

# HIGHSTED PARK PROPOSAL

## Planning application 21/503906/EIOUT and 21/503914/EIOUT Revised Applications

Representations on behalf of Teynham, Tonge, Lynsted with Kingsdown  
and Doddington Parish Councils.



**July 2024**

## CONTENTS

<b>EXECUTIVE SUMMARY.....</b>	<b>3</b>
<b>1 INTRODUCTION.....</b>	<b>11</b>
<b>2 PLANNING POLICY OVERVIEW .....</b>	<b>15</b>
<b>3 CHANGE IN OVERARCHING PLANNING PRINCIPLE .....</b>	<b>22</b>
<b>4 SBC APPROACH TO OTHER RECENT DEVELOPMENT .....</b>	<b>24</b>
<b>5 AMENDMENTS TO 21/503906/EIOUT – FEBRUARY 2024.....</b>	<b>31</b>
<b>6 CONCLUSION .....</b>	<b>44</b>

## Executive Summary

These representations are made by Teynham, Tonge, Lynsted with Kingsdown and Doddington Parish Councils collectively. The representations act as an addendum to the extensive representations made in October 2021.

All four Parish Councils continue to **strongly object** to applications 21/503906/EIOUT and 21/503914/EIOUT. Our objections are summarised below:

### Uncertainty Surrounding In-Principle Planning Policy Support

The Council's position in relation housing land supply (HLS) has improved considerably since the submission of the applications in 2021. The Council's position is that 5.13 years HLS can be demonstrated including reduced 5% buffer given performance in the Housing Delivery Test (HDT) has exceeded 75% over the last three years. However, we are aware that this position has recently been tested at appeal (APP/V2255/W/23/3333811 - Land at Ufton Court Farm, Tunstall – decision issued 5 July 2024) whereby the Inspector questioned the deliverability of some elements of the Council's claimed HLS figure such that it was determined the Council was only able to demonstrate 4.1 years supply.

Housing Land Supply is not a static calculation, it is fluid and ever changing and this appeal decision is therefore a snap shot in time. The vast majority of the elements of supply rejected by the Inspector were discounted on the basis of the judgement they had to make at a moment in time, based on the information the Council was able to provide from developers about their intentions to prepare and start building and the projected timeframes for this. The Council are not in control of the delivery of housing and are heavily reliant on the information they are able to gather from landowners/developers/applicants. A lack of information does not necessarily confirm a lack of intent as there may be numerous reasons why more detailed information was not offered or secured. We would therefore contend that there is no guarantee that those sites where the Inspector has discounted homes on the basis of a lack of information about delivery time frames will not in fact deliver within 5 years.

A far more marginal position of 4.9 years supply results if one takes a broader view of those sites rejected purely on the basis of lack of information about projected build programmes. Even if only some of the sites rejected on the basis of lack of information come forward, we contend the HLS position, in reality, is likely to be more marginal than the Inspector's determination and the fluid nature of housing land supply means that the position at the time of determination of the Highsted Park applications may be very different. The Council may by that time be able to fully evidence a 5 year supply.

However, even in the event that the presumption in favour of sustainable development could be applied as a result of the negative 5 year HLS identified in this most recent appeal decision, 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.

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. We maintain that there are substantial and significant adverse impacts created by these applications, which have not been demonstrated can be mitigated.

#### **Impact: Loss of Important Local Countryside Gap**

Neither application accords with the adopted settlement hierarchy. They lie within the countryside, and within the designated Important Local Countryside Gap. The proposals in each application would fail to accord with Local Plan policies ST1, ST3 as they relate to settlement hierarchy and DM25 as it relates to protecting Important Local Countryside Gap areas.

#### **Impact: Landscape Character**

The applications do not accord with paragraph 182 of the NPPF or Local Plan policy DM24, both of which give priority to conserving and protecting the special qualities of protected and valued areas such as National Landscapes and Areas of High Landscape Value.

The Area of High Landscape Value contained within 21/503906/EIOUT and on the edge of 21/503914/EIOUT would be degraded and the conservation objectives of maintaining “remoteness” within these areas would be totally compromised. The setting of the Kent Downs National Landscape will experience harmful change by 21/503914/EIOUT harmful recreational impacts will be experienced within the protected area. Amendments have been made to both applications to add localised areas of additional landscape planting. These amendments do nothing to further mitigate the significant impact each will have on the special qualities of the landscape character in both locations.

Should the *Making Space for Nature in Kent and Medway* nature recovery strategy be adopted during the life of these applications it should be taken account of in the determination of the schemes. This strategy will shape our nature and landscape in years to come and is backed by ring fenced government funding.

#### **Impact: Loss of Agricultural Land**

The applications do not accord with Policy CP7 or DM31 of the Local Plan. The proposals do not recognise or value the important part that the land within each play in providing wider services of food production (CP7). Furthermore, Policy DM31 only allows for development on agricultural land when there is an overriding need that cannot be met on land within the built-up area boundaries. The Council is in a positive housing land supply position, having consistently delivered above requirement levels of housing over the last three years. There is no need overriding need for these developments.

The proposed developments do not meet the objectives set out at Paragraph 184 of the NPPF to fully recognise and value the wider benefits from natural capital and ecosystem services including the economic and other benefits of the best and most versatile (BMV) agricultural land – land in Grades 1,2 and 3a classification. Both schemes involve development of BMV land, much of which is in the top 5% in England for production.

## **Impact: Transport and Highways**

The Parish Councils have collectively sought professional advice from independent Transport Consultant Bruce Bamber BSc MA MSc MCIHT, Director of Railton TPC Ltd. Mr Bamber has made full review of the highway implications and transport related impacts of the two Highsted Park applications. His report is submitted as a supplementary document to this statement of representation and referred to as the Transport Review document.

The existing road structure around Teynham and particularly the A2 is not capable of accommodating combined development traffic from 8400 new homes. The A2 is already over capacity and adding additional traffic to the road would exacerbate the existing congestion problems. The Transport Review document highlights that the assessment of transport environmental impacts in both applications has under-estimated the sensitivity of Lower Road and the A2 through Teynham and further east and thus underestimated the predicted significance of the adverse impacts resulting from the proposals. Furthermore, the report also highlights the lack of any mitigation offered for the increase in HGV traffic along the A2 which is recognised in the applications and increased potential for rat-running along Lower Road because of increased delays along the A2.

The amended application details consider the impact of each application in isolation and with regard to the northern site 21/503906/EIOUT suggests that the completion of the NRR would relieve traffic pressure on the A249 and M2 but would increase traffic on the A2 to the east. We strongly disagree that additional traffic being routed through the A2 rather than through the A249 and the M2 is a preferable position given the capacity of the A2 by comparison. 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.

The applications would not meet the requirements of Local Plan Policy CP2 which seeks to locate development in sustainable locations according to the growth strategy set out at policy ST1. Neither of the applications are located in areas that align with policy ST1 strategy and as detailed in the Transport Review document the dispersed nature of the proposed developments and their distance from facilities within Sittingbourne undermine opportunities for sustainable travel.

The applications are also discordant with para 114 of the NPPF which only supports development proposals where any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

A key objective of the NPPF is to secure sustainable patterns of movement and to encourage use and provision of more sustainable modes of transport. The Transport Review document highlights concerns about poor bus provision, poor access to rail services and a number of detailed areas of design and highway strategy across both applications which actively provide barriers to pedestrian and cycle movement – the nature and design of the SSRR presenting the most significant severance effect for pedestrian and cycle connectivity between the two proposed developments which is not addressed at all in the applications.

As is detailed in the Transport Review, the applicant has responded to numerous concerns raised by the Highway Authority by suggesting that they would be overcome at later stages of the planning process. The refusal to demonstrate, at this stage, an acceptable access strategy is a serious concern since developments of this scale have the potential to lead to severe adverse transport effects that cannot be mitigated. Currently there is insufficient evidence presented to demonstrate that the residual cumulative impacts on the road network of both applications would not be severe. Indeed, the Transport Review has identified numerous areas in which the residual impacts would be severe and so neither application currently can be considered to accord with Paragraph 115 of the NPPF.

### **Impact: Air Quality**

The issues of AQ across the Borough and particularly in Teynham are well documented. Teynham is located within AQMA 5, the validity of which has recently been reconfirmed by the Council in their decision to maintain the designation and commitment to continued monitoring and improvement.

We hold significant concern about any development that would result in additional traffic using the A2, increasing vehicle emissions and degrading AQ in this location further.

The proposed sustainable transport strategy supporting both applications does not meet the objectives of Local Plan policy CP5 to promote options for transport which would improve health. It would not reduce or mitigate additional car travel arising from 8400 homes all of which are likely to use the A2 at some point for shopping and other journeys which cannot feasibly be made by public transport or on foot/cycle.

### **Impact: Historic Environment**

The applications are contrary to paragraph 195 of the NPPF and Local Plan policy CP8 which both seek to sustain and enhance the significance of designated and non-designated heritage assets. Irretrievable harm would be caused to the outlook and setting of Grade I listed Tonge church, Grade II\* listed Frognal Farmhouse.

The proposed alignment of the NRR would bring urbanising features into the wider, largely tranquil setting of the Tonge Mill buildings running through Tonge Conservation Area. The introduction of noise and movement into this experience to the south of the northern relief road within the Conservation Area, would impact its heritage value. The proposed development would be contrary to Local Plan policy DM34 which seeks to protect and preserve Conservation Areas and their settings.

The area is rich in significant archaeological finds including the nationally important statue of the Roman sea god Triton and a Roman mausoleum near the A2 at Teynham. The scale of impact upon archaeological interest is great. The proposal would be contrary to Local Plan policy DM34 which seeks to protect areas of high archaeological value.

### **Impact: Water and Drainage**

The addition of 1250 new homes in Teynham will exacerbate existing drainage and flooding issues. Teynham Wastewater Treatment works (WwTw) is already at capacity. 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. 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.



The development will rely heavily upon discharge to the ground in the undeveloped areas of the site to deal with surface water runoff, placing greater pressure on combined sewers.

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.

It is uncertain as to whether the proposals meet the requirements of Local Plan policies DM21 and CP6 to, respectively, integrate drainage measures within the design of the scheme to ensure the most sustainable option for drainage is delivered and to demonstrate that adequate water supply and wastewater connection and treatment infrastructure is in place.

### **Impact: Local Infrastructure**

A development of this scale will put huge pressure on services which are non-existent currently. Teynham urgently needs a new medical practice and there is no commitment given to safeguard land for the purpose, commitment to build and commitment for the CCG to staff and run such a facility.

Policies CP5 and CP6 of the local Plan set a commitment to bringing forward community facilities and services including healthcare facilities. We contend that it is imperative for the Council to positively pursue these policies in respect of both applications, to deliver timely infrastructure particularly in respect of application 21/503906/EIOUT in view of the significant shortfall in healthcare service in the Teynham locality.

Whilst we raise no objection to the commitment to create a new Household Waste Recycling Centre (HWRC) now included in application 21/503914/EIOUT, we are sceptical about whether this will in fact be delivered. We are aware of KCC's recent (albeit stalled) plans to close four existing HWRCs as a cost saving exercise. It therefore seems highly unlikely that KCC would support or facilitate delivery of a new HWRC given this.

## Other concerns

**Scale of Existing Committed Development:** There is concern that the illustrative mapping contained within the documents submitted as part of the application 21/503906/EIOUT does not reflect the scale and extent of committed development in the area around Teynham. Recently constructed or recently approved (but not yet built) developments are not shown on any of the base mapping presented. This includes Spring Acres (580 dwellings), Tonge (390 dwellings), Frogna Lane (300 dwellings and 26,840sqm Commercial), Blossom Grove (130 dwellings), Lynsted Lane (10 and 40 dwellings).

The area around Teynham has already seen significant expansion of development to which the addition of a further 1250 houses would be unsustainable.

**Repeated Consultation Cycles:** The continued need to supply additional information and tinkering with the content of the schemes results in repeated cycles of consultation which local communities find difficult to continually respond to. There are substantial costs associated with securing professional advice to assist in interpreting the submitted information which many individuals are not able to cover. Significant sums of public money are being spent defending our communities' position against unwanted and damaging development. Not only this but the Parish Councils have found it increasingly difficult to find professional consultants to help us defend our position who are not already working for developers. It feels like the odds are inherently stacked against local communities where large-scale development proposals are put forward. The repeated rounds of consultation are causing planning fatigue which only works in the developer's favour.

# 1 Introduction

- 1.1. These representations are made to Swale Borough Council (SBC) as the Local Planning Authority in respect of amended planning application 21/503906/EIOUT Land to the west of Teynham (Northern Site) which along with application 21/503914/EIOUT Land to the south and east of Sittingbourne (Southern Site) collectively forms the overarching proposal for the Highsted Park urban extension at Sittingbourne.
- 1.2. Planning Application 21/503906/EIOUT (northern site) refers to the following development:

**Phased development of up to 97.94 hectares of land comprising:**

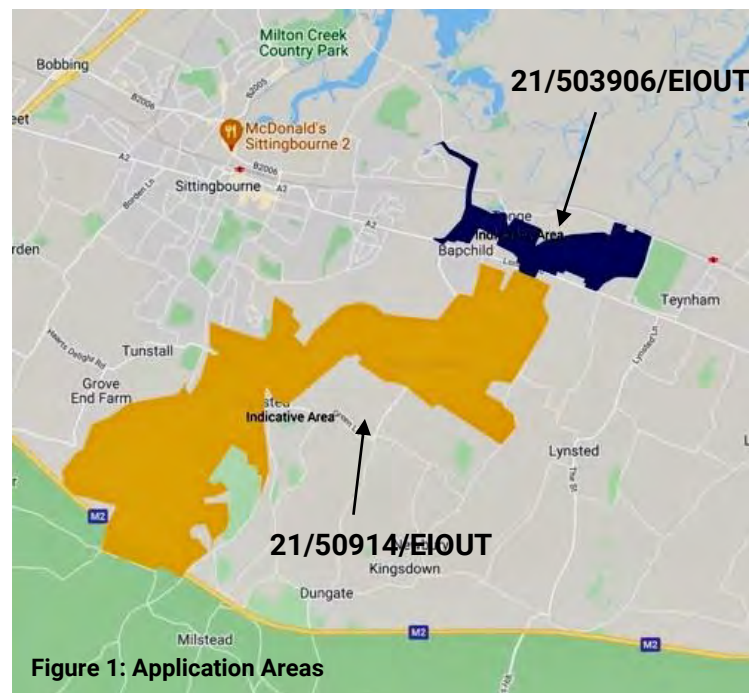
- demolition and relocation of existing farmyard and workers cottages,
- up to 1,250 residential dwellings including sheltered/extra care accommodation
- up to 2,200 sq.m/1 hectare of commercial floorspace
- mixed use local centre and neighbourhood facilities including commercial, business and employment 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.

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

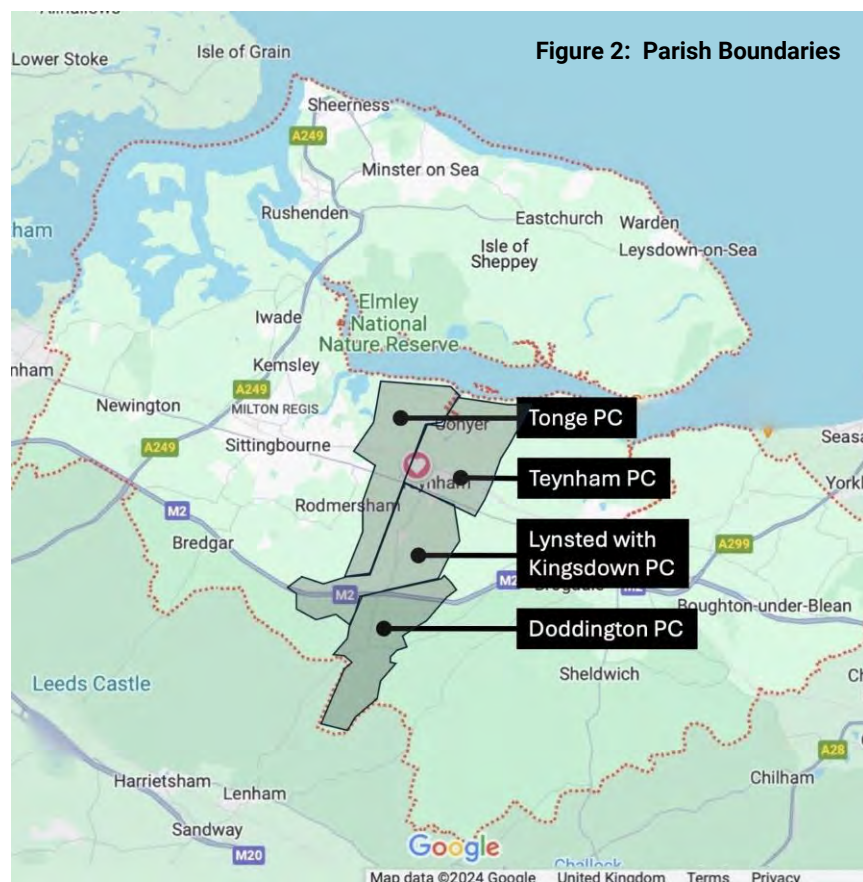
**Phased development of up to 577.48 hectares of land comprising:**

- up to 7,150 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
- up to 15,000 sq.m/1.5 hectares for household waste recycling centre
- 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.

1.4. The plan shown below at Figure 1 shows the area covered by both applications.



- 1.5. These representations are made by Teynham, Tonge, Lynsted with Kingsdown and Doddington Parish Councils collectively. The plan below at Figure 2 shows the 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. The applications do not fall within either Lynsted with Kingsdown or Doddington Parish areas but the proximity of the proposed developments means that both Parishes will be heavily affected by them.



Source: Google Maps

- 1.6. Detailed representations were made to both applications in October 2021 by Teynham and Tonge Parish Councils. Lynsted with Kingsdown and Doddington Parish council made their own separate representations. All four Parish Councils have now grouped together to secure professional advice to assist them in interpreting the extensive information submitted and presenting their concerns in the strongest possible terms.

- 1.7. The extensive representations made by Teynham and Tonge Parish Councils in October 2021 continue to form the basis of all four Parish Councils' collective response. Amendments to both applications were made in February 2024 with new and updated application material having been submitted. Since the original submission of these applications in 2021, there have been changes to planning policy at a national level. The Local Plan position with Swale has been clarified and the Council's housing land supply position has strengthened. All of which significantly change the planning environment in which these two applications must be considered.
- 1.8. These current representations act as an addendum to the original October 2021 responses, outlining the change in planning policy position, detailing how we collectively consider this to affect the main issues raised in our primary 2021 response and commenting on the specific amendments that have been made to the application proposals. In this respect we focus on the amendments made to the northern site 21/503906/EIOUT land to the west of Teynham as this application most directly affects our communities living in all four Parishes.
- 1.9. Teynham, Tonge, Lynsted with Kingsdown and Doddington Parish Councils, respectively, **continue** to raise strong objection to the proposals set out in both applications for the reasons that are set out further in this statement.
- 1.10. As "outlying villages" as described in para 2.9 below, Lynsted with Kingsdown and Doddington Parish Councils endorse the reasons for objection which are contained within this document. Extensive objections were made by both parish councils to the original applications as submitted in 2021 and each have been working with, and supporting, Teynham and Tonge Parish Councils with collective consideration of the current revised applications and related response.

## 2 Planning Policy Overview

- 2.1 As detailed in our previous representations the starting point for all decision making for planning applications is planning policy and this requires examination of 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.
- 2.2 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.
- 2.3 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.
- 2.4 The following changes in planning policy position have occurred since the applications were originally submitted in 2021.

### **Swale BC – Emerging Local Plan Position**

- 2.5 In terms of emerging planning policy, SBC published their Regulation 19 Submission Version of the Local Plan for consultation in February 2021.

- 2.6 However, after much criticism of the Regulation 19 version having been published too early, the plan was paused and a decision taken to move back to Regulation 18 consultation to allow for further debate and amendment to the plan consultation. The Council resolved at the meeting of the Council on 15th November 2023 to continue to postpone the next formal consultation stage of the Local Plan Review until the Government's intentions in respect of housing land supply calculation and focused direction for housing growth are clear. However, at a meeting of the Planning and Transportation Policy Working Group on 14<sup>th</sup> March 2024, a new Local Development Scheme (LDS) was agreed which would see a new Reg 18 Draft Local Plan published for consultation in the final quarter of 2024 with a Reg 19 Pre-submission Version Local Plan published in the first Quarter of 2025. The LDS has yet to be formally published.
- 2.7 As is stated below the former Reg 19 Local Plan set out the Council's most recent position with regard to preferred growth strategy and identified land to be allocated for development over the next plan period. However, Paragraph 48 of the NPPF indicates that Local Planning Authorities should 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 returned to Regulation 18, an earlier stage in the local plan process. Therefore, whilst the Regulation 19 Submission Plan offers an important indicator of the direction of travel that SBC as the Local Planning Authority have been heading in, we contend that even less weight can be given to the policies contained within it than at the time of our original representations in 2021.
- 2.8 We have outlined our concerns about the timing of these applications in our 2021 response. The NPPF provides clear guidance on when an application might be considered to have been brought forward prematurely in the local plan process. This is considered to only be where 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.



- 2.9 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. The submission of these applications at what is an early stage of preparing a new local plan would ultimately 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.
- 2.10 Whilst we appreciate that progress in making a new plan for development is taking longer than might be anticipated, it is demonstrably the case that housing need is now being met, delivery rates have consistently been higher than required over the last 3 years and despite some uncertainty as to the actual HLS figure it is clear that the 5-year HLS position has improved significantly. (see commentary below from paragraph 2.22 onwards). There is no overriding need for the Council to consider large scale strategic developments immediately and such proposals, given the breadth of impact on such a wide area and across so many communities, should rightly be tested through the local plan process rather than as ad hoc proposals made on a speculative basis. This would clearly undermine the local plan process.
- 2.11 We strongly reiterate that the submission of these applications is premature, they should not be considered outside the local plan process and the Council's current position does not now indicate any overriding need to do so.

#### **Revised National Planning Policy Framework (NPPF) and Housing Land Supply**

- 2.12 The NPPF was revised in December 2023 with a significant amendment to housing land supply requirement and the weight that can be given to adopted housing land supply positions in certain circumstances. Previously, Paragraph 74 of the NPPF has required 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.

- 2.13 The December 2023 revision caveats this requirement at paragraph 76, stating that local authorities do not have to maintain 5-year supply of deliverable housing if:
- a) their adopted plan is less than five years old; and
  - b) that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.
- 2.14 In this case the current Local Plan Bearing Fruits 2031 was adopted in July 2017 and so is more than 5 years old and so SBC are still required to maintain a 5-year HLS. The 5-year HLS requirement is critical to any development being brought forward on a speculative basis i.e. outside of an allocation within an adopted local plan, because historically, the NPPF has directed that where a Local Authority cannot demonstrate a 5-year housing land supply, the adopted policies relating to housing supply including those relating to location of new housing such as Policy ST3 of the adopted SBC 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.
- 2.15 Paragraph 11 confirms that the presumption in favour of sustainable development when applied to decision making means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission 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.

- 2.16 The definition of whether a local plan is up to date or not is clearly key in this assessment and the advice on this definition has changed in the 2023 revision to the NPPF. Footnote 8 of this issue confirms that a local plan will be held to be out of date for applications involving the provision of housing, situations where:
- (a) the local planning authority cannot demonstrate a five-year supply (or a four-year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76; or
  - (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.
- 2.17 Paragraph 226 has been introduced to allow for Councils to only have to show a 4-year housing land supply for their plan to be considered up to date where they have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need.
- 2.18 Applying all of this to SBC, the local planning authority is not currently at Regulation 19 Local Plan stage and its previous Regulation 18 consultation did not include a policies map and proposed allocations. The Council would not therefore benefit from this reduced 4-year housing requirement and continues to need to demonstrate a 5-year housing land supply to meet the first limb of the definition of an up-to-date plan.
- 2.19 It is critical for SBC to be able to rely on its local plan housing policies as an up-to-date plan if it is to strengthen its position against unplanned for and speculative development being brought forward and to be in a position where the presumption in favour of sustainable development does not have to be applied.

- 2.20 At the time of the original submission of applications 21/503906/EIOUT and 21/503914/EIOUT in 2021, SBC could only demonstrate 4.6 years HLS including a 20% buffer to reflect significant under delivery in the previous three years. However, since 2021, the identifiable housing land supply in Swale BC has increased along with delivery. The Housing Delivery Test results for 2021 and 2022 years are confirmed as exceeding 75% of housing need test and whilst the government has yet to release figures for the 2023 year, the Council confirm that DHLUC have issued a position letter confirming that SBC met 108% of its housing need in that year. The Council has not therefore fallen below the 75% requirement in any of the previous 3 years.
- 2.21 As a result, Para 77 of the NPPF indicates that the Council only need apply a 5% buffer to their housing figure rather than the 20% that was previously required. The Council's latest HLS position confirmed in March 2024 indicates that the Council can now demonstrate 5.13 years supply including the revised 5% buffer.
- 2.22 However, we are aware that this position has recently been challenged at appeal (APP/V2255/W/23/3333811 - Land at Ufton Court Farm, Tunstall – decision issued 5 July 2024) whereby the Inspector questioned the deliverability of some elements of the Council's claimed HLS figure such that it was determined the Council could only demonstrate 4.1 years of deliverable .
- 2.23 The NPPF requires Local Authorities to maintain a rolling 5 year supply of deliverable housing. 1302 of the 5430 homes the Council claimed were deliverable were disputed. Of the 1302 homes in dispute, the Inspector ultimately discounted 894 homes from the Council's claimed supply. 33 homes were discounted on the basis of clear technical planning reasons indicating that delivery of the homes was unlikely within 5 years. However, 861 homes were discounted on the basis that the Inspector did not have sufficient information before them to conclude that there was "clear evidence" of deliverability within 5 years. The PPG sets out what clear evidence means and the Inspector references this as including ..... *"amongst other things, for large scale sites with outline or hybrid permission, the degree of progress being made towards approving reserved matters. For other sites, it references firm progress being made towards the submission of an application; firm progress with site assessment work; or clear relevant information about site viability, ownership constraints or infrastructure provision."*

- 2.24 As the Council has no control over the physical build out of housing sites, all of the above detailed items of “clear evidence” can only come directly from the developer/landowner/applicant as the parties securing consents, preparing for and building housing on these sites. The information the Council was able to present to the Inspector at the appeal may not necessarily show the whole picture and there are likely to be numerous reasons why more comprehensive detailed information was either not forthcoming or could not be obtained from those parties. This does not necessarily confirm a lack of intent on the part of the developer/landowner/applicant or that their projected build programme would not deliver within the 5 year timeframe anticipated.
- 2.25 Naturally, the Inspector had to make a decision based on the information before them at that time but it is important to consider that this appeal decision is only a snap shot in time. Housing Land Supply is not a static calculation, it is fluid and ever changing and it may well be the case that these sites are more than likely to be built out within the 5 year time frame but the Council was just unable to elicit enough information from the developers to persuade the Inspector. The Inspector’s decision is largely a matter of judgement on these rejected sites rather than proven point.
- 2.26 If one takes a broader view of those sites rejected purely on the basis of lack of information about projected build programmes, that some if not all may in fact deliver within 5 years, the number of sites in dispute is a lot lower and the HLS position stronger than alleged. A far more marginal position of 4.9 years supply results if all 861 houses are not discounted, but even if only some of these sites come forward the housing land supply position, in reality, is likely to be more marginal than the Inspector’s determination and the fluid nature of housing land supply means that the position at the time of determination of the Highsted Park applications may be very different. The Council may by that time be able to fully evidence a 5 year HLS.

### 3 Change in Overarching Planning Principle

- 3.1 It is clear that since the applications were first submitted, the Council's land supply and delivery of housing has significantly improved. Whilst the Council's positive HLS position has been successfully challenged through the appeal decision reference above that is not a situation that is guaranteed to endure, nor is it one that shows anything other than snapshot in time. We contend the HLS position is far more marginal than is indicated and it may well be that by the time of determination the Council is able to provide detailed evidence of delivery for those sites in dispute.
- 3.2 The Council remain technically unable to rely on their adopted local plan for the time being but given the uncertainty over the HLS position, we contend that some weight must be given to the defining principles which underpin the plan. The Bearing Fruits Local Plan 2017 represents the current spatial strategy for the area and until it is formally replaced, the plan's requirements must be followed unless significant material considerations indicate otherwise.
- 3.3 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 and forming part of 21/503906/EIOUT, all of the rest of the land included in both planning applications is not allocated for development in the current adopted Local Plan document. It is therefore noted strongly that both planning applications do not accord with the adopted settlement hierarchy. We maintain that the two Highsted Park Application do not offer any material considerations that would indicate the broader growth strategy set out in the plan should be abandoned, notwithstanding any in-principle support that may derive from the HLS position.
- 3.4 Whilst the recent appeal decision allows for the presumption in favour of sustainable development to operate in Swale Borough for the time being, we strongly maintain that in accordance with both limbs of paragraph 11d) of the NPPF, there are compelling reasons as to why this should not be applied in the case of the Highsted Park applications. The amended application details have not resolved any of the issues we have raised previously and we maintain that there are substantial and significant adverse impacts created by these applications, which have not been demonstrated can be mitigated.

- 3.5 These two proposed developments, either individually or cumulatively do not offer sustainable development and we challenge the applicant's conclusions about the planning balance. The benefits that would be realised would not outweigh the significant and very serious harm that would be caused on numerous levels. The non-housing related policies of the plan which remain unaffected by the HLS position all guard against these proposed developments.

## 4 SBC Approach to Other Recent Development

- 4.1. Planning application 21/501334/OUT was also submitted in 2021 and sought outline planning permission (with all matters reserved except for access) for up to 95 new dwellings including new vehicle and pedestrian access, affordable housing provision, parking, landscaping and open space provision on land at Fox Hill and School Lane in Bapchild. The site lies on the southern side of the A2 and lies immediately opposite the western end of the application area included in the Highsted Park northern site (21/503906/EIOUT).
- 4.2. This application for development was refused planning permission on 19 April 2024 and aside from the similar geographical context to the Highsted Park applications, the Fox Hill application draws many parallels. All applications must be determined on their own merits and some of the reasons for refusal of this application were specific to this particular planning proposal and site. However, the Council's determination and approach to a number of key areas within this application can be directly related to the Highsted Park applications and further supports our contention that those applications do not meet adopted local plan policies and should be refused also.

### Principle of the Development

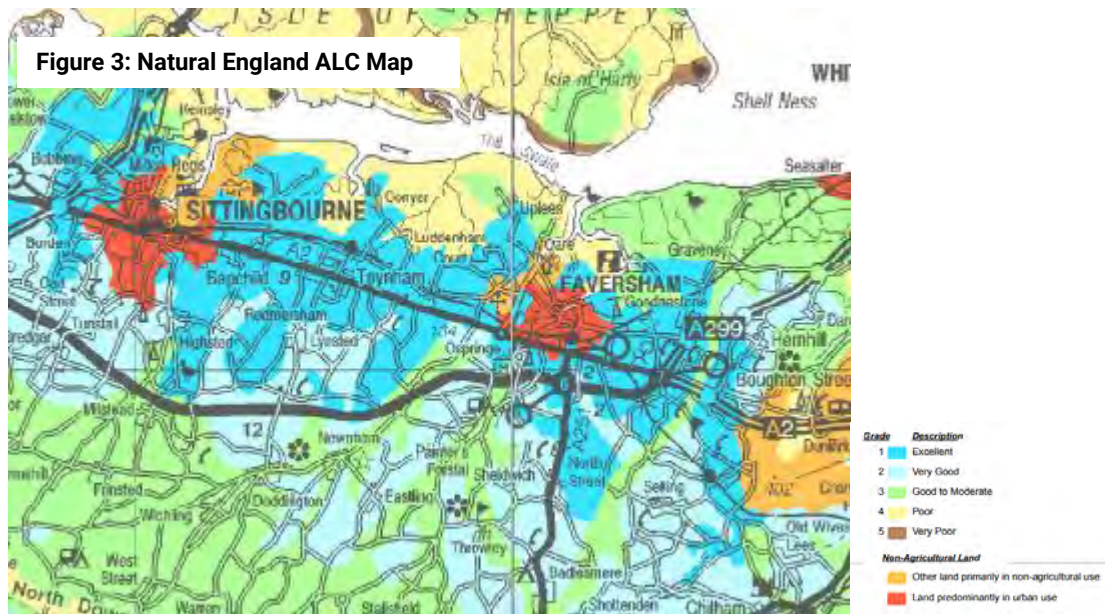
- 4.3. The land at Fox Hill is not allocated for development in the adopted Local Plan and it lies outside of the development boundary identified in policy ST3. It is lowest position in the settlement hierarchy in exactly the same way as applications 21/503906/EIOUT and 21/503914/EIOUT. The Council confirm that as they now have a 5-year housing land supply, the local plan is up to date and full weight will be given to Policy ST3. The site at Fox Hill lies close to but nevertheless outside of the settlement boundary and does not therefore accord with the policy.



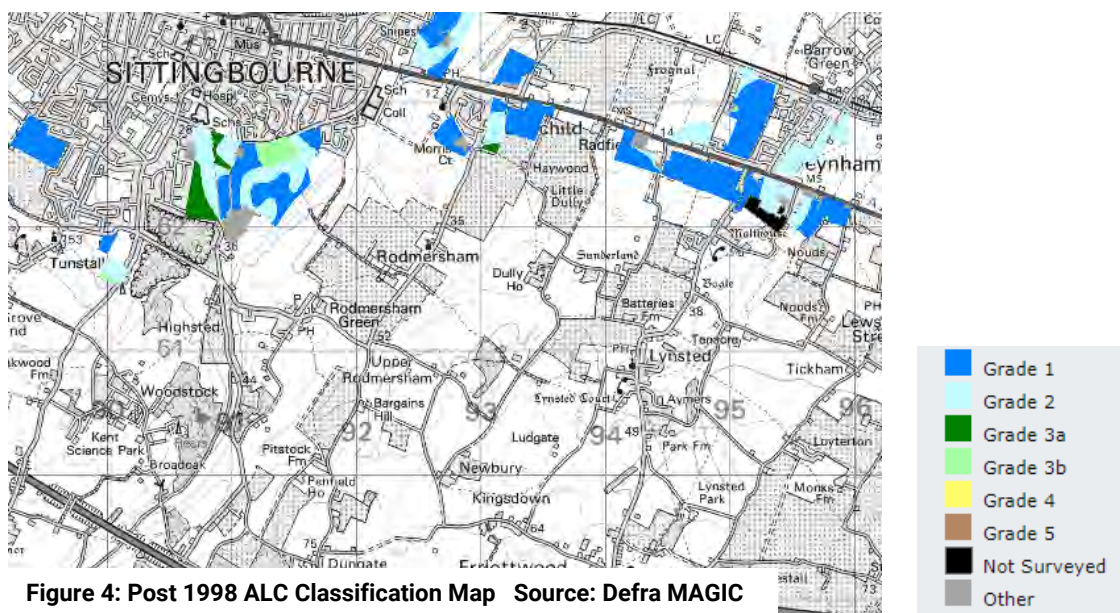
- 4.4. The land at Fox Hill also lies within the designated Important Local Countryside Gap in exactly the same way as the Northern and Southern Highsted Park sites. In this respect the Council determined that Policy DM25 of the Local Plan indicates that unless allocated for development, planning permission will not be granted for development that would undermine one or more of the purposes of the countryside gap. The proposal for development at Fox Hill was considered to encroach unnecessarily into the countryside gap contributing to the coalescence of the urban areas of Sittingbourne and Bapchild. The extension of the designated area to include this land between Sittingbourne and Bapchild was only adopted in 2021 as part of a wider review of important local countryside gap areas. The extension of the designation indicates the level of importance the Council has attributed to this area in recent times.
- 4.5. The same coalescence would occur in those parts of the Highsted Park applications located in the Countryside Gap and we would contend these would undermine the objective of policy DM25 on a much greater scale given their extent.
- 4.6. The Council refused the application at Fox Hill on the basis that *“as the development is located outside of the settlement hierarchy and within the countryside, and within the designated Important Local Countryside Gap, the proposal would fail to accord with Local Plan policies ST1, ST3 and DM25 and would be unacceptable in principle.”* We would strongly contend that similar conclusion could be drawn in respect of applications 21/503906/EIOUT and 21/503914/EIOUT.
- 4.7. The recent appeal decision referred to in previous chapters runs counter to the Council’s approach on principle in the Fox Hill application and it may well be that the Council’s decision on this is challenged at appeal also. However given the marginal position we allege could be the reality of the HLS position, there is a very high level of uncertainty surrounding this and we trust the Council will continue to make every effort to more robustly evidence their HLS to allow the adopted development growth strategy to be implemented and avoid being forced to put this aside.

### Loss of High Quality and Productive Agricultural Land

- 4.8. The HLS position only affects the weight that can be given to housing related policies within the adopted local plan. All other policies carry full weight. Policy DM31 of the Local Plan states that development on agricultural land will only be permitted when there is an overriding need that cannot be met on land within the built-up area boundaries. Development on best and most versatile agricultural land (specifically Grades 1, 2 and 3a) will not be permitted unless the site is allocated for development by the Local Plan; or there is no alternative site on land of a lower grade than 3a or that use of land of a lower grade would significantly and demonstrably work against the achievement of sustainable development; and the development will not result in the remainder of the agricultural holding becoming not viable or lead to likely accumulated and significant losses of high quality agricultural land.
- 4.9. The application site at Fox Hill was primarily arable land classified as “Best and Most Versatile” (Grades 1 and 2). Similarly, the land across both Highsted Park applications is also Grade 1 and 2 and classified as Best and Most Versatile.
- 4.10. The Council determined that the land at Fox Hill “is not allocated in the Local Plan and lies in the countryside and on a gap specifically protected against development. Furthermore, there is no overriding need for housing to be located upon this site as the Council is currently able to demonstrate a 5-year supply of housing sites at alternative locations. This indicates that there are preferable sites where development can be located and as such the loss of the agricultural land would be contrary to policy DM31 of the Local Plan”. We would strongly contend that similar conclusion could and should be drawn in respect of applications 21/503906/EIOUT and 21/503914/EIOUT.
- 4.11. The Natural England Regional Land Classification for London and the South East (Figure 3 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. The plan at **Appendix 1** of this statement also shows the land classification map for the country and shows how little Grade 1 land there is across the Country and highlights the importance of retaining that land which remains.



- 4.12. Some but not all of the land contained in the Highsted Park applications was remapped after the 1988 ALC issue. The extract from the post 1998 mapping below at Figure 4 shows those areas which were mapped, and this indicates that these remain Grade 1 and 2 across both applications.



- 4.13. 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. The Grade 1 farm land included in the Highsted Park applications is in the top 5% for the whole of England for production of apples and fruits; and likely to be in future years for grapes and other fruit too, taking account of climate change.
- 4.14. 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.
- 4.15. Food security has been firmly on the Government's agenda as set out in the former Prime Minister's recent letter to farmers. We expect this to continue under the new administration. The former Prime Minister stated in his open letter of February 2024, *"...we are strengthening our food security. I am clear, your crucial role is to produce the nation's food. Food security is a vital part of our national security and the events of recent years have brought home the truth of that. We must be more agile and responsive in order to meet our commitment to at least maintain domestic food production at current levels - roughly 60% of the food we consume."*
- 4.16. The loss of Best and Most Versatile land should be resisted and we strongly object to the loss of productive farmland within the Highsted Park applications.

#### Historic Environment

- 4.17. The application for development at Fox Hill affects a number of heritage assets, including the setting of Grade I and II listed buildings at the Church of St Lawrence, dating from the C12 and Morris Court Farmhouse, dating from C17/C19 and other non-designated heritage assets at Bapchild Court.

- 4.18. Similarly, 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.
- 4.19. 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.
- 4.20. The Council confirm that the level of heritage harm in the Fox Hill proposal would fall within the higher bracket of less than substantial harm in relation to the two listed buildings and in the lower bracket in relation to the non-designated heritage asset – Bapchild Court. In the application for Highsted Park north site in the west of Teynham, Historic England have concluded similarly that the level of harm caused to Frogmal Farmhouse, Frogmal Barns and the Tonge Conservation Area is on the upper end of less than substantial harm and is therefore very serious in heritage impact terms.
- 4.21. The NPPF states at paragraph 208 that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 4.22. The Council determine that in the case, of Fox Hill, “due to the site lying in the open countryside, within a countryside gap, not being allocated for development and with the Council achieving its 5-year supply of housing land on other more suitable sites, the public benefits would be limited.”.
- 4.23. We would argue that the very same applies to the 21/503906/EIOUT scheme to the west of Teynham which clearly displays impacts of a similar magnitude to heritage assets of the same character, historic value and importance. We consider that this application should be refused on the same basis.

- 4.24. Furthermore, we note that the officer's delegated report for the Fox Hill application confirms that important archaeological work has been undertaken at Stones Farm revealing an extensive archaeological landscape of prehistoric and later date including features of particularly high significance. It is also referred to that in connection with the nearby Highsted Park applications the Council has received information that reinforces the archaeological potential and significance of the local landscape.
- 4.25. Recent archaeological excavations (Summer 2023) in connection with development at Frogna Lane in Teynham produced archaeological finds dating back to the Roman era which are of national significance and well documented. Dr Richard Hobbs, Senior Curator of Roman Britain at The British Museum has commented on the statue of Roman god Triton which was found *"This is a really stunning piece of sculpture, undoubtedly of great significance to our understanding of Roman Britain and its place in the wider Roman Empire."* Teynham Parish Council has recently applied to Historic England for this to be nominated as a scheduled monument.
- 4.26. It is therefore clear that the land in and around Teynham and particularly around the A2 is rich in archaeological interest which must be protected. Historic England have concerns about the potential for harm to nationally important archaeological remains and geoarchaeological remains, in the Highsted Park applications and has raised significant objection to the proposal on the basis of wider significant harm to a range of heritage assets.
- 4.27. Paragraph 189 of the NPPF recognises that heritage assets are an irreplaceable resource which should be protected and 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.
- 4.28. Against this backdrop of heritage related policy, it is clear that the development proposed in the two applications at Highsted Park 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 and should be refused in the same way as demonstrated in the Fox Hill application.

## 5 Amendments to 21/503906/EIOUT

- 5.1 In February 2024 submission were made to the Council to amend the two applications forming the Highsted Park proposals (21/503906/EIOUT and 21/503914/EIOUT) following review of the consultation responses to the application, received to date.
- 5.2 The amendments that appear to have been made do not significantly change the content of either application and largely comprise tweaks to the indicative layouts. The amendments do not offer substantial reduction in the harmful impacts of the development which we object to. We focus here directly on those amendments made to application 21/503906/EIOUT land to the west of Teynham as these most directly affect the parishes of Teynham and Tonge.
- 5.3 The amendments made to application 21/503906/EIOUT land to the west of Teynham comprise the following:

- An alternative design for the access junction at the intersection of the existing A2 and the proposed NRR
- Widening of the NRR landscape corridor adjacent to Heron Fields
- Additional landscape buffers around NRR as it passes through Tonge Conservation Area.
- Wider landscape buffer introduced to the south of the listed buildings at Lower Frognal Farm. Building heights closest to Lower Frognal Farm restricted to a maximum height of up to 10m.
- Internal access spine road moved eastwards to provide a greater separation distance between the road and listed buildings
- Provision of a medical centre
- An Area of green amenity and semi-natural greenspace introduced to replace development in the location of identified area of Archaeological Importance.
- The alignment of the central greenway has been reconfigured to reflect the overland drainage route.
- A larger greenspace has been introduced to provide drainage attenuation and storage for the overland flow, prior to it passing below the railway line.
- Retention of the existing Cricket Club facility including wicket and pitch area, and retention of the existing tree group within the proposed Sports Area.

## **Alternative junction design for the intersection of the existing A2 and the proposed NRR**

- 5.4 The original submission of the two applications for Highsted Park relied on a single planning scenario that envisaged determination of both applications together as interdependent schemes. As noted in our original representations, it was clear that the strategy being employed across both planning applications required the southern relief road (SRR) contained in 21/503914/EIOUT to be implemented to divert traffic from the northern relief road (NRR) contained in 21/503906/EIOUT away from the A2 and Teynham centre. The NRR in turn was 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.
- 5.5 The two road projects were entirely contingent on one another which was confirmed in the original Transport Assessment documents submitted as part of both applications which clearly stated “ *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*”
- 5.6 As each element of highway infrastructure was 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. We made clear in our 2021 response, planning applications should be considered on their own merits and in this case each application had not demonstrated acceptability in its own right in terms of its impact on the local highway network.



- 5.7 We raised in our previous response our concerns that the NRR 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 and for traffic from the Great East Hall Estate (North of the railway line) that want to access the A2 to travel east to Dover, Canterbury and the Coast. 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.
- 5.8 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. The Transport Review document highlights that the adverse impacts on the A2 resulting from both application proposals has been underestimated.
- 5.9 The applicant has considered the point of interdependency further and come back with updated highways assessment which considers the highways impacts of application 21/503906/EIOUT in isolation. The highways assessment confirms that *“there is evidence that the completion of the NRR encourages traffic to stay on local roads, rather than route the longer strategic road network routes of the A249 and M2. Given the pressure that such routing places on the capacity of junctions on the A249 and M2, which have historically constrained growth in the Swale, and the strategic rather local function of these roads, this should be seen as a desirable outcome, albeit it leads to some increases in traffic on the A2 to the east.”*
- 5.10 We strongly disagree that additional traffic being routed through the A2 rather than through the A249 and the M2 is a preferable position given the capacity of the A2 by comparison. 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.

- 5.11 The revised TA notes that *“some parts of the network will nonetheless be negatively impacted and would operate less effectively in the development scenario than in the reference case. In such cases mitigation may be appropriate”*. The mitigation proposed is to create an alternative junction arrangement for the intersection between the proposed Northern Relief Road (NRR) and the existing A2. The design of this Junction would envisage the existing A2 diverting onto the new NRR as the priority route. A T junction would then be formed providing access to the new North Site development area internal spine road, with a further T junction linking back to the existing A2 London Road. The Transport Review document raises significant concerns about pedestrian safety associated with the design of this roundabout which contributes to the wider conclusions made about the barrier this junction creates to sustainable movement from both developments.
- 5.12 Kent County Council as the Highway Authority have responded directly in relation to the amended assessment of this application as an independent scheme and maintain a holding objection currently with numerous items outstanding. We note that previous response to the application had elicited ongoing concern that sufficient information had not been provided with which to justify the impact of the proposal in the operation of the local highway network. Indeed, the Transport Review document highlights significant concerns not only about the continued reluctance to provide detailed response to the Highway Authority questions, leaving much to future stages of detailed design, but also numerous errors, omissions and contradictions that in the evidence submitted to date which must be corrected or clarified before the full highways impacts and subsequent acceptability of the development can be fully assessed. It would appear that KCC as Highway Authority continue to have insufficient information.
- 5.13 Teynham, Tonge, Lynsted with Kingsdown and Doddington Parish Councils remain very concerned about the impact that this application, in isolation, would have on congestion along the A2 which is already at an unacceptable level. The applicant’s highways assessment confirms that the outcome of this application would see an increase in traffic on the A2 and we are not assured that any of the assessment concludes that channelling more development related and rerouted traffic from the west on to the A2 via the NRR will not exacerbate the already high level of congestion experienced on the A2 as it passes through Teynham.

5.14 The Transport Review raises numerous questions and highlights key areas in which the Transport Assessment for each application is either lacking in information, does not directly assess or underplays conditions and impacts and overall does not demonstrate how the proposals would offer sustainable patterns of movement and safe highway conditions. Detailed assessment of these aspects is set out in the Transport Review document but in brief the following areas of concern/omission are raised:

- The physical layout of the developments as proposed undermines opportunities for sustainable travel
- The design of the SSRR and the A2 junction of the NRRR offer significant barriers to walking and cycling for existing and future residents – particularly for those trying to access Teynham Railway Station and facilities provided in the southern developments such as the proposed secondary school.
- Neither development offers an efficient and convenient long term bus access strategy and further use of Teynham Railway Station is not supported by additional proposed services for pedestrian or cycle access. The station currently has poor pedestrian access, limited cycle parking and no pick-up/drop-off area for cars or buses.
- The creation of the SSRR, SNRR and new motorway junction arising from the proposed developments will in themselves create additional traffic. This effect is ignored in all of the transport modelling presented to support the proposals
- There is a very poor safety record on Lower road which is not considered in any of the highway assessments supporting the proposals
- The sensitivity of Lower Road and the A2 has been underestimated and therefore the significance of the adverse impacts affecting both has also been under estimated.
- A significant increase in HGV movements along the A2 is identified as resulting from both application proposals yet no mitigation is offered to reduce the impacts in this respect.

- Assessment of the combined sites scenario is shown to lead to an extremely severe impact on the Ruins Barn Road/Woodstock Road corridor into Sittingbourne but no mitigation is offered,
- Each of the proposals individually and combined have the potential to increase rat-running along Lower Road because of increased delays along the A2.
- Numerous errors, omissions and contradictions have been identified in the applicants original and updated transport assessments and these need to be corrected or clarified before the applications can be considered adequately.

5.15 Our concerns about additional traffic on the A2 are directly linked also to Air Quality and we have set out detailed commentary outlining our objections to any development that would further degrade air quality along the A2 in our original representations. The Air Quality Management Area (AQMA) covering London Road in Teynham was designated in 2015 and has since ensured that regular testing and monitoring of air quality in this location is carried out. The designation requires the Council to not only regularly test air quality levels but to take action to ensure that government air quality targets are met.

5.16 The issue of air quality along the A2 in Teynham remains of deep concern to residents and we are heartened to see that the SBC's Environment and Climate Change Committee are so concerned about the negative health impacts of particulate matter along the A2 London Road in Teynham/Lynsted that they have commissioned additional monitoring equipment to measure levels of PM2.5 and PM10. This confirms that Air Quality remains a priority in Teynham and will continue to form a material planning consideration in the determination of the Highsted Park applications. We referred to SBC Environmental Health response to both applications in our original response and at the time the Environmental Health team supported the proposals on the basis that the relief roads proposed will reduce traffic on the A2 and bring about an improvement in Air Quality. It is clear from the updated Highways assessment that if application 21/503906/EIOUT is taken in isolation, there will be more traffic using the A2 not less.

- 5.17 Whilst we note that SBC Environmental Health have yet to formally comment on this scenario, it is clear that the basis upon which the application is being considered is now very different and there is clear evidence that in isolation this application will increase traffic on the A2 and increase emissions in an area which remains in a critically poor condition in terms air quality.

**Widening of NRR landscape corridor adjacent to Heron Fields and additional landscaping along the NRR as it routes through Tonge Conservation Area.**

- 5.18 In our original 2021 representation we raised significant concern about the impact of the NRR on the amenities of those residents living on the Great East Hall estate and at Heron Fields given the proximity of what will be an elevated road link above the railway line. It is clear that this section of the relief road will require substantial built construction and ground/embankment works at an elevated position which will be in very close proximity to the existing properties at Heron Fields.
- 5.19 Since the applications were submitted, permission has been granted for 380 houses west of Church Road, Tonge. (North of the railway line) This was in October 2023 and will mean that houses will be built to the east of the NRR corridor. So, there will now be houses on both sides of the new road. We note that the applicants have sought to widen the landscape corridor along the NRR road in its northern section to include strengthened and wider area of landscape buffer. Whilst additional landscaping is welcomed, we do not consider that this goes anywhere near addressing the significant impact of locating substantial road infrastructure so close to existing areas of housing.
- 5.20 The landscape buffers will do little to screen the elevated sections of the road either visually or in terms of noise. Trees and vegetation do not attenuate noise effectively and as the alignment of the road remain the same the widening of the landscape corridor is simply a token gesture and does not address the root cause of concern for the residents of Herons Field. Aside from any physical impacts such as noise disturbance and air quality, the outlook for these properties will be irrevocably damaged and whilst landscaping may help soften this impact it will not change the overall result which is an irrevocable change in the landscape from countryside to dense urban infrastructure.

- 5.21 The applicants have further considered the alignment of the NRR and the spur road through the newly created development which will route through the Tonge Conservation Area. However, they have chosen not to make any changes to the route – the NRR will continue to travel through a key section of the Tonge Conservation Area. We note that additional landscaping and orchard planting has been proposed here but as we have stated above, this does very little to address the fundamental objection we have to siting major road infrastructure in an area that is recognised and protected for its heritage value.
- 5.22 The proposed NRR alignment would run approximately 250m south of Tonge Mill and Mill House Old Mill (both Grade II listed). 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. The introduction of the NRR in its proposed form 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.
- 5.23 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.
- 5.24 The Tonge Conservation Area was reviewed and extended by SBC in 2021 due to the importance of various elements of historic value lying in close proximity including the surviving earthworks of Tonge Castle and fortified manor, the Archaeological potential for prehistoric and Roman activity, the association of the spring, the cult of Thomas Becket and grounds of former leper hospital and the anecdotal association of the area with the legend of Vortigern, Hengist and Horsa.
- 5.25 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 and these recognised aspects of historical importance within the Conservation Area.

- 5.26 The Thomas Becket spring provides water to the Tonge Pond via a stream which travels north. The access road to the new housing estate crosses this spring and so could endanger the supply of water to the pond and the water supply to farms to the north. We have also raised 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.
- 5.27 We are concerned that the substantial ground works required to create the Northern Relief Road in such close proximity, along with the 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 continues to be no coverage or assessment of the impacts of vibration and ground movement arising from the northern relief road on the Church.
- 5.28 Given the proximity of the northern relief road to the Listed Mill Buildings and the Church of St Giles we consider the overall conclusion of moderate adverse effect during construction and operational phases which continues to be made by the applicant to significantly underplay the actual impact the development will have on the setting of these two listed buildings. The amendments made in respect of this section of the NRR will do nothing whatsoever to address this.
- 5.29 In their January 2023 response following additional information presented at that time, Historic England reconfirmed that their most serious concerns remained for the very high level of harm to the significance of the Tonge Conservation Area. The amendments made to the scheme at that time did not in Historic England’s view reduce the level of harm in any meaningful way.
- 5.30 The amendments made in February 2024 simply seek to add additional landscaping around the route of the NRR and do not in themselves change the scheme significantly. Whilst Historic England have yet to comment formally in this latest round of amendments, given the previous commentary and lack of meaningful change we would anticipate their view to remain unchanged.

- 5.31 We continue to raise strong objection to application on the basis that the impacts of the development contained in both 21/503906/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.
- 5.32 Paragraph 195 of the current 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. The level of harm caused is significant. It is confirmed as being on the upper end of the spectrum of less than substantial harm and we do not see that there is any justification to consider housing proposals that would bring about such extensive and irrevocable harm to the historic environment – we can see no justification.

**Wider landscape buffer introduced to the south of the listed buildings at Frognal Farmhouse. Building heights closest to Frognal Farmhouse restricted to a maximum height of up to 10m. Internal access spine road moved eastwards to provide a greater separation distance between the road and listed buildings.**

- 5.33 Frognal Farmstead includes Frognal Farmhouse (Grade II\*listed) and Frognal Barns (Grade II listed) which are at present experienced in their rural context; the agricultural land which forms part of north eastern section of the 21/503906/EIOUT 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.



- 5.34 The applicant has previously considered that providing a landscaping buffer 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. We strongly disagree with this contention in our original representations. We note now that the applicant has sought to widen the landscape buffer to create more separation and has sought to limit building height in the immediate close proximity to the two listed buildings to 10m. The widening of the landscaping buffer will have minimal change on the overall impact of the development on the setting of the listed building. Similarly moving the spine road eastwards will do very little overall. The setting is characterised by significant open areas of farm land to the south which the landscape buffer cannot hope to replace.
- 5.35 There simply is not enough separation between the built edge of the new development and the listed 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 even if widened as proposed would do nothing to mitigate the irretrievable harm caused to the outlook and setting of the buildings.
- 5.36 The intention to limit development height to 10m in closest proximity to the listed buildings at Frogmal Farm offers is meaningless and offers no amendment. A standard 3 storey dwelling measures between 9 and 14m high so there is no change to the previously offered intention to locate two and three storey houses in this location. We would reiterate our concerns that offering two and three storey developments immediately adjacent to the listed buildings would introduce built form of a height and scale that is neither consistent nor complementary to the listed buildings.
- 5.37 Notwithstanding the widened landscape buffer, 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 Frogmal Farmhouse and Frogmal Barns.

### **Provision of a medical facility within the new neighbourhood centre**

- 5.38 We raised concern in our original response about provision of healthcare services and since this response was made the GP Practice in Teynham has closed leaving the village without any immediate healthcare. Residents now have to rely on GP services in Faversham and Sittingbourne which are also overstretched due to additional housebuilding and population increase within that area and Teynham patients are being asked to find GPs elsewhere. We welcome the commitment to providing one of the two planned medical centres for the Highsted Park development in the new neighbourhood centre to west of Teynham and we are heartened to see that this is marked to be delivered in phase 1 of the development should the application be approved.
- 5.39 However, at this stage we have no information as to how this medical centre will be provided and by whom. 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. It is clear from other large-scale developments in Teynham which have been approved recently, that endeavours to safeguard land for a medical centre were not backed up with commitment to build in the associated S106. Teynham urgently needs a new medical practice and we wish to see from a development of this scale, not only commitment to safeguard land for the purpose but commitment to build and commitment for the CCG to staff and run it. A development of this scale will put huge pressure on services which are non-existent currently.

### **Area of green amenity and semi-natural greenspace introduced to replace development in the location of identified area of Archaeological Importance.**

- 5.40 An area of Archaeological Importance has been identified to the north of the A2 and the development cells for the neighbourhood centre have been reconfigured to accommodate a green space safeguarded zone for the archaeological site. The development being displaced is now focussed along the main spine access road.
- 5.41 We raise no objection to this amendment within itself but the identification of the Archaeological Area further demonstrates how important this area is and how significant its heritage value is.

**Omission of any wider landscape assessment/mitigation to address impacts on the setting of the Kent Downs National Landscape.**

- 5.42 The Highsted Park southern site (21/503914/EIOUT) covers land which is outside the boundary of the Kent Downs National Landscape but it will have a direct impact on the setting and protection of this designated area.
- 5.43 The NPPF confirms at paragraph 182 that *“great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”*
- 5.44 Policy DM24 of the Local Plan also protects both the setting of National Landscape areas as well as land within the boundary:
- 5.45 Both the “southern and “northern” applications contain changes from the schemes originally submitted. However, these do not include any information which would mitigate the impact on the Kent Downs National Landscape and its setting. There are several High Court judgements which confirm the status and importance of settings and land outside the boundary of the National Landscape (AONB).

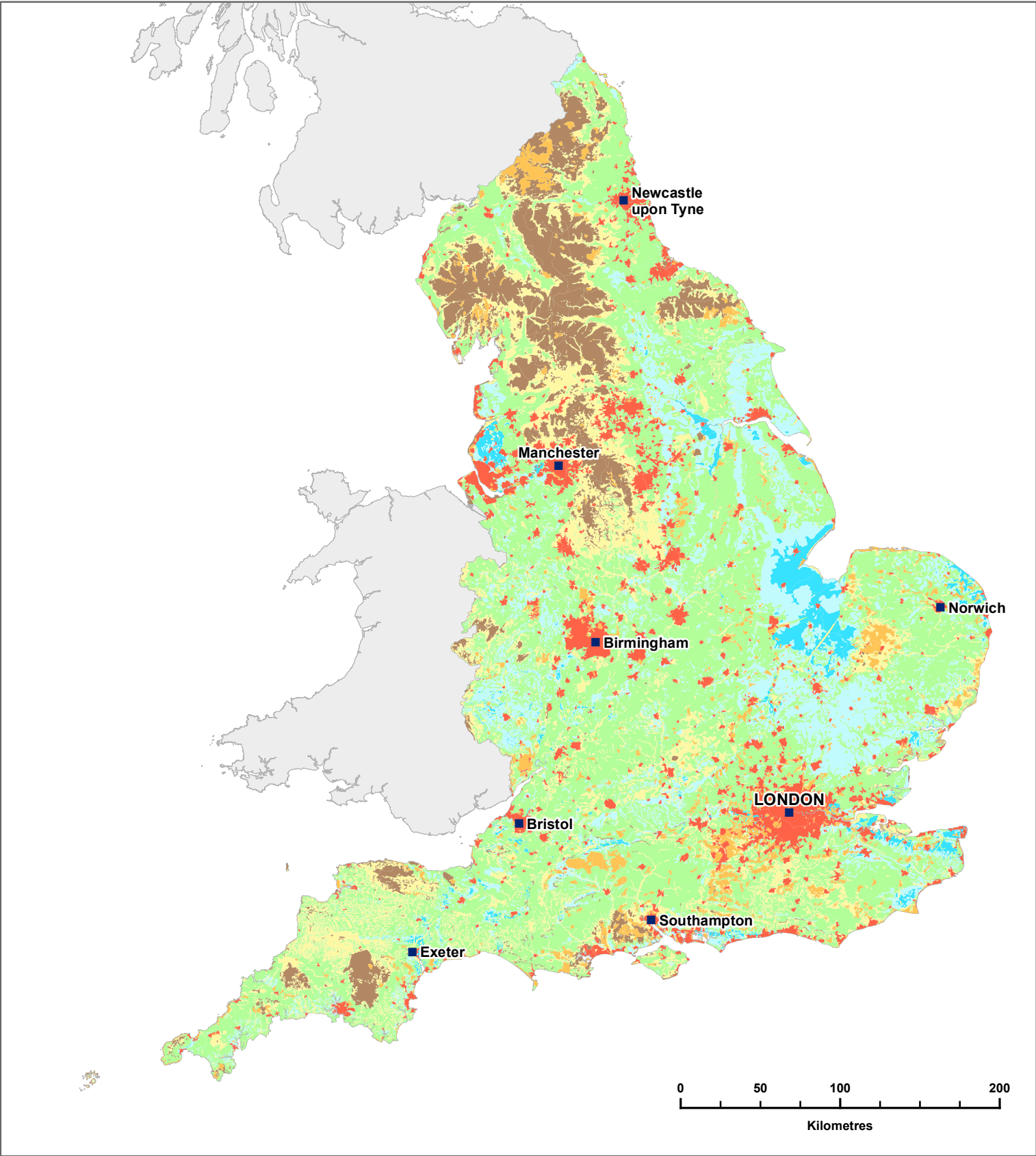
## 6 Conclusion

- 6.1. **Teynham, Tonge, Lynsted with Kingsdown and Doddington Parish Councils continue to object in the strongest terms to applications 21/503906/EIOUT and 21/503914/EIOUT.**
- 6.2. 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.
- 6.3. We recognise that proposals of the scale and magnitude of the Highsted Park applications naturally require significant consultation and thorough examination of all issues. However, the need to supply additional information and continued tinkering with the content of the schemes results in repeated cycles of consultation which local communities find difficult to continually respond to. There are substantial costs associated with securing professional advice to assist in interpreting the submitted information which many individuals are not able to cover. Indeed, this is the reason that all four Parish Councils have grouped together to pool resources and share costs.
- 6.4. Significant sums of public money are being spent defending our communities' position against these unwanted developments – resources that none of the Parish Councils are able to bear fully alone given the limited funding each group has. Not only this but the Parish Councils have found it increasingly difficult to find professional consultants to help us defend our position who are not already working for developers. It feels like the odds are inherently stacked against local communities where larger scale development proposals are put forward. The repeated rounds of consultation are causing planning fatigue which we consider only works in the developer's favour.
- 6.5. 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.

- 6.6. 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 7150 homes with commercial and community uses in 21/503914/EIOUT. We are very concerned to see that by the applicant's own admission application 21/503906/EIOUT in isolation will certainly increase traffic using the A2, adding to existing traffic congestion and poor Air Quality.
- 6.7. 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. These applications were made outside of the Local Plan process and on the basis that Swale Borough Council did not at the time of submission have a five-year housing land supply meaning the NPPF presumption in favour of sustainable development should prevail.
- 6.8. The appeal decision for development of land at Ufton Court Farm, Tunstall challenges the Council's recent assertion of a demonstrable 5-year HLS but as detailed above, the decision offers commentary as a snap shot in time and we contend the position is more marginal than the appeal decision implies. It is undoubtedly the case that the HLS has improved significantly since the Highsted Park applications were first made and there is now no history of persistent under delivery of housing in the Borough – confirmed by the Inspector in the above appeal. At the time the Highsted Park applications are determined it may well be that the Council has secured sufficient evidence to support a positive 5-year HLS position. However, even if it has not, and the presumption in favour of sustainable development remains operative, there are compelling reasons that accord with both limbs of paragraph 11d) of the NPPF as to why it should not be applied in this case.
- 6.9. We strongly contend that these two developments, either individually or cumulatively do not offer sustainable development and 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 there are no material considerations of sufficient weight in our view to abandon the adopted growth strategy or to put aside adopted development plan

policies which the two applications are clearly discordant with. Teynham, Tonge, Lynsted with Kingsdown and Doddington Parish Councils would strongly urge SBC to refuse both applications.

## Appendix 1



**MAGiC**

**Agricultural Land Classification -  
Provisional (England)**

- |   |         |   |                  |
|---|---------|---|------------------|
|  | Grade 1 |  | Grade 5          |
|  | Grade 2 |  | Non Agricultural |
|  | Grade 3 |  | Urban            |
|  | Grade 4 |   |                  |

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