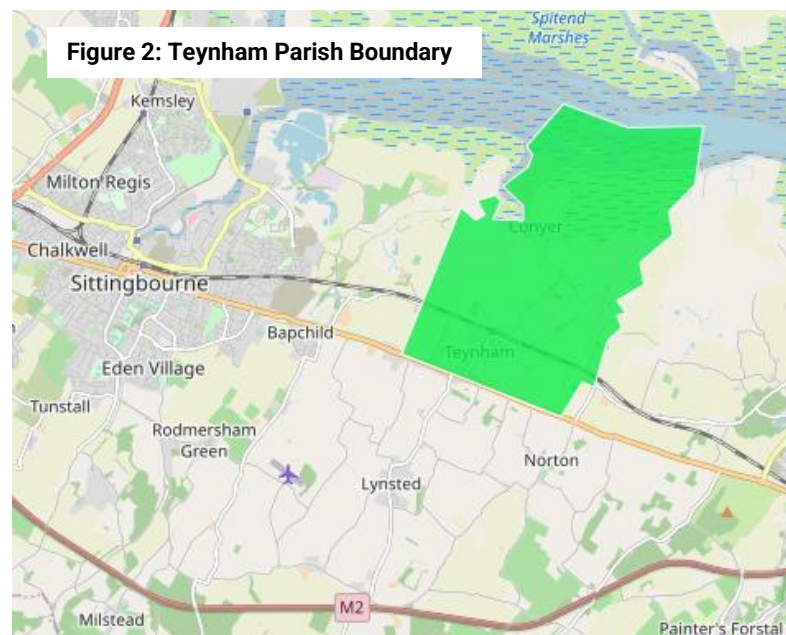
Phased development of up to 578.65 hectares of land comprising:

- up to 8,000 residential dwellings including sheltered/extra care accommodation
- up to 170,000 sq. m/34 hectares of commercial, business and service/employment floorspace including up to 2,800 sq m of hotel floorspace
- mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace, non-residential institutions, local community uses and Public Houses
- learning institutions including primary and secondary schools
- open space, green infrastructure, woodland, and community and sports provision
- highways and infrastructure works including the provision of a new motorway junction to the M2, a Sustainable Movement Corridor (inc. a Sittingbourne Southern Relief Road)', and new vehicular access points to the existing network
- associated groundworks, engineering, utilities, and demolition works.

1.1.5 The planning applications collectively form the Highsted Park development proposal being pursued by Quinn Estates as a substantial urban extension to Sittingbourne which will see substantial development of land in numerous villages and parishes on the eastern side of the Town. The plan shown below at Figure 1 shows the area covered by both applications.



1.1.6 The plans below at Figures 2 and 3 show the Teynham and Tonge Parish boundaries. The application area of 21/503906/EIOUT covers a large part of Teynham Parish and also a section of Tonge Parish to the north of the A2 whilst the application area of 21/503914 covers some of Tonge Parish to the south of the A2 but none of Teynham Parish directly. Nevertheless, the impacts of the development proposed in each application will be experienced directly in both areas and will irrevocably change the character and make up of the two parishes.



- 1.1.7 **Teynham Parish Council and Tonge Parish Council, respectively raise strong objection to the proposals set out in both applications for the reasons that are set out further in this statement.**

1.2 Public Engagement in Teynham and Tonge Parishes

- 1.2.1 These representations are made following a programme of engagement with residents of both Teynham and Tonge parishes and wider parishes. A working group was set up of local residents and members from both Teynham and Tonge Parish Councils to raise awareness of the two development proposals, to share initial concerns and seek feedback and opinion from the wider community.
- 1.2.2 Within the limited time and resources available, the working group has provided advice and support to residents in explaining the proposals and a dedicated website has been set up to provide information on the details of each application, the implications of the proposed development for the local area and advice on how to make representations to the Council. <http://land-west-ofteynham.co.uk>
- 1.2.3 Two leaflet drops were carried out, the first was to raise awareness of the details of the applications and was delivered to 2800 homes in Teynham, Tonge, Lynsted, Conyer, parts of Bapchild and surrounding areas plus 200 leaflets to Lynsted summer fete. The second leaflet drop referred to more targeted and specific concerns about the proposals and was delivered to approximately 500 houses. Regular updates were provided via social media.
- 1.2.4 A series of 3 further public meeting engagement sessions were held on 20th September 2021. Each session lasted an hour and comprised of a short presentation plus an opportunity for discussion. Large scale plans of the proposals were available. From the engagement sessions that were held, the following provides a short summary of the feedback received and the concerns that were shared about the two development proposals:

- Many residents in particular living in the Heron Fields area of the Great East Hall and Lomas Road areas of Tonge Parish where the new northern relief road will travel within 30m of their properties, were completely unaware of the planning applications. The awareness leaflet was the first communication they had received in relation to the schemes, and many were not aware of the wider proposals or that planning applications had been submitted
- Generally, for all residents, there was a very low awareness of the full scale and location of the proposals and there was confusion over the submission of two applications for what is a single large scale urban extension. Many people commented that for a project of this scale there had been very little meaningful engagement to explain the proposals
- There was a low awareness of how to reply to the SBC planning team and of who was able to reply, and many people commented that they did not feel they knew enough about the planning system/law to make a meaningful reply.
- At the face-to-face presentations and discussions during the leaflets drops all of the residents who entered into discussion were opposed to the proposed developments. In particular they mentioned lack of infrastructure, loss of green space, air quality, traffic, too many homes, building on high quality farmland, loss of village life, becoming an urban extension to Sittingbourne, not affordable by locals or their children, negative impact on them personally or their business.
- There were multiple concerns raised about the automated email response submitted from members of Sittingbourne football club and 'Just Build Homes' campaign as being unrepresentative.
- From the activities undertaken by the local residents the table below shows the response to the various elements of engagement. It is recognised that these are indicative numbers only given the complexities of capturing a reliable quantitative indicator and we also recognise that this does not capture the views of those members of the community who did not formally make known their views. In addition to this, members of Tonge PC and Teynham PC have informally spoken to other local residents.

- The work undertaken by the local residents, the informal feedback and indicative numbers, plus the discussions with other local residents has enabled the Parish Councils to each come to a considered view to oppose the planning applications.

Source	People For	People Against
Facebook Precise numbers for Facebook will require detailed analysis to remove duplicates and eliminate people who are outside of the parish. An initial estimate:	3	50
Conversations with others while delivering leaflets		15
Volunteers delivering leaflets		12
Presentations (total of 3 sessions)		38
Comments via messenger		4

Table 1: Indicative response from local engagement

- 1.2.5 The engagement process has been invaluable in hearing what residents of both Teynham and Tonge parishes think about the proposed developments, and it is clear there is great concern amongst the communities living in proximity to both proposals as to how the development proposed will impact on their homes, their villages and their lives in the future.
- 1.2.6 After consultation with their parishioners, the following commentary outlines the concerns that Teynham and Tonge Parish Councils have about the proposed development. These are distilled into a series of topic areas which underpin the strong objection being raised.

2 Planning Policy Overview

- 2.1 The planning regime is a plan led system which means that the starting point for all decision making for planning applications is planning policy and requires examination of as to whether development proposals meet the requirements of adopted planning policies. Section 38(6) of the Planning & Compulsory Purchase Act 2004 dictates that the determination of development proposals should be made in accordance with the relevant policy provisions of the statutory Development Plan unless material considerations indicate otherwise. SBC as the relevant decision maker must therefore consider whether the development proposals set out in 21/503906/EIOUT and 21/503914/EIOUT do accord with adopted planning policy and if not whether there are material considerations of sufficient weight as to outweigh any policy or actual harm. The Statutory Development Plan in Swale Borough comprises the Local Plan Bearing Fruits 2031 adopted in July 2017 and the Kent Minerals and Waste Local Plan 2013 – 2030 (2016). There are no Neighbourhood Plans made which would cover any part of either planning application area.
- 2.2 Material planning policy considerations are recognised as including national planning policy, the related planning practice guidance, supplementary planning guidance, and emerging planning policy. The National Planning Policy Framework (NPPF) provides the national tier of planning policy and as Local Plans are required to accord with its guidance, the policies and requirements set out in the NPPF hold substantial weight in decision making as material planning policy considerations.
- 2.3 There are a number of Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPD) adopted in Swale which would have bearing on the proposed development contained in each of the applications. These are:
- Air Quality Guidance (2019) - prepared with the Kent and Medway Air Quality Partnership and sets out how air quality should be assessed when determining planning applications in Swale.

- Conservation Areas SPG (2011) and Tonge Conservation Area Character Appraisal (2003) - the Conservation Areas SPG describes the purpose of conservation area designation and outlines the implications for those considering development in, or close to such locations. An extract from the Report to the Council's Planning Committee from 27 February 2003 constitutes the current Tonge Conservation Area Character Appraisal which was approved in April 2021 with the omission of reference to the Tonge Country Park.
- Landscape Character and Biodiversity Appraisal SPD (2011) - provides a framework for planning decisions on matters of landscape character and sets out guidance with the aim of protecting and enhancing biodiversity in the borough.

2.4 In terms of emerging planning policy, SBC published their regulation 19 Submission Version of the Local Plan for consultation in February 2021. However, after much criticism of the Regulation 19 version having been published too early, SBC is about to release a further round of consultation on a Regulation 18 basis to allow for further debate and amendment to the plan if necessary. As is set out below the Reg 19 Local Plan sets out the Council's preferred growth strategy and identifies land to be allocated for development over the next plan period. Paragraph 48 of the NPPF indicates that Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the Plan - the more advanced its preparation, the greater the weight that may be given. In this case, the Council has effectively gone back to Regulation 18 stage which is a regressive step in the process. The Local Plan review is therefore at something of a mid-point and whilst it offers an important indicator of the direction of travel that SBC as the Local Planning Authority are heading in, relatively little weight can be given to the policies given its current status.

3 Interaction with the Adopted and Emerging Local Plan

- 3.1 With the exception of a small section of land at the junction of Frogmal Lane and the A2 London Road which is included in policy allocation MU4 in the adopted 2017 Bearing Fruits Local Plan, all of the rest of the land included in both planning applications is not allocated for development.
- 3.2 In 2018 SBC published its New Garden Cities Prospectus which set out the possibilities for securing large scale housing development by creating a self-contained new community or communities. Focusing on the Town and Country Planning Association Garden City Principles, landowners were invited to make submissions providing details of possible garden community schemes for the Council to consider, assess and draw conclusions as to whether establishing large scale new communities was a strategy that they would want to take further in the Local Plan. The land to the south and east of Sittingbourne was put forward as one of four submissions and was known as site NS1 South East Sittingbourne.
- 3.3 The land contained in application 21/503906/EIOUT to the north of the A2 and to the west of Teynham was expressly not included within this submission and is now being pursued as a substantial addition to the land to the south which was originally put forward as a new garden community in 2018.
- 3.4 The four potential new garden community sites went through first and second stage assessment and at the second stage it was noted in the Local Plan Panel meeting report – 17th October 2019 that the Council had already stated at their meeting of 26th June 2019 that they were aware that there was demonstrable lack of public support for a southern link road dependent on house building and/or commercial development for funding. This superseded the previous position set out on 26th July 2017 and confirmed that **a southern link road dependent on housebuilding and/or commercial development for funding delivery is not a strategic objective of the Council.**

- 3.5 When the Local Plan review – Reg 19 Submission Version was published in Feb 2021, it was apparent that the new garden communities approach was indeed something that SBC were looking to pursue but the NS1 SE Sittingbourne land was not included as a strategic allocation to achieve this. The Sustainability Appraisal accompanying the publication set out the reasons why, which are detailed further in the Housing Growth section of this report. However, in essence this boils down to a preference for focusing on expansion of the existing urban area at Faversham along with dispersed growth of smaller sites across the Borough and a general preference for the NS3 land at Bobbing site; which would lie in the same eastern planning sector where there would not be sufficient capacity to accommodate both proposals.
- 3.6 It is recognised that the Reg 19 Submission Version Local Plan identifies land in and around Teynham as an Area of Opportunity for Development including up to 1100 new homes – Policy A01 as shown in the extract at Figure 4 below. The inclusion of this policy allocation indicates some interest by the SBC to secure larger scale development at Teynham over the plan period. Teynham and Tonge Parish Councils individually made comprehensive representations objecting to this level of growth being allocated to Teynham in the first round of consultation of the Reg 19 Submission Version Local Plan. The commentary made in objection to Policy A01 follows very closely the points that are being raised in respect of the two applications for large scale proposed development at Teynham and South and East of Sittingbourne.



3.7 The eastern section of the proposal made under 21/503906/EIOUT would fall within this area comprising primarily of the field parcel lying between the A2 and Lower Road and to the west of Frognal Lane. The area of land lying within the proposed Teynham Area of Opportunity represents a very small element of the wider development proposed with the larger part lying outside of the policy boundary shown. It is also noted that the emerging policy is predicated largely on development being masterplan led. The Sustainability Appraisal supporting the Reg 19 Submission Version Local Plan, clearly envisages the development of the Area of Opportunity coming forward as part of the Local Plan through adopted development briefs/masterplan rather than through speculative development proposals. It is therefore contended that limited weight can be placed on this policy to support the principle of development in 21/503906/EIOUT for three reasons:

1. Only a very small section of the application lies within the Area of Opportunity which would in no way justify development of the applications site as whole
2. The development proposed fundamentally contravenes the requirements of the draft policy and
3. The Reg 19 Submission Version Local Plan is emerging policy and whilst some weight can be given to it, the policies of the plan cannot be relied upon in the same way as adopted policy.

3.8 In summary, neither application site is fully allocated in any current adopted development plan document and only a very small part of 21/503906/EIOUT lies within adopted Policy allocation MU4 and emerging policy AO1, which itself has yet to be tested and formally adopted. The land to the south and east of Sittingbourne contained within application 21/503914//EIOUT has been publicly promoted for development consistently over a number of years but has not been taken forward as an allocation in the emerging Local Plan for the reasons stated.

- 3.9 The current adopted Local Plan offers no in principle support for the scale, extent and location of development proposed in either application and the limited elements of policy allocation in the emerging Local Plan would not be sufficient to support the proposals in their entirety, the emerging plan policies themselves carrying limited weight on account of their status.

4 Issue of Prematurity.

- 4.1. Paragraph 49 of the NPPF provides strong guidance as to when a decision may be considered premature in the context of Local Plan formulation. It is held to be unlikely that a case of prematurity would be substantiated unless the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would be to undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan.
- 4.2. In this instance, the scale of development proposed in these two linked applications is substantial, which combined, proposes a significant urban extension to the town at Sittingbourne and amalgamation of existing villages lying on the eastern edge. It is a development that would affect numerous outlying villages. Development on this scale would not only be contrary to the direction of travel in which the Local Plan Review appears to be going, but ultimately would force the Council's hand in applying significant growth (indeed growth that would account for a considerable proportion of the Council's housing supply requirement over the plan period to a single location without having had that strategy tested through the rigours of Local Plan examination.
- 4.3. Furthermore, the emerging Local Plan Policy AO1 relating to the proposed Teynham Area of Opportunity requires any further development of the identified opportunity area to be masterplan led with new development outside of existing allocations not expected to come forward until a Teynham wide masterplan is in place. Landowners are encouraged to work together to produce this as a comprehensive whole. The text supporting draft Policy AO1 states *"Given the complexity of the joint work and consultation required to develop an appropriate masterplan, the Council does not envisage any housing delivery from the area of opportunity until after 2028"*.
- 4.4. The submission of application 21/503906/EIOUT has been made individually as a standalone proposal which does not attempt to offer any wider holistic masterplan for Teynham.

- 4.5. The proposal would offer a piecemeal development of the western part of the draft opportunity area and would not adhere to the fundamental principle upon which the allocation is proposed – ensuring any new development is consistent with a defined masterplan methodology that delivers development in an agreed way across the opportunity area as a whole.
- 4.6. In the context of 21/503906/EIOUT it is considered that this development alone is premature and inconsistent with the emerging Local Plan which can be given weight, albeit limited.

5 Overarching Planning Principle

- 5.1 The majority of the land contained in both applications lies outside of any development boundary and is therefore classified as countryside for the purposes of the adopted settlement hierarchy set out at Policy ST3 of the adopted Local Plan.
- 5.2 Policy ST3 indicates that development should be focused to urban areas of the Borough and that development in the countryside outside of development boundaries is the lowest rung in the hierarchy of priority.
- 5.3 Whilst it is noted strongly that both planning applications would not accord with the adopted settlement hierarchy, the NPPF provides overriding guidance for where settlement hierarchy policies can be put aside and this is the in-principle premise upon which both applications have been advanced.
- 5.4 Para 74 of the NPPF requires Local Planning authorities to maintain and annually update a rolling 5-year supply of specific deliverable housing sites to meet their housing needs set out in the Local Plan. A 20% buffer must be added to that if the council has underperformed in the Housing Delivery Test as has been the case in SBC.
- 5.5 Where a Local Authority cannot demonstrate a 5-year housing land supply, the NPPF (Footnote 8) states that the adopted policies relating to housing supply including those relating to location of new housing such as Policy ST3 of the adopted Local Plan should be considered to be out of date. Instead, decision making should revert back to the general presumption in favour of sustainable development which is set out at Paragraph 11 of the NPPF.
- 5.6 The latest Housing Land Supply position statement issued by SBC indicates the Council can only demonstrate 4.6 years supply including the 20% buffer and so the presumption in favour of sustainable development can be engaged.

5.7 However, Paragraph 11d of the NPPF is clear that applying the presumption favour of sustainable development in decision making means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, (as is the case here) planning permission should be granted unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

5.8 With regard to criterion i), it is certainly the case that the policies designed to protect areas or assets of particular importance would offer a clear reason for refusing application 21/503914. The NPPF defines what areas or sites of particular importance refer to and whilst there are many intrinsic items of value within both application areas, not least the significant heritage assets of national and local importance, the AONB designation covering the southern part of the 21/503914 application area is particularly of focus in this context. The AONB unit maintained an objection to the development of this area at an initial stage and the objection is fully supported by both Teynham and Tonge Parish Councils. The AONB impact is addressed later on in this report.

5.9 Referring to criterion ii), it is strongly contended that in the case of both applications, the adverse impacts of granting planning consent would both significantly and demonstrably outweigh the benefits when assessed against the other non-housing related policies of the NPPF and also those of the adopted and emerging Local Plans.

5.10 The material considerations which Teynham and Tonge Parish Councils consider weigh against the proposals are detailed under separate topic headings below but on balance indicate that the development proposed is not sustainable and does not meet the requirements of paragraph 11d and the presumption in favour of sustainable development which would allow adopted policy on housing location and settlement pattern/hierarchy to be put aside.

6 Housing Growth

6.1. Growth Strategy

- 6.1.1 The adopted Local Plan 2017 sets a figure of 776 dwellings per annum for the period 2014-2031. Since then, the Government has changed the methodology for assessing housing need which has resulted in a new requirement of 1,038 dwellings per annum. The adopted Local Plan opted for a stepped trajectory meaning that a larger proportion of its housing requirement would be delivered in the later years of the plan, largely due to ongoing issues in being able to provide the infrastructure to support significant housing growth in the early years. The Inspector examining the 2017 Local Plan ordered an early review which is now being undertaken, but the combination of low levels of growth in the first five years of the plan and the larger housing requirement overall means that the Council must find even greater levels of housing to meet its housing target.
- 6.1.2 The development proposed across both applications at 9250 dwellings would represent a significant proportion of the Borough's housing delivery for the next ten years to the end of the adopted plan period. Just taking a yearly delivery at the current housing need level of 1038 dwellings pa (10,380 total for the plan period) it is clear how large a proportion of the Borough wide housing requirement would be fulfilled by the development proposed in the two applications. Whilst this may be seen as advantageous in terms of securing delivery and ensuring housing land supply, it is being brought forward without having been tested through the Local Plan examination
- 6.1.3 Teynham and Tonge Parish Councils ask why should one single area of Swale bear the brunt of accommodating such a significant proportion of the Boroughs housing requirement -particularly when that area is as constrained by road capacity and poor air quality issues as it is, and the development would irrevocably change the character and functioning of the settlements for the worse?
- 6.1.4 It is not advantageous for the communities that live in and around Teynham and Tonge Parishes who will experience the detrimental effects of consistent and ongoing development for years to come and well beyond the existing 10-year horizon of the current Local Plan.

6.1.5 Of the four sites submitted as part of the New Garden Cities Prospectus, only one, NS4 South East Faversham was taken forward for further consideration as part of the broad growth scenarios considered in the Reg 19 Local Plan Review document. This was largely due to the NS4 Southeast Faversham site being located directly adjacent to the settlement whilst the other three options (including NS1 South East Sittingbourne – land subject of application 21/503914/EIOUT) are technically located within the Borough’s rural area.

6.1.6 The Sustainability Appraisal confirms that the NS1 South East Sittingbourne site was not taken forward as an allocation in the Reg 19 Submission Version Local Plan document for the following reasons:

- there are risks and uncertainties around viability and therefore deliverability;
- the viability challenges mean that no more than 20% affordable housing can be expected;
- the scale of growth necessary to fund the new strategic link road and motorway junction leads to concerns in respect of landscape objectives; and
- the required scale of growth is beyond that necessary for the eastern planning sector of the Borough, particularly given the need to also deliver growth at Faversham and elsewhere in the Borough.
- Site NS4 Land at Bobbing was considered more suitable to be taken forward and there was not capacity to accommodate two strategic sites in the eastern planning sector.

6.1.7 SBC resolved to proceed with a growth scenario that looks to focus further development at Faversham as well as identifying a need to give further consideration to scenarios involving a more even distribution of allocations across the two broad east and west planning areas of the Borough

- 6.1.8 Whilst Teynham and Tonge Parish Councils have strong reservations about the Teynham Area of Opportunity (and it is noted that Lynsted and Kingsdown Parish Council have mounted a legal challenge to the Reg 19 Submission Version Local Plan on the basis of a flawed growth strategy relating to the identification of the Teynham Area of Opportunity) they endorse the wider growth strategy chosen in the emerging Local Plan as a means of offering a broader spread of development across the Borough rather than concentrating development in a single area. The development of land within application 21/503914/EIOUT has been rejected from the Local Plan process after significant review and is clearly at odds with growth strategy selected.
- 6.1.9 Furthermore, proposals to develop greenfield sites on this scale ignore the continued focus of planning policy at all levels which continues to seek the development of brownfield or previously developed sites as top tier priority in order to make the most efficient use of land – embodied in Chapter 11 of the NPPF and most recently reinforced in the publication of the Government’s “Plan to regenerate England’s cities with new homes” publication (2020). This places a clear focus on making the most of underused land to protect open spaces. The growth strategy selected by SBC in the Local Plan Review would allow for that to occur with greater focus on dispersed growth in smaller sites across the Borough. Strategic level sites such as those contained in 21/503914/EIOUT and 21/503906/EIOUT cannot hope to achieve that.
- 6.1.10 In this respect is also considered important to reference the recent commentary made by the prime minister in his keynote speech to the Conservative Party Conference on 6 October 2021. Within this speech the Prime Minister signalled a clear intention to shift in focus towards meeting housing needs in ways that avoid the development of greenfield land. Following this, a number of local authorities across the country have requested urgent clarification from Central Government as to what this means for those formulating housing growth strategies in areas where substantial greenfield release is being considered. We would urge SBC to act similarly in securing clarity on this point in advance of making a decision on these two applications given that they propose extensive greenfield development which would run counter to the prime minister’s stated objectives.

6.2. Committed Development

- 6.2.1 The adopted Local Plan 2017 contains four allocated sites located within Teynham and Tonge Parishes offering a planned 410 new dwellings. With the exception of the site at Mayfield, Teynham (allocated for 13 dwellings) all of the allocation sites have been the subject of planning applications and planning consent has been granted for in excess of the allocation levels in some instances. It is therefore the case that planning consent has already been granted for 430 new dwellings currently as shown in the table below.

Allocation Site	Allocated Density	Planning Consents	Approved Density
Land East of Station Road, Teynham	107 dwellings	18/503697 – Detailed Application	130 dwellings
Land at Frogna Lane, Teynham	260 dwellings	16/507689/OUT – Outline Application	300 dwellings
Barrow Green Farm Teynham	30 dwellings	20/503223/OUT – Outline Application – 13 dwellings	Pending
Land at Mayfield, Teynham	13 dwellings	No application submitted to date	-
TOTAL	410		430

Table 2: Teynham and Tonge adopted Housing Allocations

- 6.2.2 The Stones Farm development lies on the eastern edge of the developed area of Sittingbourne but also lies on the very western edge of Tonge Parish – the effects of which are experienced directly within Tonge and Teynham parishes. Land at Stones Farm is allocated for residential development of between 550-600 houses in the adopted Local Plan. Outline consent has been granted for 550-600 with reserved matters approval having so far been granted for 310 dwellings. The development is under construction and Tonge Parish Council particularly note the issues that have been experienced within the Tonge area relating to water contamination stemming from the construction works.
- 6.2.3 Furthermore, there are a number of applications pending consideration which are not on allocated sites and which lie within Teynham and Tonge Parishes. If approved these developments will bring an additional 132 dwellings to the Parishes. There is also a scheme for 95 dwellings in Bapchild which is just outside the application areas of both applications and would access directly to the A2.

Application Site	Reference	Proposed Density
Storage land at Lomas Drive, Bapchild	20/506066/OUT	13 dwellings
Land north of Lower Road, Teynham	21/505096	23 dwellings
Land east of Lynsted Lane, Teynham	21/502609/OUT	10 dwellings
Land south of Londin Road, Teynham	19/505036/OUT	Up to 86 dwellings
Land at Fox Hill and School Lane, Bapchild	21/501334/OUT	95 dwellings
TOTAL		227 dwellings

Table 3: Housing Applications Pending Determination in and immediately surrounding Teynham and Tonge Parishes

- 6.2.4 It is clear that SBC has already granted planning permission for housing development in Teynham and Tonge Parishes which is in excess of that planned for in the adopted Local Plan. The Stones Farm development which on the edge of Tonge Parish is under construction and will add another 550-600 dwellings once complete and there are proposals for at least 227 more dwellings being considered in Teynham and the immediately surrounding area. .
- 6.2.5 It is noted that the Environmental Statement (ES) supporting 21/503906/EIOUT considers the cumulative effects of that development in combination with existing committed developments. However, the ES only takes account of the allocation capacity and does not reflect the greater dwelling capacity that has been approved across the allocation sites in Teynham and Tonge Parishes. The ES considers all site allocations within the adopted Local Plan in the same way in combination with the proposed development so if planning permission has been granted for in excess of those policy allocations as has occurred in Teynham and Tonge, there is a significant opportunity for the in-combination effects of the proposed development to be substantially downplayed. Given this, there is a question hanging over how accurately the ES has assessed the actual rather than theoretical cumulative impacts of 21/503906/EIOUT.

6.2.6 It is the view of both Teynham and Tonge Parish Councils that the allocations set out in the adopted Local Plan 2017 offered substantial enough growth for the Teynham area which can be comfortably achieved given the various environmental and highway constraints experienced locally which are detailed further in the following sections. SBC has already granted planning permission for in excess of these allocation quotas and there are more development proposals already in the pipeline aside from those contained in 21/503906/EIOUT and 21/503914/EIOUT. Teynham and Tonge Parishes have already delivered their fair share of housing and are dealing with the effects of large-scale development at Stones Farm immediately on their doorstep. The parishes are set to accommodate even more housing should the proposals already in the pipeline be approved. We strongly contend that there are clear reasons to prevent further large-scale development in the locality.

7 Impact on the Strategic and Local Highway Network

7.1 Impacts on the Local Highway Network

- 7.1.1 Teynham and Tonge Parish Councils are very concerned about the impacts of both applications on local highway network. The northern relief road proposed in application 21/503906/EIOUT is of particular issue as this will provide a direct link to the A2 travelling east for traffic coming to and from the distribution centres in Sheppey and the Eurolink Industrial Estate northeast of Sittingbourne. The road will act as a rat run for HGV and other traffic wishing to avoid Sittingbourne town centre and will offer a quicker and easier way for more traffic to be delivered onto the A2 which is already congested and over capacity – similarly so if the M2 junctions are closed.
- 7.1.2 The existing traffic pressures on the A2 are well documented. The A2 is an important corridor providing access to the Strategic Highway Network in the west via Key Street junction and to the east via Junction 7 of M2. Delays and congestion issues associated with Junction 5 of the M2/A249 currently result in the A2 also being used as an alternative for movements to/from the east of Sittingbourne. As a result, the A2 regularly experiences congestion and delay on certain sections. Whilst Kent County Council as the Highway Authority have yet to make any response directly on either planning application, it is pertinent to note their response to the Reg 19 Submission Version Local Plan consultation particularly in response to the growth strategy employed and the proposed identification of 1100 new homes at Teynham. In essence this raised significant concern that the Plan was offering far greater housing numbers in the Teynham area than the transport modelling used as supporting evidence suggested could be accommodated. Substantial concern was therefore raised about the plan being able to adequately demonstrate that the highway network is capable of accommodating the additional 1100 houses proposed.

7.1.3 The Sittingbourne Northern Relief Road was originally conceived as a link between the A2 to the east of the town and the A249 in the west, able to provide new links into the town's commercial areas and to free road space in the streets around the centre. Phases of the road were completed over a 10-year period from the A249 through to new developments at East Hall farm in the north east of the town, leaving the link to the A2 incomplete. The Milton Creek section was completed in November 2011. The adopted Local Plan 2017 safeguards land under Policy AS1 to provide the remaining link section. The extract below from the adopted proposals map show the area of search contained in the policy which clearly indicates that the route selected within this safeguarded area will be determined and allocated via the Local Plan Review.

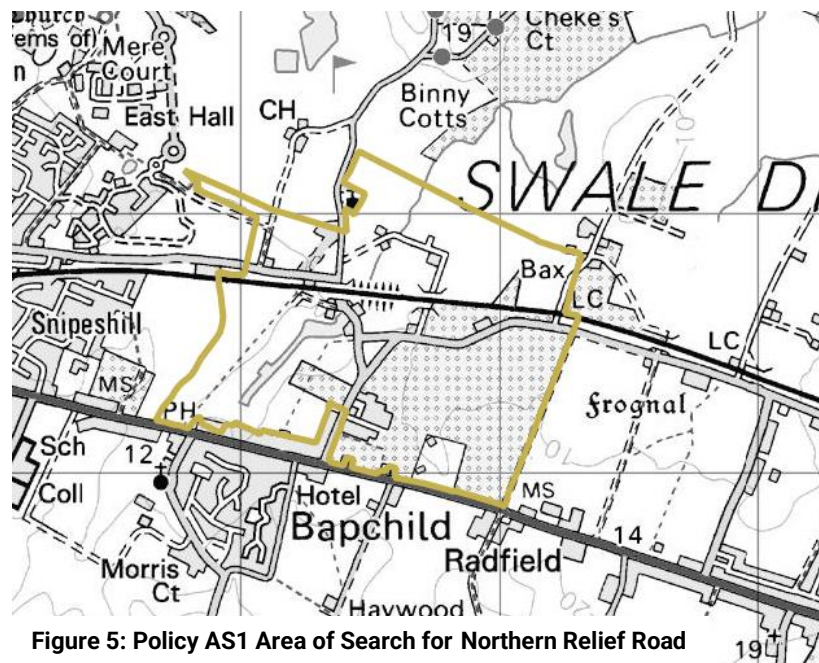


Figure 5: Policy AS1 Area of Search for Northern Relief Road

7.1.4 The Reg 19 Submission Version Local Plan does not expressly refer to a northern relief road with focus turning to creation of a southern link road instead. However, it is clear that SBC envisaged the missing section of the northern relief road to be planned and secured as part of the Local Plan review process rather than as part of a planning application to allow the proposal to be tested at examination and proper input to be had from the communities it would affect.

- 7.1.5 In this case the converse is happening as there are no specific plans to bring the road forward in the Local Plan, yet it is being proposed as part of a developer lead planning application, denying local residents and the communities the opportunity to enter into meaningful engagement on how/if the road proposal is taken forward. We would therefore strongly contend that the northern relief road proposed as part of 21/503906/EIOUT does not accord with adopted Local Plan policy or emerging policy in the Reg 19 Submission Version Local Plan
- 7.1.6 The Reg 19 Submission Version Local Plan refers to development at Teynham having the potential to create an opportunity to provide a link road to the south that could divert through-traffic away from the village centre at Paragraph 3.1.7. No substantive evidence or proposal was put forward for a link road in the plan and KCC raised further concern about the creation of a southern link road in their response stating “ *Whilst there is no evidence presented to support the proposal, it can reasonably be assumed that a link road for through traffic would facilitate increased flows of vehicular traffic along the A2 corridor. In turn, this would be expected to have considerable detrimental impacts of congestion and poor air quality*”
- 7.1.7 The southern relief road contained in 21/503914/EIOUT is being proposed at the developer’s request to serve their own development. This is not a proposal that would otherwise be funded or promoted by the local authority and SBC have made clear that a southern link road dependent on housebuilding and/or commercial development for funding delivery is not a strategic objective for them. The relief road is being promoted as one of the key benefits of the application proposal, but the road is not required without the development so this cannot form a material consideration of substantial weight.
- 7.1.8 It is clear that the strategy being employed across both planning applications requires the southern relief road contained in 21/503914/EIOUT to be implemented to divert traffic from the northern relief road contained in 21/503906/EIOUT away from the A2 and Teynham centre. The northern relief road in turn is being provided to ease congestion within the town centre at Sittingbourne by offering a direct alternative route around the settlement from the east and west.

- 7.1.9 The two road projects are entirely contingent on one another as is confirmed in the Transport Assessment documents submitted as part of both applications which clearly state *“ It should be noted that it is assumed that both applications are interdependent and will only come forward together. As such the traffic impact assessment contained within the Transport Assessment (TA) for both sites are based upon the cumulative assessment of both sites and their associated infrastructure proposals in combination”*
- 7.1.10 Teynham and Tonge Parish Council argue strongly that the application proposals are intrinsically linked, and neither can be implemented without the other. The two respective development proposals cannot be justified in isolation because without the ability to direct traffic circumventing the town centre from the northern relief road into the southern relief road the impact of channelling the additional traffic directly into the A2 would cause unacceptable additional burden on a road that is already recognised to be operating at capacity. Similarly, the southern relief road is proposed also to support the development of 8000 new homes which without the northern relief road being in place would offer the very real prospect of channelling a significant level of traffic from the new development along the A2 – particularly if the new M2 J5a junction is closed or blocked preventing traffic being directed onto the motorway.
- 7.1.11 As each element of highway infrastructure is contained in a separate planning application, should only one application fail the impacts of the proposal that is supported would be entirely unacceptable in terms of additional traffic using the A2 exacerbating the already severe congestion. As is detailed in Chapter 15 of this statement, planning applications should be considered on their own merits and in this case each application has not (and we would argue cannot) demonstrate acceptability in its own right in terms of its impact on the local highway network.
- 7.1.12 Where mitigation is required to make an application proposal acceptable this is usually secured by planning condition or by Section 106 Legal Agreement. It is difficult to see how either mechanism could be utilised to ensure that the necessary mitigation is secured when the availability of that mitigation is entirely dependent on being approved by another application. The uncertainties surrounding delivery of mitigation in that context are great and we have very grave concerns about the ability to satisfactorily link the applications to secure the respective mitigation proposals in the event that SBC does conclude to support both proposals

- 7.1.13 It would appear that certainly in highway impact terms the phasing of development is a fundamental aspect underpinning the ability to (or not as we would argue) mitigate the traffic generation impacts of each development and given that the two schemes are so closely interrelated this warrants consideration on a site wide holistic scale rather than individually in respect of each proposal. The documentation supporting both applications offers indicative phasing plans for the development within each proposal but draws no correlation between that phasing and the construction and completion of the two road infrastructure projects. Whilst phasing of development is something that is normally best considered in detail at reserved matters stage, the scale and extent of development proposed by both applications warrants consideration at this outline stage given the fundamental reliance on the road infrastructure for the acceptability of either proposal.
- 7.1.14 The application documentation appears to make no consideration of phasing scenarios between the two applications whilst acknowledging in all of the impact assessments that the two are directly related and being pursued as a wider combined development.
- 7.1.15 In the event that both applications were to be approved, which piece of road infrastructure would be commenced first – the northern relief road in 21/503906 or the southern relief road in 21/503914/EIOUT and what would happen in the interim whilst both are being built? Both pieces of infrastructure will be developer funded and will likely require capital receipt from the housing, commercial and community development they are serving to fund their implementation. Whilst an element of pump priming may occur it is unrealistic to assume that either piece of road infrastructure will be completed before housing and other development commences.
- 7.1.16 So, what happens in the interim? There appears to be no consideration anywhere in the documentation as to the impact of completing elements of either development ahead of the road infrastructure proposed being operational. The result being almost certainly that the A2 will see an increase in traffic generation from the proposed development which is completed and occupied whilst the respective relief roads are under construction.

7.1.17 This is not accounted for anywhere in the ES either as a construction phase or operational stage impact. The applications appear to only make assessment of the impacts of a scenario where both pieces of road infrastructure are delivered but give no consideration as to a) how that can be guaranteed in the absence of a single planning application delivering both and b) the impacts of completing development in the interim before either road is constructed and operational.

7.1.18 In summary Teynham and Tonge Parish Councils are very concerned about the impact that either application, in isolation, would have on congestion along the A2 which is already at an unacceptable level. We do not consider that either application has fully demonstrated that it can mitigate its own impact in this respect and there is huge uncertainty as to how the two developments can be successfully delivered alongside the northern and southern relief road projects without channelling more development related and rerouted traffic from the west on to the A2 at some stage. On this basis we raise strong objection to the applications in relation to their impact on the local highway network particularly through Teynham.

7.2 Impact of the design of the proposed Bapchild section of the northern relief road

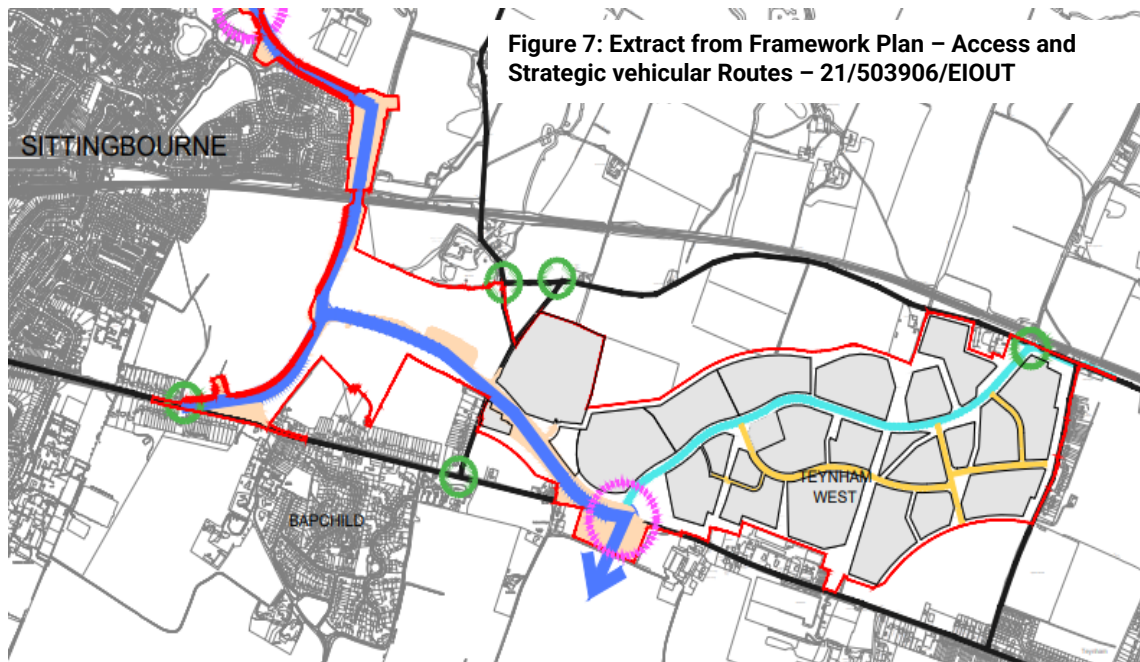
7.2.1 The proposed northern relief road will require a section of elevated road link to cross the railway line which will be in close proximity to the existing residential area to the east of Sittingbourne which lies in Tonge Parish. It is clear that this section of the relief road will require substantial built construction and ground/embankment works at an elevated position. Tonge Parish Council particularly are concerned about the impact this will have for those living on the Great East Hall and Heron Fields estates who are located closest to the position of the proposed flyover section.

7.2.2 Aside from any physical impacts such as noise disturbance and air quality, the outlook for these properties will be irrevocably damaged. The extract from the proposed masterplan at Figure 6 below shows clearly, the proximity of properties to the proposed alignment of the relief road and the flyover section.



7.3 Impact of additional traffic using Lower Road, Teynham

- 7.3.1 Teynham and Tonge Parish Councils are both very concerned about the introduction of a primary access road (shown coloured turquoise in the extract plan below at Figure 7) connecting a new roundabout on the A2 through the proposed residential development to the west of Teynham linking to Lower Road as part of application 21/503906/EIOUT.



7.3.2 This primary access road is designed as the single distributor road carrying traffic through the development of up to 1250 proposed houses. Lower Road is a narrow lane running east west in parallel to the A2 and alongside the railway. It is already used as an alternative to the A2 when that is congested, and the road is not suited to accommodating large amounts of traffic. Difficulties are already experienced in accommodating larger vehicles passing two way and the road is used frequently by cyclists looking for an alternative to traveling along the A2. There have been fatal accidents along Lower Road and it is seen as dangerous to all road users given the narrow width and lack of pavement or cycleway, with no separation of pedestrians and vehicular traffic. Recent incidences include:

- Damage to human life - 3 deaths and numerous injuries.
- Damage to infrastructure – telegraph/electricity pole hit 3 times causing power cuts in Teynham.
- Damage to property – including garden walls and fences being hit by cars.

- 7.3.3 The proposed plans set out in the application offer no detail of any proposed upgrades, improvements or widening works or any additional cycleway or pedestrian provision to Lower Road so we can only assume that the intention is to connect into the road as it is.
- 7.3.4 Lower Road is wholly inadequate to accommodate the traffic generated by 1250 homes plus the traffic associated with a new school, commercial units and sports facilities which will all be accessed from the primary distributor road and will then need to use either the A2 junction or Lower Road to travel away.



7.4 Impact on the Strategic Highway Network – Proposed J5a M2

- 7.4.1 The £92m upgrade to the Stockbury Roundabout (J5) of the M2 which has been agreed by National Highways is designed to accommodate existing traffic as well as projected traffic from housing and development growth contained in the adopted Local Plan for the period to 2031. National Highways confirms that construction work is due to start in January 2022. The already secured J5 upgrade programme will therefore provide for additional highway capacity on the M2 for all of the development growth contained in the Local Plan. There is no requirement for J5a, to be introduced other than to serve the development being proposed in applications 21/503914/EIOUT and 21/503906/EIOUT

7.4.2 It is noted that National Highways (formerly Highways England) share our concern about the proposed southern relief road and new Junction 5a of the M2 being brought forward as a standalone development outside of any strategic plan led initiative delivered through the Local Plan process.

7.4.3 National Highway are responsible for the strategic road network across the country which would bring the M2 motorway under their remit. In their response to application 21/503914 National Highways point out that a new M2 junction as proposed does not form part of the adopted or emerging Swale Local Plan. Furthermore, they point to Circular 2/13 which provides clarity upon when new access points to the strategic road network will be allowed. At paragraph 39 and 40 the circular clearly indicates that:

"where appropriate, proposals for the creation of new junctions or direct means of access may be identified and developed at the plan making stage in circumstance where it can be established that such new infrastructure is essential for the delivery of strategic planned growth

Where the strategic growth test cannot be met there will be no additional junctions with, or direct access to motorways or other routes of near motorway standard ..."

7.4.4 It is clear that the proposed M2 J5a does not meet the strategic growth test set out in the Circular and National Highway's response reflects this in its conclusions which require a substantial level of additional detail to be submitted to demonstrate that there is not only a clear strategic reason for allowing the new access to the M2 but also that the proposed Junction can be created safely without creating additional harm.

7.4.5 It is pertinent to reflect upon the reasons Circular 2/13 requires new access points to the strategic road network to be thoroughly considered through the Local Plan rather than piecemeal through planning applications. Paragraph 38 states that *"in delivering economic growth at local level, it is essential that the wider economic needs of the country are not compromised. New accesses to busy, high speed, strategic roads lead to more weaving and turning manoeuvres, which in turn create additional risk to safety and reduce the reliability of journeys resulting in a negative impact on overall economic activity and performance."*

- 7.4.6 We are concerned that the introduction of a new junction 5a to the M2 has the potential to have significant impacts on highway safety in the same way as outlined. The M2 is by definition a wide road designed to carry substantial levels of vehicular traffic traveling at high speed. The motorway is already very busy and traffic levels are set to increase in the future with the completion of the Lower Thames Crossing. The addition of another junction in close proximity to the existing J5 presents the opportunity for greater conflict with cars switching lanes and unexpectedly braking particularly if having passed J5 and not expecting another junction so soon ahead.
- 7.4.7 National Highways preliminary conclusion is that the application cannot demonstrate that it can offer a safe connection to the M2 or that there is a proven strategic requirement for the junction. We would argue strongly that there is no strategic need for the junction. SBC have indicated that securing a development led southern relief road is not one of their key objectives moving forward and there is nothing contained within the adopted or emerging Local Plan that would indicate any form of proposal for the road. The proposed M2 junction is required only as a result of the southern relief road being proposed and we strongly argue that there is no need for this junction without it, especially in light of the imminently starting upgrades to the existing J5 of the M2.
- 7.4.8 In summary, the NPPF indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this case it is contended that there would be an unacceptable impact upon highway safety and that the impacts upon the A2 in terms of additional traffic flow would indeed be severe if application 21/503906/EIOUT and 21/503914/EIOUT are considered independently.
- 7.4.9 There is no scope for either application to be found acceptable in terms of highway impacts on the A2 on its own and there is considerable doubt as to how the Council will satisfactorily secure the road infrastructure mitigation which each application relies upon interdependently. The introduction of the M2 junction 5a has not been demonstrated to be a strategic objective and is being brought forward on a piecemeal basis through a planning application.

- 7.4.10 This proposal has not been through the rigours of Local Plan examination, and it cannot be concluded that the application demonstrates conclusively that the junction is required to meet future strategic growth or that it offers a safe connection to the strategic road network.
- 7.4.11 The Highway Authority have already raised significant concern about the Reg 19 Submission Version Local Plan identifying land at Teynham for significant housing growth because there was no plan for the southern relief road and the impact of that level of development on the A2 as the existing arterial route would be unacceptable.
- 7.4.12 All indicators are that the development proposed in applications 21/503906/EIOUT and 21/503914/EIOUT has been brought forward, prematurely, outside of the Local Plan process and without the comprehensive assessment, consultation and scrutiny that is required to demonstrate the proposed road infrastructure is both needed and capable of being provided for.

8 Air Quality Impacts

- 8.1 As a result of recognised congestion on the A2, a number of air quality management areas (AQMA's) have been established along the A2 corridor. The combination of high volumes of traffic travelling at low speed through urban areas with frontages in close proximity to the road have contributed to poor air quality. Six AQMA's have been designated in Swale Borough, four of which are located along the A2. AQMA 5 is located at Teynham indicating the severity of the existing AQ in the area as a direct result of traffic emissions.
- 8.2 The adopted Local Plan 2017 recognises at paragraph 4.3.20 that although Teynham is considered to be a Tier 4 rural service centre *"the settlement's overall poorer position, relative to the strategic road network and to Air Quality Management Areas declared in the A2 corridor, strongly determine the overall scale of growth which should be directed to the village."* In this respect we reiterate the point made earlier in these representations that Teynham has already delivered more than the proposed allocations of housing set out in the adopted Local Plan 2017 – allocations which were clearly identified with the air quality and highways constraints surrounding this area in mind.
- 8.3 The Reg 19 Submission Version Plan identifying the Teynham Area of Opportunity has been strongly objected to by both Parish Councils on the basis that building another 1100 homes at the Teynham settlement is not sustainable, has not been shown to be capable of being accommodated within the existing constraints of the local highway network and there are no concrete plans put forward to create as bypass or southern relief road that might assist in reducing traffic using the A2 and thereby improving air quality conditions.
- 8.4 Our concerns were amplified by KCC in their formal response to the Reg 19 Submission Version Local Plan consultation stating *"Whilst there is no evidence presented to support the proposal, it can reasonably be assumed that a link road for through traffic would facilitate increased flows of vehicular traffic along the A2 corridor."*

In turn, this would be expected to have considerable detrimental impacts of congestion and poor air quality particularly for the communities of Bapchild and Ospringe, two of the A2's other AQMA's.

The evidence presented in the submitted Air Quality document demonstrates that the AQMAs with the most detrimental impact for both NO₂ and PM₁₀ are at Ospringe, Teynham and East Street. The air quality modelling report uses the 1054 transport model that would appear to have considerably less housing allocated in the village of Teynham than is proposed within this Regulation 19 consultation. As such, it can only be assumed that the air quality data is not providing a true reflection of the traffic related air quality levels for the strategic housing strategy proposed."

- 8.5 These concerns were raised in relation to large scale development of 1100 houses in Teynham proposed in the emerging Local Plan. Roll forward, and we are now examining a formal application for development of 1250 homes at Teynham along with significant commercial and community floorspace under application 21/503906/EIOUT as well as a linked application for 8000 homes and additional commercial and community uses close by on land to the south of the A2. The combined introduction of 9250 homes in these two applications has been advanced on the basis that the northern and southern relief roads proposed in each application will provide full mitigation for significant increase in traffic generation arising from the development which would otherwise be channelled onto the A2, with the heavy increase in vehicle emissions that would result.
- 8.6 However, as we have detailed previously, there is significant uncertainty as to whether the applications can be considered on their own merits given that they both rely upon mitigation provided by the other to offset their traffic impacts and to avoid creating unacceptable increase in emissions along the A2 and in the AQMA. There is also uncertainty relating to the phasing of development in relation to the two relief roads and it would appear inevitable that some additional development will need to come forward with its attendant traffic generation ahead of the road projects being fully completed in order to provide capital receipt with which to fund the roads (given that there will be no public funding). It is apparent that there is a clear and realistic prospect that traffic levels will increase along the A2 as a result of the proposed development which will only compound existing AQ issues.

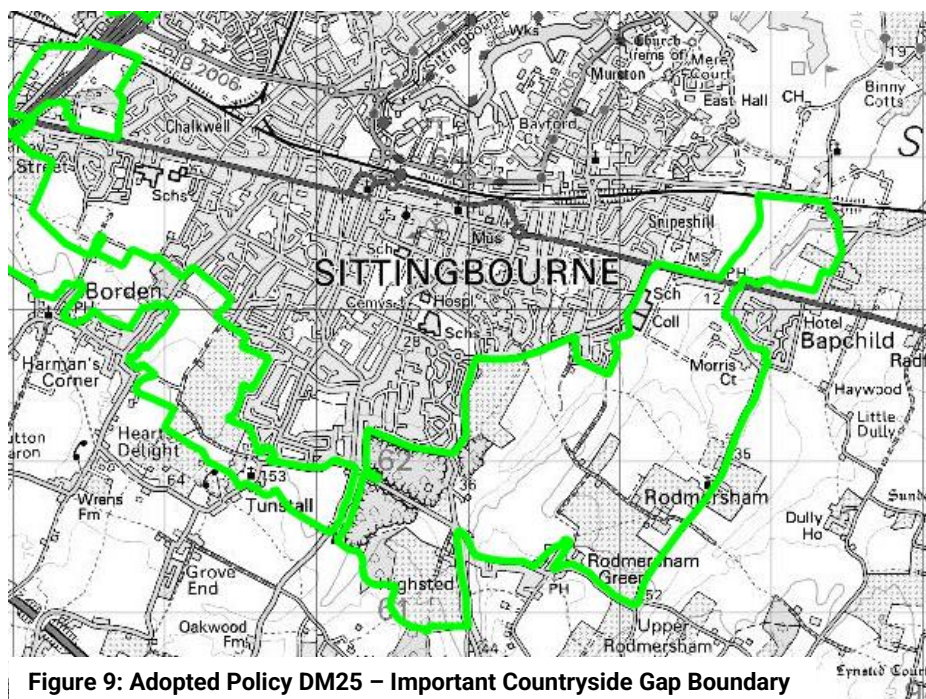
- 8.7 It is noted that the SBC Environmental Health response to both applications supports the proposals on the basis that the relief roads proposed will reduce traffic on the A2 and bring about an improvement in Air Quality. Teynham and Tonge Parish Councils do not agree for the reasons stated and note that the accuracy with which SBC monitor AQ along the A2 and in the AQMA has been called into question by Lynsted and Kingsdown Parish Council in their legal challenge to the Regulation 19 Submission Version Local Plan. Combined with previous comments made by KCC about the air quality modelling supporting the Reg 19 Submission Version Local Plan it casts doubt as to whether the AQ impacts of substantial development growth are being considered accurately and appropriately by SBC as both planning policy and decision maker.
- 8.8 It is known that the impact of air pollution extends up to 1km either side along the A2 corridor which means the impacts of the already poor air quality are experienced in a much wider area of the settlement. Teynham and Tonge Parish Councils are very concerned for the health of residents and visitors who have to live, work, learn and spend leisure time here whilst being exposed to such high levels of pollution. It is noted that within the 1km area there are a number of primary schools located including Bapchild and Tonge Primary School, Teynham Primary School and Ospringe Primary School which means that children are regularly being exposed to high levels of airborne pollutants as a result of the poor AQ. We have significant concerns about the environment and conditions that our children are being exposed to currently and the impacts that this will have on their health now and in the future.
- 8.9 The impacts of the poor AQ along the A2 are also felt within the wider environment. Anecdotal evidence from farmers operating in the Parishes suggests that the effects of air pollution can be seen in the produce that is grown. Changes to soil make up and above ground absorption for fruit growing enterprises does have a direct effect not only on the yield but the quality of produce grown.
- 8.10 Adopted Local Plan Policy DM 6 requires development proposals to demonstrate that they do not worsen air quality to an unacceptable degree especially taking into account the cumulative impact of development schemes within or likely to impact on Air Quality Management Areas.

- 8.11 Additionally, emerging Policy DM 33 Air Quality states at Criterion 4 that proposals either within, close to, or accessed via one of the Borough's Air Quality Management Areas (AQMAs) should demonstrate no adverse effect on air quality in an AQMA that is likely to lead, in itself or in combination with other schemes, to an exceedance of air quality objectives;
- 8.12 We consider it inevitable that the developments proposed under 21/503906/EIOUT and 21/503914/EIOUT will increase traffic movements along the A2 and through the AQMA at some stage. Given the rural location of Teynham and Tonge car travel is essential to access shopping and services only available in the bigger settlements at Faversham and Sittingbourne – both of which require use of the A2. Whilst both applications offer a package of enhancement measures to increase availability and access to more sustainable methods of transport, it is unrealistic to expect that primary journeys for things like shopping or healthcare visits will be undertaken either on public transport or cycle/on foot given the distances to travel and the ability to carry items.
- 8.13 The rail infrastructure at Teynham would not support a large increase in population as proposed without significant investment and upgrade. Teynham is served by one railway line with limited services of 2 trains per hour to and from London. The platform has been extended to accommodate 12 carriages but at peak times, the train already reaches capacity by the time it arrives at Chatham with standing room only to London. Furthermore, there is only parking for 8 cars at the station and therefore cars will need to park in residential streets. We do not see anywhere within the applications a commitment to expanding the facilities and capacity of Teynham rail station or the rail network serving it.
- 8.14 We do not consider that the sustainable transport strategy supporting the two applications and in particular 21/503/906 has the ability to substantially reduce or mitigate the additional car travel which will be generated by housing development of this scale. Residents of these new developments will still need to get in their cars to access shops regardless of how good the public transport network is in the locality. We can only see one outcome from these proposals and that is a significant increase in traffic using the A2, a significant increase in the already unacceptable traffic congestion and a corresponding significant increase in emissions related pollution.

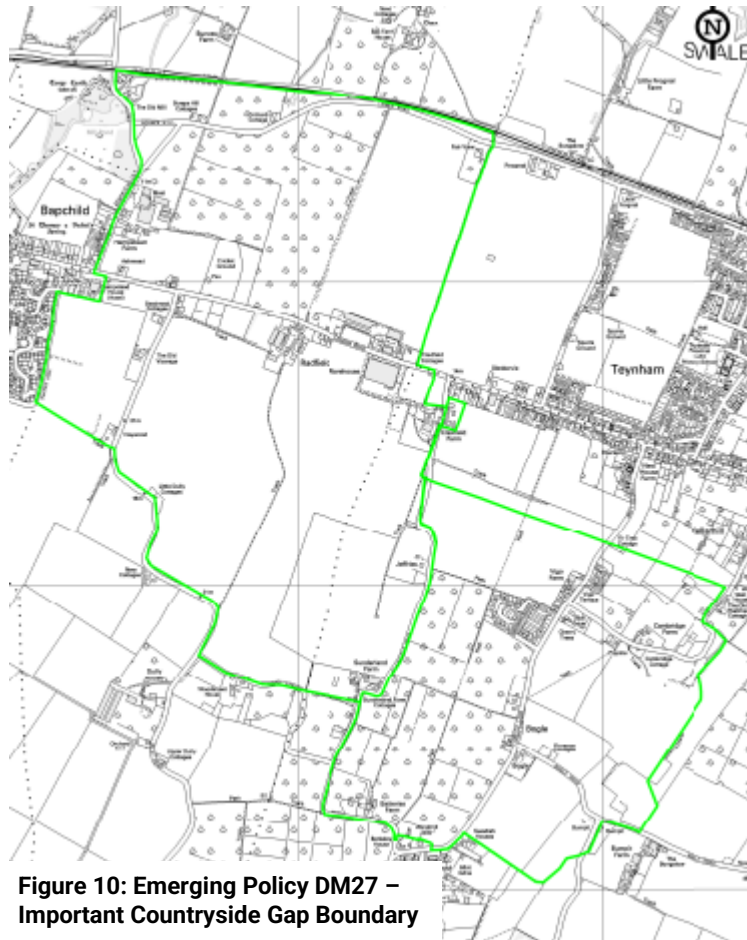
- 8.15 The proposals would not accord with the objectives set out in the adopted and emerging Local Plan designed to protect residents from the harmful effects of worsening AQ in areas of the Borough. They would also be contrary to the Council's climate change objectives which seek to reduce carbon emissions .
- 8.16 Paragraphs 186 of the NPPF states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. In the same way as above, we do not consider the two application proposals accord with these nationally recognised objectives.
- 8.17 Paragraph 7.2.8 of the adopted Local Plan confirms that *"the environmental and air quality impacts of any transport aspects of development are an integral part of their likely acceptability and the Council will pay close attention to these issues when considering any proposals, having regard to the residual cumulative impact of development schemes"*.
- 8.18 Against this policy backdrop we consider that the potential impacts on AQ resulting from these two applications would be considerable and to allow the development to go ahead would bring about a significant increase in the concentration of vehicular traffic and resultant emissions on the eastern side of Sittingbourne. The introduction of the northern relief road providing another junction on to the A2 has the possibility of creating another concentrated AQ problem and potential AQMA area. This would run counter to the Council's climate change objectives which seek to ensure that developments are resilient against climate change and do not make significant contribution to it.

9 Impact on the Character of Teynham and Tonge Parish

- 9.1 Policy DM25 of the adopted Local Plan acknowledges the importance of maintaining the separation of settlements in order to retain their individual character and setting. Important Local Countryside Gaps are identified at villages on the eastern side of Sittingbourne including at Teynham as shown in the proposals map extract below at Figure 9. Policy DM25 states that unless allocated for development by the Local Plan, planning permission will not be granted for development that would undermine the purpose of identifying the areas.



- 9.2 The emerging Local Plan also identifies land between Teynham and Bapchild as an Important Countryside Gap area although it is noted that the area identified is located further east of the adopted policy area lying entirely on the eastern side of Hempstead Lane whereas the adopted area lies in the western side only – see extract from the Reg 19 Submission Version Local Plan below at Figure 10.
- 9.3 The emerging policy notes that with the settlement strategy focusing development at the major settlements in the Borough, there is a need to prevent the coalescence and the erosion of the intrinsic character of settlements close by.



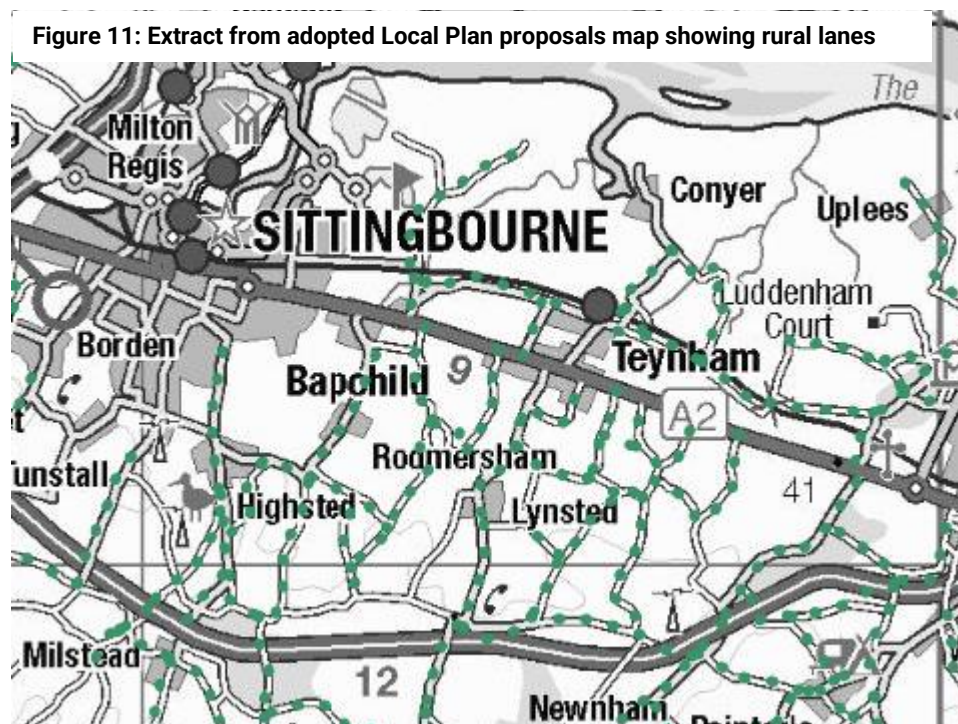
9.4 The specific aims of identifying Important Countryside Gaps are set out in Policy DM27 and these are:

- maintain the separate identities and character of settlements by preventing their merging; safeguard the open and undeveloped character of the areas; and
- prevent encroachment and piecemeal erosion by built development or changes to the rural open character; and influence decisions on the longer-term development of settlements through the preparation and review of Local Plans.

9.5 Adopted and emerging policy indicates that planning permission will not be granted for development that does not align with the aims of including land within the Important Countryside Gap designation.

- 9.6 The development proposed in both 21/503906/EIOUT and 21/503914/EIOUT would result in a significant part of the adopted Important Countryside Gap area around Sittingbourne being developed. 21/503906/EIOUT in particular would create a substantial developed link between Bapchild and Teynham and would significantly erode the open character between the two villages which also covers the parish and small cluster of dwellings at Tonge.
- 9.7 The villages along the A2 at Bapchild, Teynham and Lynsted historically formed as a result of the farming and agricultural production carried out in this area. The spatial pattern of these villages is closely linked to their agricultural history with the separation created by farmland and fields around and between each, directly related to the functional existence of the settlements. The area has maintained a rural character over centuries and the maintenance not only of the separation of the settlements but their identity, distinct from the urban area of the town at Sittingbourne, is a key objective of the adopted Local Plan and one of which Teynham and Tonge Parish Councils fully support.
- 9.8 The development proposed particularly in 21/503906/EIOUT would bring about an amalgamation of the settlements at Teynham and Bapchild with the eastern extremity of the developed area of Sittingbourne Town. Whilst a large area of open space is maintained offering a country park on the western edge of the proposed development this area will be intensively managed as a recreational area, introducing activity and people to an area where there currently is none and changing the character of the countryside from active natural farmland to cultivated and managed park land.
- 9.9 Furthermore, the land between the new country park and the edge of the developed area of Sittingbourne will contain the route of the proposed northern relief road which will introduce an intensive form of urban infrastructure to this area of undeveloped farmland.
- 9.10 The proposal would bring about the coalescence of the settlements at Teynham and Bapchild with the wider settlement at Sittingbourne in direct contravention of adopted and emerging Local Plan policy which seeks to prevent this.

- 9.11 Policy DM26 of the adopted Local Plan refers to designated rural lanes of which many are allocated within close proximity to both application areas and would be directly used by traffic deriving from the proposed developments. The extract from the adopted Local Plan proposals map at Figure 11 below shows the location of rural lanes designated under the policy.

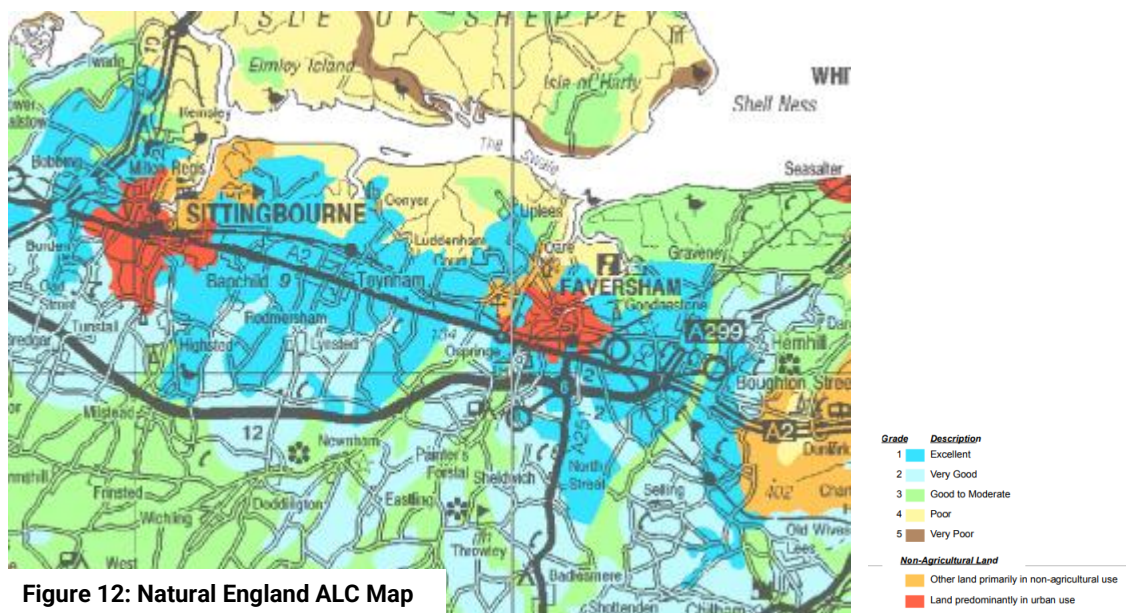


- 9.12 This policy states that *"Planning permission will not be granted for development that would either physically, or as a result of traffic levels, significantly harm the character of rural lanes."* The scale of development proposed would result in a significant uplift in use of rural lanes even with the mitigating effects of the northern and southern relief roads proposed. This increase in usage would have a knock-on effect on the standard and quality of the road surface and hedgerows lining the routes.
- 9.13 The effect of increased usage of rural lanes as alternative routes can be seen throughout the countryside and in this case the scale of development proposed will make those effects much worse. Rural lanes form a key part of the character in both application areas and are part of the identity of the countryside in which the sites are proposing to be located.

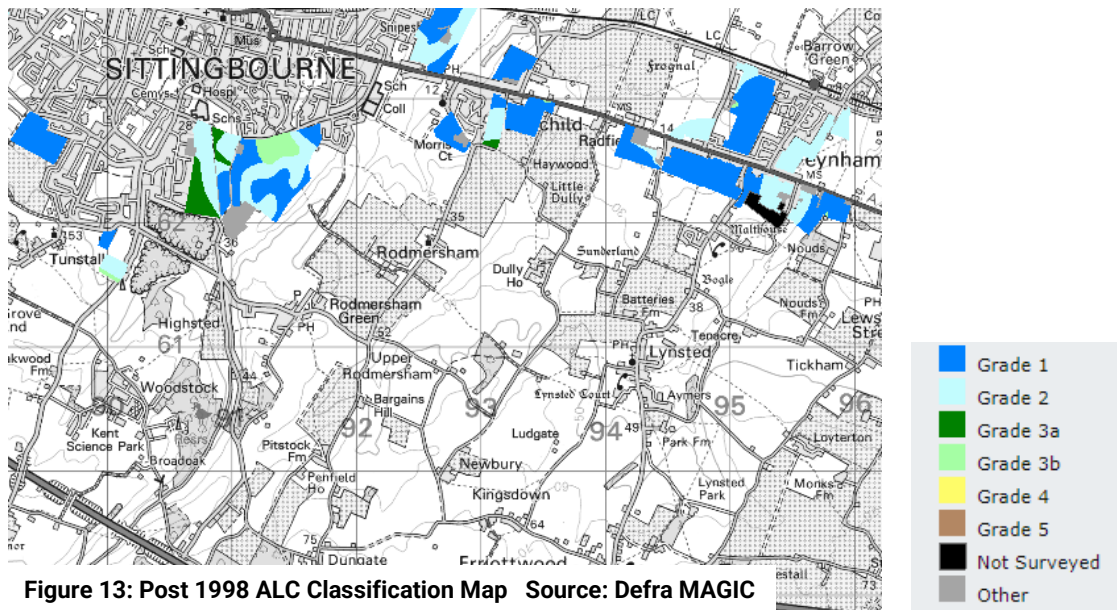
- 9.14 We consider it important to protect rural lanes as part and parcel of protecting the character of the settlements and surrounding countryside in Teynham and Tonge. On this point alone planning policy would indicate that the proposed development is not acceptable.

10 Loss of High Quality and Productive Agricultural Land

- 10.1 The development proposed in applications 21/503906/EIOUT and 21/503914/EIOUT would result in the loss of high-quality farmland.
- 10.2 The Natural England Regional Land Classification for London and the South East (Figure 12 below) indicates that the land around and along the A2 corridor between Sittingbourne and Teynham and moving south towards Highsted and the M2 is classified as primarily Grade 1 farmland with a small section of Grade 2. The land contained in both application is Grade 1 and 2 according to this data.



- 10.3 Some but not all of the land contained in the applications was remapped after the 1988 ALC issue. The extract from the post 1998 mapping below at Figure 13 shows those areas which were mapped, and this indicates that these remain Grade 1 and 2 across both applications.
- 10.4 The NPPF at paragraph 174 indicates that local authorities should recognise the intrinsic economic and other benefits of the best and most versatile (BMV) agricultural land in decision making. BMV is defined in Appendix A of the NPPF as being all land within Grade 1, 2 and 3a of the ALC.



- 10.5 Loss of such a wide area of farmland represents a substantial erosion of the Boroughs most productive agricultural land. The land contained in both applications is considered to be best and most versatile and recognition should be given to this status.
- 10.6 There is very little high quality agricultural land and land that can be considered to be best and most versatile across the country let alone just in Swale. Only about 3% of land nationally is estimated to be Grade 1. It is recognised nationally that the UK is not self sufficient in food production, importing 48% of the total food consumed (<https://www.foodsecurity.ac.uk/challenge/UK-threat>).
- 10.7 Furthermore, with regard to fruit and vegetable production which are of particular relevance to the farming land around Sittingbourne, the UK is just 18% self-sufficient in fruit production and 55% in vegetable production – representing a 16% decline in the past two decades (<https://www.thegrocer.co.uk>).

- 10.8 It is clear that the Country as a whole cannot afford to lose any more fruit and vegetable production if it wants to maintain a sustainable and reliable food supply and with areas such as the land around Sittingbourne and Teynham in particular offering some of the best and most productive fruit farming areas in Kent, this land's value in all senses must be fully recognised. Large scale losses of high-quality farmland that is food producing will not only have a harmful impact on the rural economy but will exacerbate an already growing national problem of sustainable food supply.
- 10.9 The Council's Rural Advisor has raised the same concern about the significant negative impact, loss of high-grade agricultural land would have as a result of both planning applications. He also comments that the implications for existing farming regimes and farming enterprises have not been quantified or assessed which we also keenly agree with.
- 10.10 Natural England's consultation response equally confirms that the applications cover substantial sections of best and most versatile land and have requested further in-depth soil testing and assessment to further interrogate the full impact on this resource. Whilst the provisional mapping is not sufficiently detailed for site specific decision making, hence the request for further soil testing, Natural England confirm that it highlights that the area *"comprises some of our best agricultural land"*.
- 10.11 It is noted that Bapchild Parish Council have submitted a professional assessment of agricultural land value undertaken by Economics for the Environment Consultancy Ltd (eftec) which highlights the significant economic contribution the BMV land within Swale makes to the rural economy. With regard to the NPPF requirements to consider the economic benefits of BMV as well as the natural and landscape associated aspects, it is clear that the agricultural land that will be lost in the course of developing the two proposals would represent a significant economic cost to the local rural economy.
- 10.12 The adopted Local Plan at paragraph 4.3.63 states that *"Other than the northern edges of Sittingbourne, the town is surrounded by the highest quality agricultural land, part of the belt of such land located north and south of the A2 running from the edge of the Borough in the west through to Teynham (and beyond) in the east. Where such land is not required for development as allocated by this Local Plan, its loss will be strongly resisted."*

10.13 Policy DM30 of the emerging Local Plan also indicates that development on agricultural land will only be permitted when there is an overriding need that cannot be met on land within the defined built-up area boundaries

10.14 There is substantial planning policy support for the retention of areas of BMV and in this instance the extensive losses that would result from applications would directly contravene that objective. The Swale Landscape and Biodiversity Appraisal SPD confirms that the area around Teynham and Tonge is one of the most productive agricultural areas in Kent due to the fine loam soils and favourable climatic conditions. We strongly object to the loss of this productive farmland.

11 Impact on Landscape and Rural Character

11.1 Landscape character in and around 21/503906/EIOUT – Land to the west of Teynham

11.1.1 The countryside around Teynham including the parish at Tonge is rural and agricultural in character and use. The alignment of the A2 London Road through the centre of Teynham indicates its Roman origins and provides a distinctive linear character to London Road in Teynham. The land around Teynham forms part of the historic Kent Fruit Belt and comprises orchards and other arable land interspersed with small clusters of dwellings and buildings.

11.1.2 The Swale Landscape and Biodiversity SPD 2011 indicates the application site is located within the “fruit belt” character area which is split into two sub areas – Area 29 Rodmersham Mixed Farmlands of which only the very northern section of area 29 covers the eastern part of the application area and 37 Teynham Fruit Belt which covers most of the western part of the application area,

11.1.3 Swale Landscape Sensitivity Assessment October 2019 which was undertaken to support the Reg 19 Submission Version Local Plan has assessed the landscape south of the railway line around Teynham in terms of sensitivity to new development. It divided the area into two sections SE1 and TM2 which would cover the area of land included in application 21/503906/EIOUT. The area to the west and south-west of Teynham including Tonge Parish (SE1) is described as having a broadly flat or gently undulating landform with a moderate sense of rural character and limited natural features whilst visually prominent. The Tonge Conservation Area carries a higher level of sensitivity, retaining a rural character and contributing to a sense of place which cannot be easily recreated.

- 11.1.4 TM2 area which is stated as having a broadly flat or gently undulating landform, moderate sense of rural character and is visually prominent from some neighbouring areas. It has a role as a rural setting to Teynham maintaining distinction from Sittingbourne. These attributes indicate a moderate overall sensitivity to future change from residential and employment development.
- 11.1.5 Whilst the sensitivity surrounding the historical nature of the Conservation Area in Tonge is recognised as offering higher landscape sensitivity within area SE1, the same is not recognised in area TM2 surrounding the Grade 11* listed Frognal Farnhouse. The land at TM2 would cover the fields immediately adjacent to the south of Frognal Farmhouse which would lie within its setting. The sensitivity to change of this part of the landscape area TM2 must be higher than other parts given this historical setting. It is not understood why this is not reflected in the Sensitivity Assessment.
- 11.1.6 The applicants ES suggests that application 21/503906/EIOUT would have a moderate adverse effect on the landscape within the SE1 area during construction and a minor adverse impact during the construction phase and minor adverse impact during the operational phase with a minor adverse impact predicted for the longer term 15 years+ period
- 11.1.7 Given that the proposed northern relief road is currently being shown in extreme proximity to character area SE1(just to the west) we cannot see how this conclusion has been drawn. The ground and embankment work for the road will be significant and will substantially change the overall setting of this character area. Landscape character cannot be looked at in isolation as the boundaries of character areas do not accord to the visual outlook that underpins character. Just because the area of land contained in SE1 landscape area will not be physically affected by the development this does not mean that its outlook will also not be affected. In this instance we would strongly argue that visual impacts alone of constructing and operating the northern relief road are more likely to have a major adverse effect on the landscape in character area SE1 which contains the sensitive areas of Tonge Conservation Area.

11.1.8 The ES concludes that the development proposal would have a moderate adverse effect on character area TM2 during the construction phase and a major adverse effect during the operation phase with that effect not improving in the 15+ year period. We would agree with this assessment as it is clear that the development proposed under 21/503906/EIOUT would result in the complete loss of all of the arable fields to the west of Frognal Lane and their development into a larger area of housing. The change will be transformational and will turn the area from open countryside to a housing estate.

11.1.9 The applicant's Landscape and Open Space Strategy sets out principles for planting and landscape structure within and on the perimeter of the development site and it is acknowledged that the proposals include the creation of a new country park area as open space. However, this does not remove the fact that the development will radically change what is an established and historic landscape and will irrevocably alter its fabric both visually and physically. This area is known for its open rural character as is shown clearly in the photographs at Figure 14 and we do not consider the proposal to offer sufficient justification for such complete loss and irretrievable change to the area.



Figure 14: Images of landscape currently forming the application area of 21/503/914



- 11.1.10 The land to the north of the railway line which borders the norther section of the development area included in application 21/503906 is the North Kent Marshes: South Swale Marshes Area of High Landscape Value (AHLV). This includes historic orchard landscapes with minor hills cut by springs and valleys as well as creeks and ditches draining the marshes north of the village.
- 11.1.11 The key requirement for this landscape is to conserve and enhance its qualities including biodiversity, remoteness/wildness and to avoid further development and subsequent deterioration in landscape quality. The proposed development of 1250 houses with other commercial and community development will do nothing to preserve remoteness/wildness and would significantly detract from the immediate visual setting of the AHLV.
- 11.1.12 The adopted Local Plan confirms at paragraph 5.6.6. that *“conserving and enhancing the Borough's outstanding natural environment is at the heart of a Local Plan strategy which seeks to create more robust ecological and landscape structures and reverse the decline in the quality and diversity of our landscapes and biodiversity. whilst it will safeguard the network of national and natural asset designations in the Borough, across all areas, designated or not, we will expect the use of landscape character and biodiversity assessments to drive natural asset focused developments.”*
- 11.1.13 Policy CP6 of the adopted Local Plan embodies this strategy making protection of biodiversity and landscape and contribution to protecting conserving and enhancing historic landscapes a priority. The compete loss of landscape character that will result from the proposed development included in 21/503906/EIOUT would not accord with these objectives in any way and would fail entirely to recognise the intrinsic character and beauty of the countryside as directed by Paragraph 174 of the NPPF.
- 11.2 Landscape character in and around 21/503914/EIOUT – Land to the South and East of Sittingbourne.**

- 11.2.1 Whilst the proposals for development of the land to the south and east of Sittingbourne lie outside of Teynham Parish, a section of Tonge Parish lying to the south of the A2 would be directly affected by the proposal. The considerable scale of development in 21/503914/EIOUT and its proximity to the main settlement of Teynham would make it equally relevant to Teynham Parish in landscape terms by reason of its impacts on the wider countryside character of the collective villages lying on the eastern side of Sittingbourne.
- 11.2.2 The majority of the application site comprises large-scale arable fields with areas of orchards and some smaller scale fields in pasture use for grazing or horse paddocks around a number of the hamlets and farmsteads. The application area also includes areas of woodlands, copses and tree belts and hedgerows primarily adjoining the network of local lanes and roads that run through the application area.
- 11.2.3 The northern parts of the Application Site lie within Landscape Character Area (LCA) No.29 – ‘Rodmersham Mixed Farmlands’ with the central parts are identified as lying within LCA No.40 – ‘Rodmersham and Milstead Dry Valley’ within the Swale Biodiversity and Landscape Character Appraisal SPD.
- 11.2.4 The Swale Landscape Sensitivity Assessment identifies that part of the development lying within Tonge Parish to be within Character Area SE2 where much of the landscape has a strongly rural, historic, and tranquil character, a high degree of visual prominence, and provides a rural landscape providing separation between Sittingbourne and Bapchild. These attributes are held to indicate a moderate-high overall sensitivity to future change from both residential and employment development.
- 11.2.5 The ES accompanying 21/503914/EIOUT assessed the landscape effects during the construction phase of the development to be medium to very high and medium to high once operational and beyond. The assessment varies across the site due to the scale of the application area but is clear that the development cannot escape having a very intensive impact which will also result in the loss of large swathes of open rural countryside. In the same way as above, Teynham and Tonge Parish Councils strongly object to this loss and the harm that would be caused to the character of the areas covered by the application. The land would be transformed from open countryside to urban development with historic field patterns and open character destroyed.

- 11.2.6 Parts of the application area are designated as the Rodmersham, Milstead and Highsted dry valleys Area of High Landscape Value which as detailed previously should be protected for their remoteness. That clearly is not achievable within this application
- 11.2.7 For the same reasons as outlined in respect of 21/503906/EIOUT the proposed development presented under 21/503914/EIOUT does not accord with planning policy objectives at national or local level which seek to protect and enhance the landscape including historic and designated landscapes.
- 11.2.8 Furthermore, a small part of the application area and land to the south forms part of the Kent Downs Area of Outstanding Natural Beauty. The NPPF is clear that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.
- 11.2.9 It is noted that the Kent Downs AONB Unit have raised substantial objection to 21/503914/OUT stating the proposed development *"would result in significant harm to the AONB as a result of the introduction of substantial new highways infrastructure within the AONB itself and major scale development within its immediate setting, both of which would fail to meet the key planning policy tests of conserving and enhancing the landscape and scenic beauty of the AONB."*
- 11.2.10 Teynham and Tonge parish councils agree with the conclusions of the AONB unit, and we consider the development proposed would not meet the requirements of national and local policy which clearly place land within the AONB designation at the highest priority for protection. Paragraph 177 of the NPPF dictates that when considering applications for development within Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

11.2.11 The application proposes a major development in terms of the significant highway infrastructure located within the AONB and large-scale development within its immediate setting. We consider that any public benefits that could be taken to arise from implementing the southern relief road and the new junction to the M2 are far outweighed by the harm to the landscape, special character and scenic beauty of the AONB. With regard to the three items for assessment, the proposals cannot be considered favourably.

11.2.12 There is no need for the road infrastructure other than to serve the development proposed which itself is not a strategic development project and is being pursued outside of the Local Plan process. The development has been considered and rejected from the Local Plan process indicating that the Council intends to focus development elsewhere – the costs of doing so are therefore irrelevant to the developer in this context. The detrimental effects on the environment and landscape are considerable which combined would indicate that the proposed development should be refused in line with the overall tenet of NPPF guidance.

11.2.13 It is important to highlight those proposals running contrary to policies of the development plan designed to protect AONB areas would fall foul of the first criterion of Paragraph 11d of the NPPF relating to the ability to apply the presumption in favour of sustainable development when considering the principle of development proposals. This significantly undermines the applicant's case that housing supply and locational policies should be put aside in favour of the presumption - the fundamental point of planning principle upon which both applications are being advanced

12 Ecological Impacts

- 12.1 It has been reported that *"Britain faces biodiversity collapse. The UK has an average of only 53% of its biodiversity left well below the global average of 75%.....not enough biodiversity will lead to crop failures, infestations that could cause shortages in food, energy and materials"* (<https://theecologist.org/2021/oct/11/britain-faces-biodiversity-collapse>).
- 12.2 Against this national headline the two application proposals would arguably make making contribution to this biodiversity loss at a local level. The ecological assessments made in respect of both applications indicate that significant effects are anticipated in relation to hedgerows/treelines and watercourse and there are significant effects also anticipated in relation to faunal species including barn owls, bats, badgers, water voles and reptiles as a result of potential killing and injury together with disturbance from construction activities and temporary disruption or severance of commuting routes through the construction phases of development. Loss of habitats through permanent land taken for development and recreational pressures is identified as being likely in the longer-term operation phases of the developments.
- 12.3 Mitigation in the form of various protection measures during construction and creation of alternative habitats is proposed but it is noted that both the KCC Biodiversity Officer and Natural England raise concern about the mitigation strategies and strength of survey assessment undertaken.
- 12.4 The KCC Biodiversity officer highlights that no bat surveys have been undertaken and raises concerns that breeding, and particularly wintering bird surveys were not carried out across the whole of the 21/503906/EIOUT site. The two large arable fields to the eastern end of the application area (west of Frognal Lane) offer suitable habitat for birds associated with the European protected Swale SPA, SSI and Ramsar site to use. These were not covered in the surveys. Concern is also raised that the replacement habitat cited as mitigation for the 21/503906/EIOUT site is concentrated largely in the single country park extension which will be subject of substantial recreational use and activity. This would run counter to achieving functioning habitat creation given the likely level of continuous disturbance.

- 12.5 Natural England also raise concerns about whether the proposed country park offered as Suitable Alternative Natural Greenspace will offset and mitigate the recreational pressures the proposed development would place in the Swale SPA.
- 12.6 Teynham and Tonge Parish Councils agree with the concerns raised in respect of the ecological impacts of the development and would wish to have greater certainty that protected species will not be harmed and that habitats will not be destroyed and then replaced with substandard alternatives.
- 12.7 Furthermore, the application documentation suggests that the proposed developments will achieve 37.76% (21/503906/EIOUT) and 18.53% (21/503914/EIOUT) biodiversity net gain. However, we have significant reservations about how accurately that can be calculated given the early outline stage of each scheme, with issues of landscape and layout not fixed and subject to later reserved matters submissions. We do not consider that any great reliance can be placed upon the biodiversity enhancement and gains said to be forthcoming from these proposals at this stage.
- 12.8 Biodiversity protection and enhancement of key habitats is a key element of both NPPF and Local Plan policy. Paragraph 174 of the NPPF requires that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and minimising impacts on and providing net gains for biodiversity. Policy DM28 of the adopted Local Plan reflects this objective seeking to protect recognised interest of biodiversity and wildlife conservation and to secure biodiversity net gain and enhancement where possible. Emerging Local Plan Policy DM24 offers similar aims for biodiversity protection and enhancement.
- 12.9 For the reasons set out above, we hold reservations about whether protected species would be fully protected in developments of this size and scale. In the same way that net gain cannot reliably be calculated without fixed details of layout and landscaping so to we would argue that cannot biodiversity protection measures cannot be realistically and reliably calculated and devised.

- 12.10 We maintain strong concern about the impact development on this scale will have on protected species and other wildlife which make up such an important part of the special character of the countryside in which these developments are proposing to locate. We are also concerned about the loss of established hedgerow and field patterns which have been established over hundreds of years and which can not be replaced elsewhere.
- 12.11 The NPPF at paragraph 180 states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss. The adopted Local Plan Policy DM29 directly seeks to ensure the protection, enhancement and sustainable management of woodlands, orchards trees and hedges.
- 12.12 In this case both application proposals will result in the removal and loss of areas of substantial areas of trees and hedgerows. Application 21/503906/EIOUT would result in 40% loss of hedgerows and 21/503914/EIOUT would result in 25%. 21/503914/EIOUT would also result in the loss of areas of woodland across the whole site including sections of protected Ancient Woodland at Highsted Wood and Bex Wood. We do not consider that the proposals are acceptable within this context. The woodland and hedgerows being lost cannot be replaced with anything like the same quality, position or provenance. Our trees, woodlands and hedgerows are irreplaceable natural capital which should be valued highly. The benefits of each proposal do not outweigh the costs involved in this respect and on that basis, we consider that both applications directly contravene national and Local Plan policy seeking to protect trees and woodland habitats.

13 Historic Environment

- 13.1 There are many important heritage assets located in very close proximity to both the road infrastructure and development included in both 21/503906/EIOUT and 21/503914/EIOUT including Grade I, II* and II listed buildings, Conservation Areas and other local elements of historic interest directly related to their location.
- 13.2 Referring to the proposed development in 21/503906/EIOUT there are seven Grade II and one Grade II* listed building located in close proximity to the application area boundary as shown on the extract at Figure 15. A large part of Tonge Conservation Area will also be included within the application area. This part of the site is shown as being provided as open space, but the alignment of the proposed northern relief road would cut through the centre of the Conservation Area.

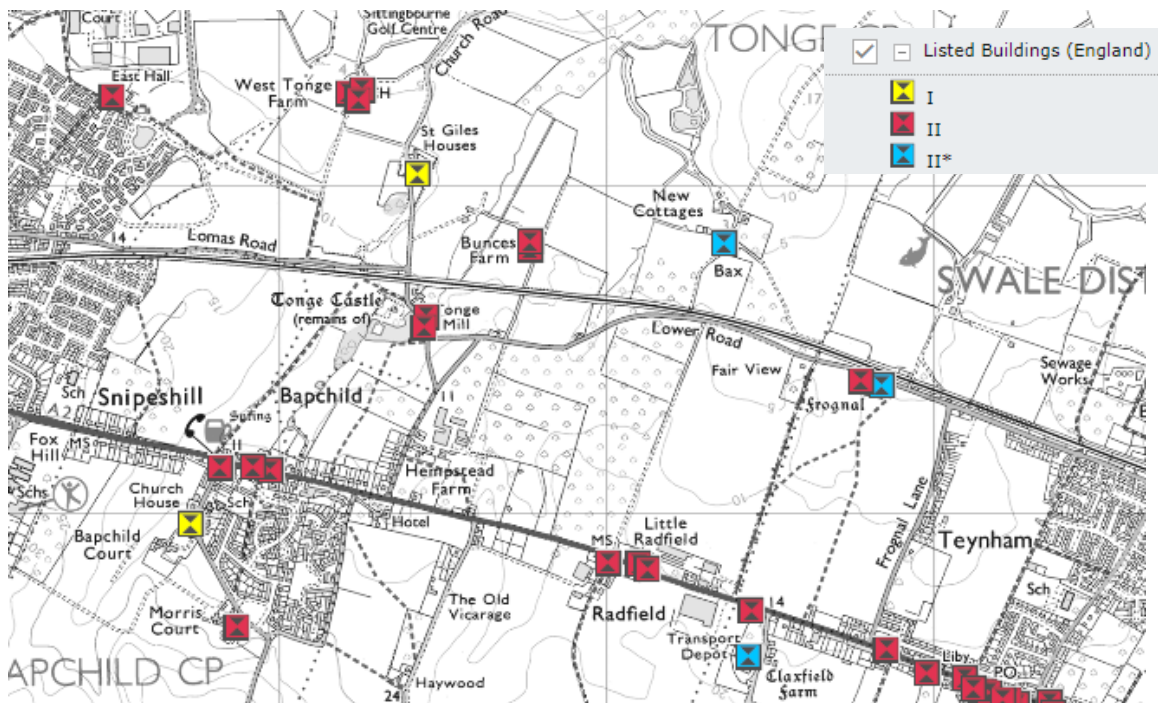


Figure15: Listed Buildings in relation to the 21/503906/EIOUT application area Source: DEFRA Magic

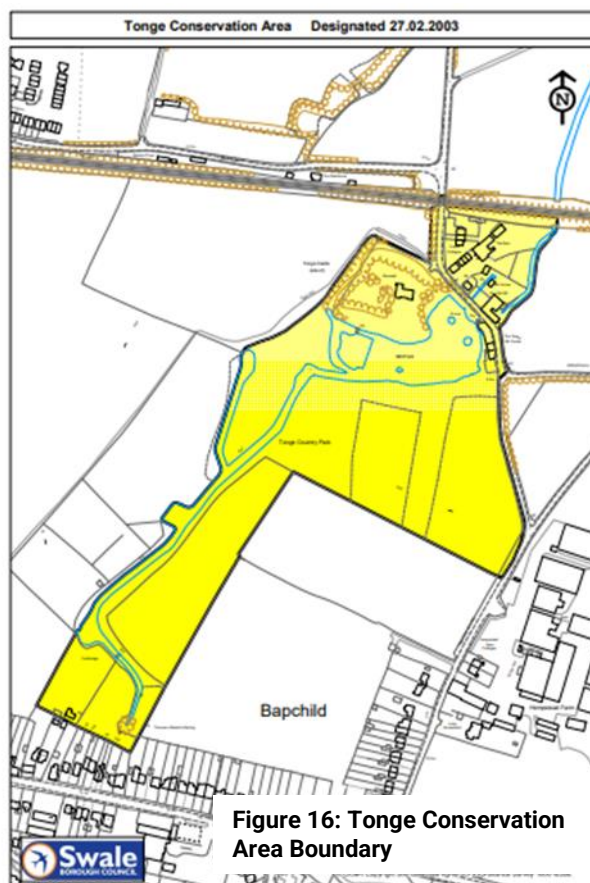


Figure 16: Tonge Conservation Area Boundary

- 13.3 The ES accompanying the application confirms that the proposed northern relief road alignment would run approximately 250m south of Tonge Mill and Mill House Old Mill (both Grade II listed) and as a result these buildings will experience a moderate adverse effect through the construction and operational stages of the proposed development. The immediate historic setting of the two mill buildings comprises the millpond to the west and associated watercourses within Tonge Conservation Area, down to the Thomas a Becket spring just north of London Road. The mill chimney also forms a landmark in the surrounding landscape.
- 13.4 The application documentation acknowledges that the proposals will have an impact on the historic spatial relationship between the mill buildings and the features to the south including the Thomas a Becket spring head.

- 13.5 The proposed development would bring urbanising features into the wider, largely tranquil setting of the Mill buildings to the south within the Tonge Conservation Area, which currently contributes to their heritage value by virtue of the historic spatial relationship with the spring head to the southwest and the views of the mill chimney from the public footpath leading northwards from the London Road. The introduction of noise and movement into this experience to the south of the northern relief road, and within the Conservation Area, would impact the heritage value of the Mill Buildings.
- 13.6 Given this assessment and the proximity of the northern relief road to the Listed Mill Buildings we consider the overall conclusion of moderate adverse effect during construction and operational phases to significantly underplay the actual impact the development will have on the setting of these two listed buildings.
- 13.7 Frogmal Farmhouse (Grade II*listed) and Frogmal Barns (Grade II) listed are also considered to experience moderate adverse effect through construction and operation phase. It is recognised that at present, the two buildings are experienced in their rural context; the agricultural land which forms part of the application area contributes to an understanding of the historical development of the buildings. The severing of this historic functional relationship between the agricultural land and the buildings would impact the ability to appreciate their value. The ES concludes however that the proposed landscaping buffer located between the two buildings and the development, combined with a differential building height of 2-3 storeys would ensure screening and a perceptual/visual severance.
- 13.8 We fundamentally do not agree with this assessment. The development of large-scale housing in the fields immediately south of Frogmal Farmhouse and Frogmal Barns will irrevocably change their rural setting which, it is recognised, is critical to understanding the historical function and importance of the buildings. The setting of these important listed buildings which play a central part in the history of Teynham as a village would be altered beyond the scope of any mitigation. The introduction of a landscaping buffer would do nothing to mitigate the irretrievable harm caused to the outlook and setting of the buildings.

- 13.9 Similarly, offering two and three storey developments immediately adjacent to the listed buildings would compound the harm by introducing built form of a height and scale that is neither consistent nor complementary to the existing listed buildings. This group of buildings would be hemmed in by residential development as well as the new primary access road and junction on to Lower Road. The buildings will be surrounded by urban forms of development in very close proximity which will destroy the spatial relationship the buildings have with surrounding land which forms their setting. The assessment of moderate adverse effect in both construction and operational stage again significantly underplays the impact the proposed development would have on the setting of Frogal Farmhouse and Frogal Barns.
- 13.10 In relation to the Tonge Conservation Area, the historical spatial relationship between the elements within the Conservation Area to the north (including the millpond, mill buildings and motte) and the Thomas a Becket pilgrimage spring head to the south is acknowledged to be interrupted by the introduction of the northern relief road. The road would also bring noise and movement into the Conservation Area which is in part characterised by a tranquil and rural character.
- 13.11 It is also recognised that views and experience of the Conservation Area from the public footpath which links the A2 London Road with Tonge Mill would be affected. The footpath enables views northwards of Tonge Mill chimney in its rural setting and enables an appreciation of the historic spatial relationship between the spring head to the south and the elements to the north. The proposed development would bring noise and movement and form a physical barrier along the footpath.
- 13.12 The ES concludes that the identified changes would be different to anything found within the Conservation Area currently and would not be readily reversible. On this basis, Tonge Conservation Area is considered to have major adverse impact during construction and operational phases.

- 13.13 In summary the ES assessing the heritage effects of the proposed development contained in 21/503906/EIOUT confirms there to be substantial change and adverse impact upon the setting of Grade II and Grade II* listed buildings lying in close proximity to the application area and significant actual harm to the Tonge Conservation Area and its setting – none of which has any meaningful or realistic mitigation proposed which would adequately compensate for the harm caused to the significance of these identified elements of heritage interest.
- 13.14 Historic England has raised strong objection to the application on the basis that there would be a very high level of harm to significance, towards the upper end of the spectrum of less than substantial harm, to the Grade II* listed Frognal Farmhouse and the Tonge Conservation Area.
- 13.15 The surrounding fields are considered to make an important contribution to the appreciation of the significance of Frognal Farmhouse as a 15th Century farmhouse associated with an ancient manor house dating back to the 13th Century. Historic estate maps show Frognal Farmhouse was served by a large estate comprising fields to the north and south which now form part of the application area.
- 13.16 The surrounding fields make an important contribution to an appreciation of the significance of Frognal Farmhouse as they allow the building to continue to be read as a historic farmstead in a working landscape. Frognal Farmhouse would have been occupied by persons of status and the existence of extensive fields around the building is a clear indicator of that. The surrounding landscape also provides a verdant open setting within which to appreciate the Farmhouse. Historic England conclude that the proposed development would fundamentally alter the immediate setting of the farmhouse from a working agricultural landscape to a highly urban landscape and would introduce an alien feature into a landscape unchanged for nearly 700 years.
- 13.17 With regard to Tonge Conservation Area, Historic England raise concerns similar to our own about the direct impacts of the northern relief road running through the centre of the Conservation Area and the impact this will have on the special significance of the area itself and its setting given the level of ground works and physical built development required to construct a two-lane highway.

- 13.18 We also have concerns about the effect of creating this road on the Grade I listed Church of St Giles in Tonge. This is a medieval Church which is on the “Churches at Risk Register” due to evidence of ground movement with repairs having already been undertaken to repair cracks to the Chancel. We are concerned that the substantial ground works require to create the Northern Relief Road in such close proximity along with ground movement associated with that will exacerbate the existing problems the church is experiencing and could substantially harm the structural integrity and longevity of this nationally important heritage asset. We note that there is no coverage or assessment of the impacts of vibration and ground movement arising from the northern relief road in this respect.
- 13.19 Historic England also raise concern about the potential for works to disrupt the water features associated with the mill, which have evolved over a long period of time and reflect the continued attractiveness of the site as an essential functional component of the Conservation Area, and an important aspect of its special character, it is considered that this would add to the overall level of harm to heritage significance.
- 13.20 Paragraphs 201 and 202 of the NPPF state that where development proposals would cause substantial harm directly to or loss of a listed building, planning permission should be refused unless the harm/loss can be mitigated but where less than substantial harm is caused, this harm should be weighed against the public benefits of the proposal. In this case Historic England conclude that the level of harm caused to Frogna Farmhouse and the Tonge Conservation Area is on the upper end of less than substantial harm and is therefore very serious in heritage impact terms.
- 13.21 It is also noted that Historic England concerns about the potential for harm to nationally important archaeological remains and geoarchaeological remains, some of which could be of equivalent significance to a scheduled monument.

- 13.22 It is clear that there are very significant concerns being raised by Historic England as the relevant expert body, as to the harm that is likely to be caused to the historic environment by application 21/503906/EIOUT. We share these concerns and are dismayed to see development being promoted on this scale which would so clearly harm our most important heritage assets and elements of the historic settlements and landscape which give Teynham and Tonge their unique and special qualities. For the reasons set out above we do not agree that the public benefits of introducing the northern relief road are so significant that they would outweigh the need to protect the heritage and history that underpins the fabric of our Parishes.
- 13.23 Whilst the proposed development set out in 21/503914/EIOUT would have a lesser impact on the character of Teynham Parish, the application area does include further Grade II and II* Listed buildings which would be located in the Tonge Parish located south of the A2. It is noted that Historic England has also raised objection to 21/503914/EIOUT and whilst they do not expressly cite harm to any of the listed buildings in the Tonge Parish it is pointed out that the cumulative effect of development across the whole application site should be considered – recognising that even if harm to individual heritage assets is not of the highest order, this does not mean that overall harm to the historic environment is not very serious given the scale of the development proposed and the number of heritage assets it affects.
- 13.24 We would agree with the commentary made by Historic England and concur that the cumulative impacts of the development contained in both 21/503906/EIOUT and 21/503914/EIOUT on the historic environment are significant and harmful and will destroy the historic character of a large section of the traditional fruit growing area of the Borough which plays a fundamental part in the historical evolution of numerous villages on the eastern side of Sittingbourne dating back to the medieval era. These links back to our past are irreplaceable and their loss will be of detriment to all of the parishes and villages that are affected. In combination the proposed developments would have very serious ramifications for the continued retention of the aspects of significance of a wide range of nationally and locally important heritage assets which form critical elements of the history of the rural settlements in this area.

13.25 Paragraph 189 of the NPPF recognises that heritage assets are an irreplaceable resource which should be protected as such. Adopted Local Plan Policy CP8 sets out the Council's commitment to securing development which will sustain and enhance the significance of designated and non-designated heritage assets to sustain the historic environment. Against this backdrop of heritage related policy, it is clear that the development proposed in the two applications both individually and in combination would not meet the conservation objectives set out at both national and local level. In this respect the proposed developments would not accord with the heritage related elements of the development plan.

14 Pressure on Existing Local Infrastructure

14.1 Flooding and Drainage

14.1.1 Teynham Wastewater Treatment works (WwTw) is already at capacity which is confirmed by Southern Water. The proposed development within 21/503906/EIOUT will rely on a new pumping station to be created just off the A2 with wastewater being pumped to Sittingbourne WwTw. At this stage there is no information about when this infrastructure will be introduced and at what phase in the development. Teynham and Tonge Parish Councils are concerned that such a large development, being created in an area that is already over capacity in terms of wastewater drainage, could place even more burden on its own infrastructure if these proposed infrastructure developments are not implemented or are delayed.

14.1.2 Across the country, sewer systems were built connected to surface water drains in order to protect homes from flooding and this is no exception in the Teynham area. In heavy or intense rain, the Environment Agency permits wastewater companies to release this rainfall to the sea in order to protect homes, schools and businesses from flooding and ensure residents can maintain a clean water supply.

14.1.3 However, it is well documented that Southern Water have an incredibly poor record for allowing unauthorised wastewater discharge in and around the Kent and Sussex Coast and one cannot help but consider whether rather than investing in the infrastructure required to deal with capacity issues at their existing WwTW and sewer system this was the easier and cheaper option.

14.1.4 Nevertheless, this inspires little confidence that the drainage strategy recommended to the applicants in consultation, and which has now been put forward will in fact satisfactorily deal with all wastewater drainage requirements generated by the development.

- 14.1.5 The existence of combined foul and surface water sewers in the Teynham area offers a compromised drainage system which cannot cope with existing pressures of domestic demand and climatic conditions. Residents of both Parishes have experienced incidences of raw sewage flooding roads and orchards at times of heavy rain which are beginning to become more frequent. This is not something that either Parish wishes to see exacerbated and we have very grave concerns about the ability of the proposed development at Teynham being able to adequately deal with its own wastewater generation when the current drainage infrastructure in the area is so clearly lacking.
- 14.1.6 The ES supporting application 21/503906/EIOUT confirms that the Sustainable Drainage System (SuDs) proposed to deal with surface water run-off from the development relies heavily upon discharge to the ground in the undeveloped areas of the site. However, in the wider drainage network of the area groundwater flows into the combined sewers and so whilst the development may be able to relieve itself of surface water, there appears to be no guarantee that groundwater from the site will not flow into the combined sewers elsewhere. The more that groundwater can be kept from flowing into the network the greater the ability to reduce the need for storm overflows. It is recognised that the rate of flow back to the sewer system will be a fundamental part of the SuDs design but at times of peak rainfall this will need to be increased to avoid flooding within the site. Effectively the problem simply gets moved around.
- 14.1.7 The scheme proposed does not offer any proposal for full rainwater separation within its drainage strategy which could be built into the fabric and design of the development. At present developers are not required by regulation to do this and until they are incidences of storm overflow and localised flooding from the combined sewer systems at peak rainfall times will continue to happen and more frequently as the effects of climate change worsen.
- 14.1.8 We have significant concern about the impacts of development of this scale on the existing drainage infrastructure in the Teynham area and despite the proposals claims to deal with its own surface water run off to avoid pooling and flooding within the site we are not convinced that the groundwater infiltration will not then direct significant flow into the surrounding combined network which cannot cope as it is.

14.1.9 The water supplied in Teynham is already coming from pumping stations at Belmont, Eastling, Highsted and other small villages. These stations depend on unpolluted water from underground aquifers. These just about manage to supply local villages but at times struggle to cope. We have significant concerns about the existing drainage networks and whether there is capacity within the existing combined sewer and surface water pipe network to accommodate such a large increase in population and connections.

14.1.10 Paragraph 159 of the NPPF is clear that locating development in areas at risk of flooding should be avoided but that they should also ensure that they do not create or exacerbate existing flooding issues elsewhere. Adopted Local Plan Policy DM21 amplifies this requirement. We do not think that the application goes far enough in demonstrating this second requirement given the scale and nature of the development.

14.2 Healthcare and Other Services in Teynham

14.2.1 Teynham and Tonge Parish Councils are concerned about the pressure development on this scale will have on the already limited services that are provided locally. Most of the services are outside the village with supermarkets and major shopping facilities located in Sittingbourne or Faversham.

14.2.2 The Health Impact Assessment supporting application 21/503906/EIOUT admits that *“Overall, there are several existing facilities in Teynham within a comfortable (800m) walking distance of the proposed areas for residential development. However, the range of facilities in Teynham is fairly limited with the nearest secondary schools, dentists and a wider variety of shops located in Sittingbourne.”*

14.2.3 There is one GP practice in Teynham and many residents access GP services in Faversham and Sittingbourne. This is now becoming problematic as the Faversham services are becoming overstretched due to additional housebuilding and population increase within that area and Teynham patients are being asked to find GPs elsewhere.

- 14.2.4 Swale already has the lowest level of GP provision in the Country relative to the population size, something that is further corroborated in the applicant's Health Impact Assessment. This confirms that the average ratio of patient per GP at the two GP practices within 2 miles of the application area (one in Teynham and one in Sittingbourne) is 3,230 which is above the best practice of 1,800 patients per GP recommended by the General Medical Council used by the Department of Health and Primary Care Trusts.
- 14.2.5 Sittingbourne Memorial Hospital provides no Accident and Emergency service with the nearest A&E being at Medway Maritime Hospital located some 11 miles away. This hospital was included in the new Recovery Support Programme in July 2021 (formerly known as being in 'special measures') and so is known to have capacity and operating issues already.
- 14.2.6 The NHS Kent and Medway Clinical Commissioning Group (CCG) has made formal response to application 21/503906/EIOUT in respect of general practice services in Swale. The response makes clear that the CCG have considered 21/503906/EIOUT and 21/503914/EIOUT together due to the cumulative impact of the additional dwellings located in the same area. The two applications are confirmed to be linked in terms of the proposed healthcare infrastructure provision proposed in 21/503914/EIOUT designed to cover both application areas.
- 14.2.7 The combined 9250 homes are said to generate a population size of 22,000 new GP registrations. The 21/503914/EIOUT application proposes to create 2 new medical centres which the CCG state will be fully guided and phased in terms of delivery in consultation with them. However, the same concerns about the interdependency of the applications arises here as mentioned before. The CCG has not assessed 21/503906/EIOUT on its own merits and we would be interested to note what their response would be in that scenario, without taking account of the healthcare services provided in another application.

- 14.2.8 Without the provision of the two medical centres provided for in 21/503914/EIOUT, would the additional 1250 dwellings included in 21/503906/EIOUT warrant additional services being provided? We would argue probably not considering the commentary further in in the CCG response which confirms that CCG's preferred option is to provide new GP surgeries where necessary serving an excess of 10,000 patients but that they do not calculate this on patient to GP ratio. Furthermore, the CCG Estates Strategy indicates that even where population growth supports a list of over 10,000 patients, this is only a guide and, in some cases, this may still not be considered a viable list size with the example of rural communities with smaller populations being given as an example. Overall, the CCG confirms that *"it is not resilient, safe, sustainable or attractive service models to commission new practices serving a small population"*.
- 14.2.9 Whilst the provision of two new medical centres as part of 21/503914/EIOUT would on the face of it be welcomed in this area given the existing pressures, we are concerned about the interrelated nature of the applications and that the benefits of two new medical facilities are being offered as a means to persuade residents to accept a much larger development encompassing land at Teynham also.
- 14.2.10 We accept that S106 financial contributions will be secured from both developments towards various areas of healthcare provision, but we are sceptical that any receipts will transpire quickly into any improvement in general healthcare infrastructure capacity and a commitment to build facilities as part of a planning application does not necessarily mean they will be delivered if the funding and resources are not forthcoming from the CCG towards staffing and running them. The phasing of development and the triggers for provision are unknown at this stage and it is the interim periods that we are concerned about. How many dwellings will be built before the new medical facilities are operational? With healthcare services already stretched we can only see this situation getting worse in the interim.

15 Exclusivity of Proposals - Two Applications, One Development

- 15.1 The Highsted Park proposal has come forward as two separate planning applications but it is clear that both applications are interdependent relying on the northern and southern relief roads respectively to provide any level of acceptability on highway and air quality grounds
- 15.2 One of the fundamental principles of the planning system is that each planning application is determined on its own merits. It should not be the case that a development proposal requires mitigation from an entirely different and separate scheme to underpin its own acceptability. The uncertainty about how the road infrastructure contained within another application can be fully secured in order to mitigate another development has been documented at previous paragraphs. We struggle to understand how the two sites can be considered on their own merits and how the Council can have any certainty that the mitigation required to ensure each scheme is acceptable can be reliably secured.
- 15.3 The Parish Councils are firmly of the view that application 21/503906/EIOUT is contingent on 21/503914/EIOUT being approved and this forms part of the carefully crafted planning strategy devised by the applicants to secure a much wider area of development than they had originally promoted.
- 15.4 Teynham and Tonge Parish Councils do not consider that 21/503906/EIOUT offers an acceptable form of development in its own right and do not accept that 21/503914/EIOUT should be approved as a means of mitigating the harm caused directly to both Parishes. **The impacts of both proposals are harmful, either individually or cumulatively.**

16 Conclusion

- 16.1 For all of the above reasons, Teynham and Tonge Parish Councils object in the strongest terms to applications 21/503906/EIOUT and 21/503914/EIOU.
- 16.2 The impacts of these developments will be felt by residents of the parishes for decades to come and the potential environmental, ecological and historical losses, impacts on our roads and infrastructure and general impact on our health and wellbeing is of great concern.
- 16.3 NPPF Para 73 recognises that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities. In this case the combined applications forming the Highsted Park development offer development which is not well located and requires significant transport infrastructure to be developed to support it.
- 16.4 The impacts of introducing this infrastructure are considerable and there is overriding uncertainty as to whether those impacts can be satisfactorily and acceptably mitigated. The existing road infrastructure particularly around the A2 is not capable of accommodating the 1250 homes and additional commercial, community and recreational development proposed in 21/503906/EIOUT and the 8000 homes with commercial and community uses in 21/503914/EIOUT. We consider it inconceivable that each proposal would not at some stage result in additional development traffic using the A2 adding to existing traffic congestion and poor AQ. There are substantial uncertainties hanging over both the need and the safety of introducing the proposed new junction J5a to the M2 as proposed in 21/503914/EIOUT

- 16.5 Neither application 21/503906/EIOUT nor 21/503914/EIOUT accords fully with the adopted Development Plan, and we strongly contend that there are no material considerations of sufficient magnitude as to outweigh the actual and policy harm caused by the proposals. 21/503914/EIOUT has been considered and rejected from the emerging Local Plan process. Significant concerns have been raised about locating large scale housing development at Teynham in the emerging Local Plan not least from KCC who raised strong concern about the level of justification for this proposed allocation and a legal challenge mounted by Lynsted and Kingsdown Parish Council.
- 16.6 These applications are being advanced outside of the Local Plan process and on the basis that Swale Borough Council do not have a five-year housing land supply and therefore the NPPF presumption in favour sustainable development should prevail. We strongly contend that these two developments, either individually or cumulatively do not offer sustainable development and there are compelling reasons as to why the presumption in favour of sustainable development should not be applied.
- 16.7 We challenge the applicant's conclusions about the planning balance of these proposals. The benefits that would be realised would not outweigh the significant and very serious harm that would be caused on numerous levels. On this basis Teynham and Tonge Parish Councils would strongly urge SBC to refuse both applications