

Swale Borough Local Plan Review (Regulation 19) Pre-submission Consultation Response from CPRE Kent

1. Introduction

We are CPRE, the countryside charity. Formed in 1926, CPRE is a registered charity and one of the longest established and most respected environmental groups in England, with over 40,000 members and supporters living in our cities, towns, villages and the countryside. CPRE Kent is the largest of the CPRE County branches with over 2,300 members, including 150 parish councils, civic societies and other Kent organisations and companies.

Our vision is of a beautiful and thriving countryside that enriches all our lives, and our mission is to promote, enhance and protect that countryside.

We believe that the planning system is a toolbox for achieving better – for people, nature and the economy – while supporting the delivery of more badly-needed homes to end the housing crisis.

In general, CPRE Kent supports a development strategy which meets the following criteria:

1. Brownfield first, especially in urban areas and not in rural areas if it would result in unsustainable patterns of development
2. Development should result in sustainable communities
3. Provision in rural areas where there is an identified local need and the scale of development is appropriate for the size of the settlement
4. The plan should promote development in locations:
 - a. That are well supported by, or where it can reasonably be shown that they will be supported by, sustainable transport and active travel.
 - b. That are well served by regular public transport services and social and community facilities, that are in safe walking and cycling distance or would support, or result in, a sustainable settlement. Such routes need to feel safe, be well-lit, especially for children and women who have to use them after dark. If they are not, cars will inevitably become the preferred mode of transport to the detriment of sustainability.

Overall, it is our position that local planning authorities should seek to ensure that the impact of development on the countryside, both directly and indirectly, is kept to a minimum and that development is sustainable in accordance with national planning policy.

This response has been prepared jointly by the Kent Branch office of CPRE Kent and by the Swale District Committee of CPRE Kent, but for brevity our comments are expressed as being from ‘CPRE Kent’ throughout this response.

Ahead of our detailed comments, CPRE Kent wish to raise significant overarching concerns specifically with respect to Legal Compliance on the following four grounds:

1) Failure to adequately consult

Following the Council’s decision in July 2017 to commence the Local Plan review, a revised Local Development Scheme (LDS) was adopted in September 2018. This envisaged a two-stage Regulation 18 process which involved what was termed a “Scoping Issues” Public Engagement followed by an

“Issues and Options & Draft Preferred Option” Public Consultation. This vital second step has not been undertaken.

CPRE Kent are of the view that there was a legitimate expectation that this further consultation would occur, especially as it was explicitly scheduled in the early meetings of the Council’s Local Development Panel. It is CPRE Kent’s position, therefore, that there has been minimal stakeholder or public engagement informing the submission version of the plan.

It might conceivably be argued that the information in the Scoping Issues consultation was sufficient to allow the participants to the consultation fully to understand the likely nature of the Reg. 19 plan. However, a comparison of the final outcome (*e.g.* the use of allocations in Neames Forstal, the Teynham Area of Opportunity, the rejection of the garden community idea) and the Scoping Issues consultation indicates that the form of the Reg. 19 plan could not have been foreseen. It is CPRE Kent’s opinion that the failure to undertake an “Issues and Options & Draft Preferred Option” Public Consultation is contrary to the general principles to consultation set out within the Council’s own adopted Statement of Community Involvement (SCI).

Without this second step, it is difficult to see how the “Scoping Issues” consultation alone has informed the preferred strategy or contributed to the development and sustainability appraisal of alternatives¹.

The point is reinforced by the fact that, during the plan preparation period and after the “Scoping Issues” consultation, the administration in the Council altered radically. Many of the newly elected members stood on a platform that involved, in part, the radical re-alignment of the plan. For example, the current administration is in favour of a greater emphasis on the east of the Borough for development. This point was recognised by the Council’s Local Development Panel at the meeting on the 19th of January 2021. A transcript of the chairman’s introductory remarks is given below (these are summarised in the minutes of the meeting²).

“I would just like to pay tribute to all the Officers that have been involved in putting this local plan together. I think it has been a tremendous effort, under some extraordinary circumstances of the past year. They have worked to a very tight timeline and come up with a whole raft of new approaches that the New Administration wanted to incorporate within the Local Plan. I think it is fair to say that the new administration took over in 2019, the Local Plan Team had to work to a radically different strategy. Meaning that much of the work they had done for the previous year, didn’t really contribute much to this, to the direction that the new administration went. So, the fact that they have got such a robust and, I believe, really positive set of policies together in that time is a real tribute to them. So I would just like to put now on record my thanks to all of Local Plan Team for getting us to where we are today.”

The argument could be made that, given this radical alteration in viewpoint, the whole planning process should have been re-started with two new Reg. 18 consultations. Certainly, the change in administration and policies mean that going straight to a Reg. 19 consultation has prevented stakeholders from legitimately expressing their opinions and preferences. In view of such sentiment and regardless of subsequent retrofitting statements, it is difficult to accept the Council have meaningfully taken into account the representation made at Reg 18 as is lawfully required³.

¹ As required by Regulation 18(3) of Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012 and Section 19 (5) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004)

² <https://services.swale.gov.uk/meetings/ieListDocuments.aspx?CId=216&MId=2423&Ver=4> (taken from online audio recording)

³ Regulation 18(3) of Town and Country Planning (Local Planning) (England) (Amendment)

Unfortunately, it has also proven the case that CPRE Kent and its members have had significant difficulties navigating this current Reg 19 consultation. The lack of any web-based mapping coupled with inconsistent and difficult to find supporting evidence has made understanding what is being proposed along with any justifications hard, if not impossible. Again, we feel this is a barrier for residents in general and in particular those unfamiliar with planning to legitimately express their opinions and preferences.

2) Insufficient information

Section 20(2) of the PCPA 2004 specifically states that the LPA must not submit the plan unless they think it is ready for independent examination. The Council decision of the 3rd of February to give delegated authority to submit to examination was made in the absence of substantive community engagement on the detail of the plan as highlighted above. It was also based upon key evidence which was (and still is) outstanding, including vital transport modelling. Also, housing supply information was supplied that was subsequently conceded to be incorrect.

Should the plan proceed to formal submission on this delegated basis, it will be clear that this outstanding information will have had no influence upon the preparation of the Plan.

3) Inadequate appropriate assessment of likely significant effects relating to air pollution

It is CPRE Kent's opinion that the view that the levels of NO₂ concentrations in Swale in general, and Teynham in particular, are falling is optimistic and not supported by any solid statistical evidence. It is also our opinion that PM10 and PM2.5 pollutants are likely to become the main areas of concern in the future and that there is currently insufficient monitoring of these within Swale.

There is an absence of traffic modelling specific to the proposed allocations and very limited information regarding cross-boundary duty to co-operate matters. Thus, it is extremely difficult to see how the in-combination impact on air quality can be robustly assessed against the precautionary principle and it is impossible to conclude that there will be no adverse effect on the integrity of any international designated sites at this stage.

It is also the case that the strategy proposed has the highest likelihood of increased traffic on the A2, including through the AQMAs. This is recognised in the Sustainability Appraisal (SA) which states that *"it's difficult to envisage a strategic transport solution that would avoid increased traffic impacting on the Ospringe AQMA and, in any case, concerns would remain regarding westbound traffic towards Sittingbourne impacting on AQMAs."* The SA recognises that the inclusion of Policy AO 1 Teynham Area of Opportunity to unlock new road delivery is fundamentally flawed as the location will entrench car dependency and, in turn, increase traffic through air pollution hotspots along the A2 to the east and west of Teynham. Its inclusion is clearly not appropriate and therefore fails the test of Soundness as it is not justified.

4) Failure of the Duty to Co-operate (DtC)

Section 33A of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) requires the Council to engage constructively, actively and on an ongoing basis in relation to the preparation of local plan documents so far as they are related to strategic matters.

Paragraph 26 of the NPPF says that effective and ongoing joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and

justified strategy. It goes on to say that, in particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.

Paragraph 27 of the Framework indicates that, in order to demonstrate effective and ongoing joint working, strategic policy-making authorities should prepare and maintain one or more Statements of Common Ground (SoCG), documenting the cross-boundary matters being addressed and the progress in cooperating to address these. These should be produced using the approach set out in the Guidance and be made publicly available throughout the plan-making process to provide transparency.

As it currently stands, there is little to no information setting out where effective cooperation is and is not happening and no SoCGs have to date been published. This is compounded by the fact that no Authority Monitoring Report has been published since 2016/17 within which matters related to the Duty to Co-Operate would be reported. This is a requirement of Part 8 (Regulation 34) of the Town and Country Planning (Local Planning) (England) Regulations 2012.

It is considered that the failure to provide this information ahead of, or as part of, the Regulation 19 consultation demonstrates that effective cooperation is not occurring actively or on an ongoing basis. Further, it is our view that SoCGs produced now relating to DtC issues will be too late to influence the preparation of the Plan should the plan proceed to submission under delegated powers as currently envisaged.

Notwithstanding our view, the Council will be aware that any shortcomings in this legal duty cannot be rectified after submission as the duty ceases once the plan examination has begun and that this includes reliance upon SoCGs produced post-submission⁴.

Whilst we will explore duty to co-operate issues further within our detailed comments, an overview of our areas of particular concern include:

- *The extent of discussions with neighbouring authorities regarding the meeting of housing needs.* In particular, it is noted that Medway Council has previously challenged the assertion from Swale that they do not have a shared Housing Market Area.
- *The extent of discussions with neighbouring authorities regarding the impact of proposed allocations close to their borders.* We are particularly concerned as to the extent of cross-boundary issues likely to arise with Canterbury in the context of Policy MU 1 East of Faversham Expansion.
- *The extent to which Kent County Council Highways and Highways England previously expressed significant concerns as to the implications of local plan growth upon the local highway network have been overcome.* Critically, it remains unclear whether transport capacity presents a barrier to the intended growth, especially with regard to Policy MU 1 East of Faversham Expansion and Policy AO 1, the Teynham Area of Opportunity. In the latter case, KCC Highways has already strongly opposed individual planning applications in this area.
- *The extent of Southern Water engagement with respect to ensuring sufficient capacity with respect to Wastewater Treatment Works.* This is particularly relevant in the context of Policy MU 1 East of Faversham Expansion.

⁴ See [Sevenoaks District Court v Secretary of State for Housing Communities And Local Government \[2020\] EWHC 3054 \(Admin\) \(13 November 2020\)](#)

- *The extent of consultation with neighbouring authorities and the AONB unit ahead of selecting sites within or impacting upon the AONB.* in particular in the context of Policy A 4 Land at Neames Forstal, Selling.

It is CPRE Kent's strong opinion that these matters cannot be satisfactory or lawfully addressed on the current Local Development Scheme timetable as the changes required exceed what could be achieved via the main modifications process.

If, however, the Council is minded to proceed to formal submission of the current plan, we would strongly urge that a statement of compliance with the duty to co-operate be prepared as part of the submission in line with PINS guidance. We would also strongly encourage the Council to produce and submit both a Legal Compliance Checklist and Soundness Compliance Checklist as issued by the Planning Advisory Service with the plan when formally submitted, as also set out in PINS guidance.

In such circumstances CPRE Kent would wish to participate at the Legal Compliance examination hearings to explore these issues further.

Our detailed comments are as follows:

1. Our vision, challenges and strategic objectives

Paragraph or Policy	Comment
Vision	<p>It is considered that the Vision for Swale is underwhelming and reflects the fact that it has been arrived at outside of meaningful consultation. It also does not reflect the reality of the Plan and is misleading by asserting growth will be achieved whilst reducing congestion and improving air quality along the A2.</p> <p>The Plan is therefore considered unsound as it has not been positively prepared and contrary to NPPF paragraph 15.</p>
Strategic objectives	<p>The Strategic Objectives are considered generic and simply duplicate national policy with no clear purpose.</p> <p>Whilst we welcome the sentiment that identified development needs will first be met on brownfield sites, this is not reflected in the strategies which almost unanimously directs housing to greenfield sites. In particular at Faversham and Teynham strategies would result in the loss of high-quality agricultural land, with the national low-resolution dataset indicating that virtually all of the land is likely to be of Grade 1 quality.</p> <p>The Plan is therefore considered unsound as it has not been positively prepared and contrary to NPPF paragraph 15.</p>

2. Local Plan strategy for Swale

Paragraph or Policy	Comment
Para 3.1	<p>It is CPRE Kent’s strong opinion that the development strategy is unsound as it is not an appropriate strategy when considered against reasonable alternatives.</p> <p>In particular, the preferred strategy cannot be considered appropriate when considered against the alternative scenarios as set out within the SA as it</p> <ul style="list-style-type: none"> - will result in significant negative effects through significant loss of best and most versatile agricultural land, including Grade 1 land that is of the highest quality nationally, - will see increased traffic through air pollution hotspots, - is the second worst option with respect to Biodiversity, - is the worst option with respect to flood risk, and - it will create high car dependency, in particular at Teynham and Neames Forstal. <p>The text currently does not clearly articulate the strategy for where and how sustainable development will be delivered and, in particular, why this is ‘an appropriate strategy’. It also defers details on strategic matters to other</p>

	<p>documents though with no justification. This is considered contrary to NPPF Paragraph 35.</p> <p>In addition, CPRE Kent is mindful as to the potential impact of proposed changes to the NPPF recently consulted upon. Amongst other considerations, this demonstrates an intention of Government to strengthen the presumption in favour of sustainable development to ensure that all plans should promote a sustainable pattern of development that seeks to: meet the development needs of the area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects.</p> <p>As we would anticipate the outcome of this consultation to be known between the closing of this consultation and the formal submission, CPRE Kent would wish to participate at the examination hearings to explore this issue further.</p>
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3. Strategic Policies

Paragraph or Policy	Comment
<p>Policy ST 1</p>	<p>CPRE Kent would question whether such a level of growth can be sustainably accommodated within a borough subject to significant environmental, land and landscape constraints. We are therefore very concerned that the option of only partially meeting identified needs has not been explored at all within either the SHMA or as an option within the Sustainability Appraisal.</p> <p>Rather, these documents and this draft plan have presented the Standard Method as an absolute mandatory requirement and has not fully considered the circumstances in which an alternative lower figure may be considered. Specifically, planning practice guidance states:</p> <p><i>“Where an alternative approach results in a lower housing need figure than that identified using the standard method, the strategic policy-making authority will need to demonstrate, using robust evidence, that the figure is based on realistic assumptions of demographic growth and that there are exceptional local circumstances that justify deviating from the standard method.”</i></p> <p style="text-align: right;">Paragraph: 015 Reference ID: 2a-015-20190220</p> <p>We are also concerned that there is little to no evidence with respect to the extent of discussions with neighbouring authorities regarding the meeting of housing needs. In particular, there is no evidence as to whether neighbouring authorities are able to accommodate growth within lesser constrained and more sustainable areas. We consider this to be a failure of legal compliance with respect to the DtC.</p> <p>We are also extremely concerned that there is currently no accurate housing trajectory against which to consider the supply of specific deliverable sites. As it currently stands, there is an accepted out-of-date trajectory within the housing evidence base documents and statement upon the Council’s website</p>

	<p>which simply summarises the five-year supply position in single table form against the current adopted plan.</p> <p>This is in clear conflict with Paragraph 73 of the NPPF which states that strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. We also consider this to be an issue of legal compliance as it again demonstrates that the decision to consult upon the current plan was premature, being based upon incorrect information.</p> <p>From what can be seen from the previous trajectory, we would have significant concerns regarding the reasonableness of the scale of housing delivery. It is heavily front-ended and requires significant increase in completions rate relative to recent experience.</p> <p>It indicates that the Council expects that in the period 2022/23 to 2027/28 annual housing completions will average 1,357. This is more than double recent experience where there has been an average of 628 dwellings per annum. Given the pressure on neighbouring local authorities, without a clear indication from the building industry that they intend significantly to increase capacity in the south-east, it would seem that such a sustained level of building is impossible. This is regardless of whatever policies the Council might feel fit to implement.</p> <p>We are also concerned this includes a significant windfall of 200 units per year, indicating that they are key part of the strategy. There is the risk that windfall sites could be in unsustainable locations and this is a concern. The plan as currently drafted, does not sufficiently consider windfall development as required by NPPF Paragraph 70 or set out sufficiently policies to resist inappropriate windfall development.</p> <p>As it has been confirmed by the Council that they will not be updating the trajectory until after the current consultation, CPRE Kent would wish to participate at the examination hearings to explore this issue further.</p> <p>We note the outcome of the potential HRA implications of this policy and that there is potential for likely significant effects. We would wish to participate at the examination hearings with respect to the environmental impacts of the strategy and may wish to explore this issue further.</p>
<p>Policy ST 2 - Swale Settlement Strategy</p>	<p>Whilst we welcome the objective that development should be principally within the urban area, this is simply not reflected by a plan where the vast proportion of new residential building is proposed on greenfield sites at Faversham and Teynham.</p> <p>We therefore do not consider this policy to be effective as per Paragraph 35 of the NPPF.</p> <p>In addition, CPRE Kent are mindful as to the potential impact of proposed changes to paragraph 11 of the NPPF recently consulted upon. As we would</p>

	<p>anticipate the outcome of this consultation to be known between the closing of this consultation and the formal submission, CPRE Kent would wish to participate at the examination hearings to explore this issue further.</p>
<p>Policy ST 3 Delivering sustainable development in Swale</p>	<p>Again, whilst we welcome much of the sentiment of this policy, the plan as drafted is simply not delivering sustainable development and therefore not consistent with this policy.</p> <p>For example, a strategy which will see significant loss of BMV agricultural land in a borough where poorer quality land is available cannot be considered sustainable. A strategy where a choice has been made to prioritise locations which are accepted to create a higher level of car dependency than available alternatives cannot be considered sustainable.</p> <p>For these reasons, we do not consider this policy to be effective as per Paragraph 35 of the NPPF.</p> <p>In addition, CPRE Kent are mindful as to the potential impact of proposed changes to the sustainable development NPPF recently consulted upon. Specific to this policy include changes with regards to paragraph 7, paragraph 11, paragraph 22, paragraph 72 and chapter 12 generally. As we would anticipate the outcome of this consultation to be known between the closing of this consultation and the formal submission, CPRE Kent would wish to participate at the examination hearings to explore this issue further.</p>
<p>Policy ST 5 Delivering a wide choice of high-quality homes</p>	<p>CPRE believes that a healthy, thriving countryside is important for everyone, no matter where they live. Good planning should provide everyone with a decent home they can afford.</p> <p>Covid19 has reminded us how important essential service workers are to our health and happiness. There is a need for more dedicated keyworker housing. These workers can be priced out of rural areas, undermining the resilience of countryside communities. Rural affordable housing needs to be protected in perpetuity. The Government's First Homes initiative is a way of providing lower cost homes in the countryside. More dedicated keyworker housing should be provided, together with investment in rural social housing that is retained in perpetuity.</p> <p>CPRE Kent supports higher densities as this helps reduce the need for greater land take. The current wording of this policy is considered too loose as it should be promoting highest densities appropriate to location.</p> <p>We consider that these points may be adequately addressed through modification of the current wording.</p>
<p>Policy ST 6 Good design</p>	<p>It is noted that this policy will need to be updated should the changes concerning design within the recent NPPF consultation become effective.</p> <p>We would encourage design policies to allow sufficient flexibility to encourage appropriate climate change mitigation measures such as solar</p>

	<p>water heating, wood fuel boilers, heat pumps, anaerobic digestion and micro-hydro.</p> <p>We consider that these points may be adequately addressed through modification of the current wording.</p>
Policy ST 7 Health and Wellbeing	<p>We support this policy as the creation, protection and enhancement of green spaces are crucial for tackling the climate change emergency and for providing the ‘countryside next door’, which is essential for our wellbeing – an issue that has been highlighted by COVID-19. We would, however, welcome greater emphasis upon the promotion of active travel, which may be achieved through cross reference to Policy ST9.</p> <p>We consider that these points may be adequately addressed through modification of the current wording.</p>
Policy ST 8 Planning for Infrastructure	<p>We are concerned that the plan does not sufficiently consider viability and therefore the deliverability of the plan is in question.</p> <p>It is noted that the viability appraisal undertaken and presented as evidence is currently in draft form. It is further noted that no stakeholder consultation has been undertaken to inform this, as required by guidance. Finally, there are no site-specific appraisals of the strategic allocations allowing for site specific costs and mitigations to be accounted for. We suspect that this is because many of these costs are currently unknown, as reflected within the Infrastructure Delivery Plan.</p> <p>It is therefore currently not possible to assess whether this policy, and those policies requiring the mitigation measures or community benefits undermine the deliverability of the plan.</p> <p>This conflicts with paragraph 16 and 34 of the NPPF. We are also concerned that there has been insufficient engagement with service providers to fully inform this, which would be a duty to co-operate issue.</p> <p>As we would anticipate further evidence to emerge between the closing of this consultation and the formal submission, CPRE Kent would wish to participate at the examination hearings to explore this issue further.</p>
Policy ST 9 Promoting Sustainable Transport and Active Travel	<p>Whilst we strongly support the sentiment of this policy, the single most important measure in promoting modal shift and active travel is the location of development. The plan as drafted is promoting allocations in locations which are recognised and accepted to result in largely car-dependant development and therefore not consistent with this policy.</p> <p>We therefore do not consider this policy to be effective as per Paragraph 35 of the NPPF.</p>
Policy ST 10 Conserving and enhancing the	<p>We strongly support the sentiment of this policy and applaud the commitment to a net gain of 20% in biodiversity.</p>

<p>natural environment</p>	<p>Again however, the effectiveness of this policy is undermined through the promoting of allocations in locations where it is accepted within the SA and HRA that there will be significant effects upon biodiversity.</p> <p>We therefore do not consider this policy to have be effective as per Paragraph 35 of the NPPF.</p>
<p>ST 11 Conserving and enhancing the historic environment</p>	<p>We strongly support the sentiment of this policy to support the protection and positive management of Swale’s heritage assets.</p> <p>Again however, the effectiveness of this policy is undermined through the promoting of allocations in locations where it is accepted within the SA that there is a concern regarding Heritage constraints. For example, at Teynham where there is a barrier to the strategic growth proposed by Policy AO 1, and the expansion of the historic town of Faversham under Policy MU 1.</p> <p>We therefore do not consider this policy to have be effective as per Paragraph 35 of the NPPF.</p>

4. Land allocations for new development

Paragraph or Policy	Comment
<p>Policy A 1 Saved allocations for housing and mixed use</p>	<p>Whilst we do not wish to comment upon any individual sites within the adopted plan, we do wish to highlight again our concern as to the extent the in-combination impact of the existing planned growth has been assessed against the further proposed growth within this plan.</p> <p>It remains that the Inspector’s Report of the existing plan found that an early review would be required owing to the significant concern raised by Kent County Council Highways and Highways England as to the implications of local plan growth upon the Strategic and Local highways network.</p> <p>Specifically, it was found that the SRN and local highway network could only accommodate the likely traffic impact of planned growth up to April 2022. The early review was to allow to be undertaken to model and agree mitigation schemes to support the development proposed beyond April 2022.</p> <p>Whilst it is recognised that the 2020 Swale Highway Model undertaken by Sweco has begun to consider this issue, it does not consider the adopted planned growth against the specific suite of sites within this plan or directly model suggested mitigation. More fundamentally, however, there is no indication as to whether Highways England or Kent County Council Highways are satisfied that the suggested mitigation is appropriate and deliverable.</p> <p>As we would anticipate further evidence to emerge between the closing of this consultation and the formal submission, CPRE Kent would wish to participate at the examination hearings to explore this issue further.</p> <p>Reasons:</p>

	<p>Legal Compliance: Failure of the Duty to Co-Operate.</p> <p>Soundness: This is to ensure the plan is positively prepared and consistent with the NPPF policies on sustainability.</p>
<p>Policy A 2 Kent Science Park</p>	<p>We are concerned that the policy as currently worded would allow for continued incremental expansion of the Science Park which may include an as yet unquantified level of residential growth.</p> <p>As we would consider this location an extremely unsustainable location for any residential growth, we recommend that the policy be re-drafted to explicitly restrict this.</p> <p>We are also concerned as to the impact on the local landscape designations and the setting of the AONB that would arise from continued incremental expansion. We therefore request that paragraph 5 of the policy be amended so that it is clear that proposals to extend the development beyond the existing boundary would be resisted in principle.</p> <p>Soundness: This is to ensure the plan is positively prepared and consistent with the NPPF policies on sustainability.</p>
<p>Policy MU 1 East of Faversham Expansion</p>	<p>As set out above, it is CPRE Kent’s overarching opinion that the development strategy is unsound as it is not an appropriate strategy when considered against reasonable alternatives.</p> <p>Specifically, and with respect to the Local Plan strategy and Policy MU 1 East of Faversham Expansion, we would make the following points:</p> <ul style="list-style-type: none"> - Insufficient consideration has been given to genuine reasonable alternatives to Faversham focused growth within the Sustainability Appraisal (SA). The clear political steer given to focus growth upon Faversham at the beginning of the SA process undermines any notion that the alternatives presented later on in the process were ever realistic options or that the strategy has been evidence base led. - Linked to the above is the failure to genuinely consider alternative growth scenarios that would not lead to significant loss of best and most versatile agricultural land, including grade 1 land that is of the highest quality nationally. The national low-resolution dataset indicates that virtually all of the land within this allocation is likely to be of grade 1 quality and was originally recognised to be the most constrained option with respect to land within the site appraisals. In line with the NPPF 170 and 171 footnote 53 a sequential approach should be taken to the identification of land for development starting with poorer quality land. It has not been adequately demonstrated such a sequential test has been adequately undertaken. - The proposal is entirely dependant upon upgrades to Brenley Corner and achieving a link to the M2 J6 yet there is very little certainty that this will be delivered or is even achievable. As it currently stands, a

	<p>feasibility assessment is yet to even be undertaken and whilst funding for the feasibility assessment has been earmarked within the Road Investment Strategy 2 (RIS2), this strategy is currently being challenged in court on the basis it is incompatible with climate crisis commitments (a position that CPRE Kent agrees with).</p> <ul style="list-style-type: none">- Linked to the above, we are extremely concerned as to whether the proposal in its form will be capable of demonstrating deliverability within the plan period. Whilst it is recognised funding for all infrastructure items does not need to be secured at the time the plan is produced, there does need to be a degree of certainty, particularly for a site expected to deliver houses in the first two years of the plan. As it stands, it is not known whether the infrastructure necessary to mitigate this proposal is feasible, what it would cost and who would pay for it. There is therefore no site-specific viability appraisal, presumably because the extent of site-specific costs is largely unknown. <p>In addition to our concerns as to the soundness of the strategy, there are a number of specific Duty-to Co-operate issues with the proposal including evidence of collaboration with the Highways Authorities and other key stakeholders such as neighbouring authorities and utility companies. We are also concerned that there is no evidence of collaboration or agreement between the landowners and other key stakeholders. As a minimum, we would expect to see Memorandum of Understandings (MOU) produced that gives comfort moving forward. Ideally, we would see signed SoCG and Heads of Terms, particularly for a site that is expect to deliver so early on in the plan period.</p> <p>Moving beyond the strategy, our overriding concern is that the proposal in its current form is simply not ready and, should it proceed, there would be a very real risk of piecemeal development and stalled development, with necessary infrastructure and other mitigation not being delivered. This would also risk speculative applications elsewhere filling the void when the proposal inevitably does not meet its overly ambitious trajectory.</p> <p>We would therefore request consideration be given to the following:</p> <ul style="list-style-type: none">- It is vital that a realistic phasing and subsequent housing trajectory be agreed for the scheme at this plan making stage. The Council will be well aware of Lichfield’s research that finds it takes an average of 6.1 years from the grant of planning permission to delivery of the first house on sites of more 2000 units⁵. It is therefore inconceivable that this allocation will deliver its first 100 houses within the first 2 years of the plan period without significant compromise to good plan making. The trajectory as currently presented opens the Council to significant future pressure to water down the aspirations of the proposal.
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⁵ <https://lichfields.uk/media/5779/start-to-finish-what-factors-affect-the-build-out-rates-of-large-scale-housing-sites.pdf>

	<ul style="list-style-type: none"> - Linked to the above is a need to significantly strengthen the requirements for proper Masterplanning. If this is not to be addressed within a further iteration of this Reg. 19 Plan, as a minimum we would request a requirement that the Masterplan be adopted as Supplementary Planning Document (SPD). - Ahead of this, we would also expect to see significant additional evidence of collaboration between all stakeholders as outlined above. - Having noted that the limited transport modelling which has been undertaken for the site is predicated upon significant and aspirational model shift, the wording of this policy will need to be strengthened and as a minimum include quantitative targets against which the Active Transport measures are assessed. Generally, we consider that much more detail is required on this matter. - NPPF paragraph 180(c) requires local plans to limit the impact of light pollution from artificial light on local amenity and intrinsically dark landscapes. The CPRE England’s Light Pollution and Dark Skies mapping (https://www.nightblight.cpre.org.uk/maps/) shows that the proposal area is in some of the darkest areas. CPRE Kent is therefore concerned that development of the site will increase and intensify the extent of light intrusion in this and the surrounding areas. In the absence of a general DM policy with respect to mitigating the impact of light pollution from new development, we would call for this to be included within the site-specific policy. - We note all three sites are within mineral safeguarding areas. Amongst other considerations, this is likely to have implications with anticipated delivery timescales. <p>As we would anticipate further evidence to emerge between the closing of this consultation and the formal submission, CPRE Kent would wish to participate at the examination hearings to explore all the above issues further.</p> <p>Reasons:</p> <p>Legal Compliance: Failure of the Duty to Co-Operate.</p> <p>Soundness: We do not consider the policy as drafted is positively prepared, justified, effective or consistent with the policies within the NPPF.</p> <p>We are not convinced that the soundness and duty to co-operate issues identified could currently be addressed via the modification process.</p>
<p>Policy MU 1a Land at Graveney Road (SHLAA 18/135) Anticipated first 50 houses by 2024/25)</p>	<p>In addition to our above overriding concerns, we would make the following site-specific observations.</p> <ul style="list-style-type: none"> - It is considered this site retains a strongly agricultural character and adds to a landscape buffer between Faversham Town and the A299 beyond. - It is noted that this site is considered functionally linked to The Swale designated sites and we are concerned as to whether the potential

	<p>for an adverse effect on the integrity of the Swale SPA has been adequately assessed within the HRA. We are concerned that reliance upon the existing Bird Wise mitigation scheme adequately mitigates the unique impact of such a substantial residential scheme in such close proximity and functionally linked to the protected sites (particularly when considered in-combination with the full allocation). We suggest that bespoke mitigation measures will be required and await Natural England’s response on this matter with interest.</p> <ul style="list-style-type: none"> - The potential need to divert Southern Water infrastructure on this site is noted and adds further to our concerns that the current proposed trajectory is unrealistic and that the abnormal costs associated with this site have not been adequately assessed. <p>Soundness Reasons: This is to ensure the plan is positively prepared and consistent with the NPPF policies.</p>
<p>Policy MU 1b Land at Lady Dane Farm</p> <p>SHLAA 18/091 - Anticipated first 50 houses by 2025/26)</p>	<ul style="list-style-type: none"> - It is considered this site retains a strongly agricultural character and adds to a landscape buffer between Faversham Town and the A299 beyond. - It is noted that there is intended to be significant land take upon this site to deliver the necessary infrastructure, including a Secondary School. Notwithstanding our wider viability concerns, this reiterates the need for further evidence of collaboration between the various stakeholders to demonstrate the proposal is deliverable. For example, will there be equalisation clauses to ensure one landowner does not seek to hold another to ransom, thereby stalling the whole scheme? - We note the site is within the setting of Grade 2* listed building Ewell farmhouse and struggle to see how such significant growth can be accommodated without there being less than substantial harm. We are concerned to note that the setting of this listed building was not considered with the SHLAA suitability appraisal of the site. <p>Soundness Reasons: This is to ensure the plan is positively prepared and consistent with the NPPF policies.</p>
<p>SHLAA 18/226 – MU 1C – 2500 - Land at South East Faversham MU 1C – 50 units delivered by 2024</p>	<ul style="list-style-type: none"> - The proposed site is an attractive mosaic of smaller and larger fields, dominated by fruit production. This reflects and reiterates our overriding concern as to the loss of best and most versatile agricultural land. - We note the site is within the setting of Grade 2 listed buildings he Macknade Oast. Again, we struggle to see how such significant growth can be accommodated without there being less than substantial harm and would seek further reassurances in this regard. <p>Soundness Reasons: This is to ensure the plan is positively prepared and consistent with the NPPF policies.</p>

<p>Policy AO 1 Teynham Area of Opportunity</p>	<p>CPRE Kent strongly object to the overall idea of the Teynham Area of Opportunity (TAoO) on the following grounds.</p> <p>CPRE Kent recognises that this policy concerns housing to be delivered towards the end of the plan period and so the detail required at this stage is lower than that which is appropriate for allocations coming “on-stream” earlier. However, we would argue that the allocation must be seen to be deliverable in principle at the present moment.</p> <p>But, we believe that the allocation fails on a number of key issues. It is not clear that these are resolvable within the confines of the plan’s other policies and so our view is that the TAoO is undeliverable.</p> <p>Location – the position of Teynham/Lynsted is roughly mid-way between the two major centres on the A2. As such, development here will inevitably lead to traffic movements out of Teynham to these centres. At present, traffic flows on the A2 in Teynham are around 14,000 vehicles daily, and actual flows regularly exceeds the “service rate” for the A2 between Teynham and Newington. Locations in the TAoO south of the A2 are already under consideration by the Council, planning applications having been made. The comments from KCC Highways on these applications recommend refusal on the grounds of unsuitable traffic/road/junctions in central Greenstreet. Thus, although there is no relevant traffic modelling for the TAoO at this stage, it is reasonable to assume that the traffic generated by such a development (much greater than that associated with the planning applications currently under consideration) will be of a scale that, in all likely future situations, it cannot be accommodated on the current road network. TAoO alone would inject around 5,000 new traffic movements on the A2 seriously impacting pollution at all three AQMAs without plausible mitigation.</p> <p>Thus, without a significant road element, it is highly unlikely that the transport issues for this location can be solved. To this end the allocation of 1,100 to 1,400 new homes (and associated employment sites) is tied to a bypass to the south of the A2 and two streams of through-traffic in Teynham north of the A2. These latter are proposed to run through what are, at present, cul-de-sacs in existing housing areas.</p> <p>It is CPRE’s view that a “through road” introduced into the present built area of Teynham would be seriously detrimental.</p> <p>Even at this early stage, it is possible to conclude that no route exists for a viable southern bypass. A large part of the analysis for this conclusion is contained in the paper attached. But a number of points can be made here.</p> <p>Air quality – The extra traffic generated by new housing and employment sites will, at some point, use the A2. The area around Teynham (and at Ospringe to the west and Sittingbourne to the east) is one of low air quality and home to AQMAs. To this end, the southern bypass is tasked with the role of ameliorating air quality.</p> <p>In regard to the TAoO the Reg. 19 Plan states that “air quality modelling has already been undertaken to assess the overall impacts of the local</p>
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	<p>plan. Further to the results of the transport modelling, further air quality modelling may need to be undertaken.” This avoids mentioning that the Sweco report on air quality did not include any change in the road network in the area, or any predictions regarding the location of the possible southern bypass. To some extent, given the timing of the delivery of the housing, this is understandable. But it means that the plan is silent on the air quality effects of the development and any possible amelioration is, at the moment, merely a hope.</p> <p>The attached CPRE Kent’s analysis of air quality issues in Teynham/Lynsted shows now that a viable route for a bypass to fulfil this role does not seem to exist. The data in the report show that air quality is poor, not only in the AQMA in Teynham, but also in areas to the north and south of the A2. Thus, it is better to treat the whole area as one of low air quality, rather than falling into the trap of believing that poor air quality is more-or-less limited to the AQMA in Greenstreet. It is better, and consistent with the data currently available, to argue that the whole of the TAOO “enjoys” very similar air quality.</p> <p>The idea that the plan seems to be putting forward, although not explicitly stated, is that by channelling the new traffic onto a bypass to avoid adding to the pollution on the A2, the air quality in the AQMA will be improved and that in the proposed bypass will not be increased to levels above those that Swale deems to be acceptable. However, the analysis in the CPRE report indicates that this is mistaken. As the air to the south of the A2 at sites that might, conceivably, accommodate the bypass is equally bad to that on the A2, the extra traffic will merely add to and worsen the overall air quality of the whole location.</p> <p>Local gaps and coalescence - A further concern of CPRE Kent is part of the TAOO to the south of the A2. Not only cannot the air quality and traffic problems be mitigated by a bypass, the housing itself impinges on an important gap between Lynsted and Teynham. Swale’s study of Local Countryside Gaps states that “Teynham and Lynsted have distinct, separate identities and characters. The rural landscape between Teynham and Lynsted plays an important role in the separation of these settlements, and in maintaining the settlement pattern. When travelling between the settlements, for example along Lynsted Lane, there is a clear sense of leaving and arriving at each and a transition from countryside to settlement. (LUC p.11)” Any bypass large enough to have a significant effect on traffic flows and pollution on the A2 will bring an end to this characteristic and important gap.</p> <p>CPRE Kent is also concerned that the designation of Teynham and Lynsted Important Local Countryside Gap is an example of retrofitting a gap onto a pre-determined desired housing allocation. The Swale LUC study argues that a characteristic of the development of Greenstreet is that it is linear and, as the Kingsdown Lynsted with Kingsdown Parish Design Statement (adopted as SPG by Swale Borough Council) states, it has characteristic single-dwelling-deep edge. This was designated a “sensitive edge” in the Design Statement. The Swale study argues that the allocations south of the A2 (beyond the sensitive edge) will themselves generate a “defensible edge” and this defensible edge corresponds to the</p>
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northern edge of the newly proposed Teynham and Lynsted Important Countryside Gap. It is our position that the Important Countryside Gap should run along the single-dwelling-deep edge of Greenstreet as it stands at present. Otherwise, the inevitable conclusion is that the newly proposed “defensible edge” is not, in any real sense, defensible and that the addition of a bypass to the area will lead, inevitably to the coalescence of Greenstreet and Lynsted.

Indeed, it is CPRE Kent’s view that the clear boundary of Greenstreet/Teynham to the east and the west along the A2 is of vital importance in generating a sense of place. This is especially true at the west of the area where developments towards Sittingbourne present a very real danger of coalescence between Greenstreet and Sittingbourne, creating an urban sprawl from the A249 to the end of Greenstreet.

Historic assets - Similarly, the rural setting is also important to the Listed Buildings at Cellar hill, particularly as the Conservation Area is on Historic England’s Heritage at Risk Register. Cellar hill, with respect to both the settlement and lane, is distinct from Greenstreet and Teynham by virtue of a rural gap a bypass in this area would coalesce this hamlet with the larger Teynham/Greenstreet area. Notwithstanding the points made above, the southern bypass will need to follow a route that is distant from the A2 in order to achieve any air quality improvement. However, this means that the route will have to be closer to Lynsted, which is also home to many important historical assets. Thus, from this viewpoint, the bypass can be thought of as undeliverable even at this point in time.

The number, character and distribution of heritage assets in Teynham and Lynsted appears to be such that development on the scale and of the nature contemplated in the Teynham Area of Opportunity policy would inevitably cause such harm to some or all of these heritage assets, that it could not be undertaken in conformity with the NPPF, so the policy is unsound.

We therefore feel that it will be impossible for the Borough Council to meet its obligations, under NPPF guidance, to protect and manage the heritage assets in Lynsted with Kingsdown, and Teynham parishes, if the proposed very high levels of housing and infrastructure innovations within Policy A01 are allowed to go ahead

Given the number of problems that the TAO contains, it seems that the sacrifice of BMV land to the south of the A2 is not counterbalanced by the inability to mitigate pollution and traffic.

Finally, we note the lack of suitable underpinning for this policy, especially when compared with the now defunct idea of the Area of Search for a link between the M2 and A2 contained in the current *Bearing Fruits* plan where the underlying evidence included “high level transport modelling”, “local public consultation” and partial support in terms of funding from KCC (*Bearing Fruits*, p. 217).

	<p>As such it is CPRE Kent’s view that the policy AO 1 is not an appropriate strategy when considered against reasonable alternatives and the areas to the south of the A2 should be removed from consideration.</p> <p>Soundness Reasons: This is to ensure the plan is positively prepared and consistent with the NPPF policies.</p>
<p>Policy A 4 Land at Neames Forstal, Selling</p>	<p>CPRE Kent strongly object to this allocation on the following grounds:</p> <ul style="list-style-type: none"> - It is a clearly an unsustainable location and is completely disingenuous and misleading of the supporting test to describe is as otherwise, seemingly on the basis it has “broadband” and “online supermarket delivery provision.” As the Council itself report within the SHLAA <i>“There are no day-to-day services and facilities such as a convenience store, GP’s surgery or primary school within a walking distance of the site. Similarly, there are extremely limited employment opportunities here. Travel would be required outside of the area for almost all services and facilities”</i>. It is therefore not surprising the SHLAA assessed the site to be unsustainable and therefore unsuitable. - On this basis, and in line with the Housing and Economic Land Availability Assessment PPG, this site should have been ruled out from the start. With no-coherent strategy justification given for its inclusion, it is hard to disagree with the Council’s own analysis within the SA that there <i>“remain question-marks regarding suitability for allocation.”</i> Allocation of this site would result in car-dependant unsustainable development clearly in conflict with NPPF Paragraph 11. - The site is also partially within the AONB and fully within its setting. Proposals within the AONB and their settings must conserve and enhance the character of the landscape and its special qualities with regard to the relevant management plan, associated documents and position statements. It must be demonstrated that consideration has been given to the: <ul style="list-style-type: none"> ▪ Rural economic impact, either positive or negative ▪ Historic use of buildings, site and surroundings ▪ The historic landscape and impact on the historic environment ▪ Impact on scenic beauty. - With regard to the AONB, there is no evidence provided which suggests that the proposal would satisfy the objectives of the North Downs AONB Management Plan. CPRE also considers that the proposal would represent ‘major development’ in the AONB. The policy does not demonstrate exceptional circumstances nor that the three associated tests within the NPPF have been considered. In particular the policy does not include “an assessment for meeting the need in some other way”. It is obvious that the proposal for 90 new dwellings could be met by increasing density on other sites and/or identifying other sites that are not located within the AONB.

	<ul style="list-style-type: none"> - NPPF paragraph 180(c) requires local plans to limit the impact of light pollution from artificial light on local amenity and intrinsically dark landscapes. The CPRE England’s Light Pollution and Dark Skies mapping (https://www.nightblight.cpre.org.uk/maps/) shows that the site is in the darkest band area (not brightest). CPRE Kent is concerned that development of the site will increase and intensify the extent of light intrusion in this and the surrounding areas. - The site is shown on the Post Agricultural Land Classification (England) on MAGIC as Grade 1 best and most versatile agricultural land. In line with the NPPF 170 and 171 footnote 53 a sequential approach should have been taken to the identification of land for development starting with poorer quality land first. This has not occurred for this site. <p>Soundness reason: This policy is promoting unsustainable development and therefore is not considered to be positively prepared or consistent with the NPPF policies as outlined above.</p>
<p>Policy A 5 Lamberhurst Farm, Yorkletts</p>	<p>It is noted that this site has been promoted as potentially mixed-use site for up to 300 dwellings. Whilst we do not object to this allocation for employment space, subject to adequate mitigation and less than significant harm upon the heritage asset being found, we agree that this would be a wholly unsustainable location for residential development.</p>

5. Development management policies

Paragraph or Policy	Comment
<p>Policy DM 1 General development criteria</p>	<p>Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires that: ‘development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change.’ The Plan policies should have carbon reduction at their core, which will be of great importance when considering location of development, transport planning, environmental policies, and others where sustainability is a key. We would encourage the wording of this policy to be strengthened to put addressing the challenge of climate change as the first point of call with respect to considering development proposals and would encourage cross reference with respect to DM3.</p> <p>Soundness Reason: This is to ensure the plan is positively prepared and consistent with the NPPF policies on sustainability.</p>
<p>Policy DM 2 Good Design</p>	<p>CPRE Kent’s view is that good design is essential, not only for the obvious reasons, but also because of the extent it can mitigate against local opposition to the required housing for the Borough.</p> <p>As such we welcome this policy. However, we would like to make the following points.</p>

	<p>Policy points 5.a.iv and 5.a.v are to a certain extent contradictory. Climate change requires mitigation (5.a.iv) but, given an increasing likelihood of drier, hotter summers, native species may not be the best choice for tree planting (5.a.v). Consideration should be given to changing the wording of 5.a.v to include the use of species suitably adapted to possible future climates.</p> <p>Policy point 6.f is welcome, not only for its contribution to flood reduction and biodiversity, but also to its creation of a more psychologically appealing street-view. However, it requires strong planning controls to prevent new residents from appropriating the area for parking.</p>
<p>Policy DM 3 Mitigating and adapting to climate change through sustainable design and construction</p>	<p>We strongly support the sentiment of this policy and commend the Council for taking this bold but necessary commitment to both mitigate and adapt to climate change in accordance with the Council’s net-zero by 2030 target. CPRE have long argued that clear and measurable carbon reductions targets within local plans are necessary as a starting point in addressing the climate change emergency and so this is heartening to see.</p> <p>Notwithstanding this, it remains that choosing the most sustainable locations for development is key. The plan as drafted is promoting allocations in locations which are recognised and accepted to result in largely car-dependant development and therefore not consistent with this policy.</p> <p>Soundness reason: We therefore do not consider this policy to be effective as per Paragraph 35 of the NPPF.</p>
<p>Policy DM 4 Sustainable energy production, distribution and storage</p>	<p>Whilst we strongly support the sentiment of this policy, we are concerned that the thresholds and transitional introduction arrangements undermine its effectiveness. We would therefore request:</p> <ul style="list-style-type: none"> - Paragraph 1 should be expanded to encourage a wider range of appropriately scaled and sited renewable technologies, including rooftop and building-integrated solar photovoltaics. - Paragraph 2 be amended so that all new dwellings be required to provide an energy masterplan. The provision of a statement alone will not impact on the viability of a scheme. - Paragraph 2 should also be explicit that the energy masterplan demonstrates how the proposal commits to sustainable energy production/renewable energy as required by paragraph 1. - With respect to paragraph 3, we would call for all developments regardless of size be required to link into heat networks and other low/zero carbon technologies where it is appropriate and feasible to do so from the time the plan is adopted. - Also with respect to Paragraph 3, we would urge the Council to introduce the 100 unit target from the date of adoption. Failing this, we would request the target of 200 dwellings be applicable from the time the plan is adopted and 100 units from 2025. - We would also recommend policy protection to ensure against the subdivision of sites into under 100 homes to avoid the requirement.

	<p>We consider that this may be adequately addressed through modification of the current wording.</p> <p>Soundness Reason: This is to ensure the plan is positively prepared and consistent with the NPPF policies on sustainability.</p>
<p>Policy DM 5 Proposals for Main Town Centre Uses Policy DM 6 Shopfronts, signs and advertisements</p>	<p>The Council will be aware that the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 has now introduced the Class E and permitted development changes permanently (with full effect from the 1st August 2021).</p> <p>Clearly this policy as worded will need substantial change as a consequence of this. More generally, the Council’s approach to Town Centre Uses will need to be re-considered following this.</p> <p>Such changes will clearly go beyond the minor alterations delegated to officers by the 3rd of February Council decision and therefore will need to be reported back to full Council and potentially further consulted upon.</p> <p>This is to ensure the plan is legally compliant.</p>
<p>Policy DM 6 - Shopfronts, signs and advertisements</p>	<p>As above, this policy as worded will need substantial change as a consequence of the introduction of the Class E permitted development rights.</p> <p>This is to ensure the plan is legally compliant.</p>
<p>Policy DM 7 Loss of employment floorspace and land</p>	<p>COVID 19 and the resulting lockdown has resulted in greater numbers of office workers working from home and a change in the way that many face-to-face service providers operate. A number of major employers are considering their future need for office space. The plan’s employment strategy will need reconsidering in light of this and opportunities for residential uses upon previously developed employment land within sustainable locations should be fully explored ahead of further unnecessary loss of greenfield space.</p> <p>Soundness Reason: This is to ensure the plan is positively prepared and consistent with the NPPF policies on sustainability.</p>
<p>Policy DM 8 The rural economy</p>	<p>Protecting the rural economy and rural community assets is fundamental to safeguarding the vitality of our rural communities.</p> <p>We would therefore ask what evidence the Council is relying upon to support a 6-month marketing period and would request that a minimum of 12 months marketing is required.</p> <p>Soundness Reason: This is to ensure the plan is positively prepared and consistent with the NPPF policies on sustainability.</p>
<p>Policy DM 9 New holiday parks or extensions to existing parks and</p>	<p>We welcome the Council’s intention to safeguard holiday accommodation from being used as sole or main residences as the location of holiday accommodation is usually within unsustainable locations. Where, however, the Council is faced with evidence of unauthorised residential use of park homes, these should be considered against the criteria of Policy DM18 to see</p>

<p>the occupancy of holiday parks</p>	<p>whether they may be regularised and, by doing so, assist in meeting the Borough’s Housing need requirements.</p>
<p>Policy DM 10 Managing transport demand and impact</p>	<p>With respect to paragraph 1, it should be made clear that the thresholds for developments requiring transport assessments as set out within the Swale Borough Council Planning Validation Checklist (as referred to in para 7.0.161 in the supporting text) are for guidance only, as ultimately the requirement will always need to be considered on a case-by-case basis.</p> <p>It is considered that active travel measures could be better supported within this policy, for example, paragraph 3 could promote and support initiatives such as:</p> <ul style="list-style-type: none"> • Car club : short-term car rental services that allow members to locally parked cars and pay by the minute, hour or day. This is an alternative model to private car ownership for individuals and businesses and could reduce the need for private parking. • Public bicycle hire scheme, such as in London. <p>For reasons made elsewhere within our representation, it is considered the Local Plan strategy is at odds with paragraph 4 of this policy as it is promoting strategic developments at sites where junctions are already known to be over capacity yet has not identified appropriate highways mitigation.</p> <p>Paragraph 7 is extremely underwhelming and should be strengthened to ensure active travel and sustainable transport opportunities are truly at the heart of the proposed strategic allocations. This will be particularly important with respect to MU1 where the whole allocation is predicated upon significant modal shift.</p> <p>Soundness Reason: This is to ensure the plan is positively prepared and consistent with the NPPF policies on sustainability.</p>
<p>Policy DM 11 Vehicle Parking</p>	<p>Whilst supporting the general approach to electric charging points at Paragraph 5, it will be important to ensure that the type of charging point provided enables speedy charging and that sufficient charging points are provided.</p> <p>7kW EV charge points are acceptable for domestic purposes. But, being ‘trickle chargers’, a vehicle will take 6-8 hours to charge. However:</p> <ul style="list-style-type: none"> • In commercial settings <i>i.e.</i> at business parks and shopping centres (where you may be calling in to re-charge mid-journey, or because you don’t have a charge point at home) the chargers need to be faster (40 minutes) otherwise they are effectively useless. This means at least 50kW charge points. • If the plan intends to be ‘radical’ as stated it needs to be more aspirational in terms of EVs and include future proofing for 150kW charge points, or the 300kW charge points at petrol stations (the 5-minute charge). <p>With regard to one charge point per dwelling. Is there evidence that this is the right level of provision? Whilst this may be reasonable for urban</p>

	<p>developments, it may not be appropriate for homes in a more rural area with public transport provision that does not necessarily coincide with residents' work or schooling schedules. In such instances two, or even three, charge points may be required.</p> <p>Soundness Reason: This is to ensure the plan is positively prepared and consistent with the NPPF policies on sustainability.</p>
Policy DM 12 Rural Lanes	<p>Whilst we welcome the sentiment of this policy, we consider it to conflict with a number of the strategic allocations and in particular MU1.</p>
Policy DM 13 Broadband Infrastructure Provision	<p>The pre-amble text and policy wording fail to recognise current government ambition as set out within the Telecommunications Infrastructure (Leasehold Property) Bill 2019-21. The aim there is to deliver nationwide gigabit-capable broadband by 2025. Whilst this has since been watered down to meet a "minimum of 85%" gigabit-capable coverage by 2025 the government still intends to "accelerate roll-out further to get as close to 100% as possible by 2025."</p> <p>As this is for all dwellings, old and new, it is clear all new dwellings will need to provide gigabit-capable capability now. If the government bill is to go through, this will become a Building Regulation requirement. Ahead of this, the policy wording should be amended to reflect this intention.</p> <p>We consider that this may be adequately addressed through modification of the current wording.</p> <p>Soundness Reason: This is to ensure the plan is positively prepared.</p>
Policy DM 14 Small and medium sites for housing development	<p>Whilst we agree that small and medium-sized sites have an important role to play, we are cautious as to an overreliance on windfall sites. In our experience this gives rise to development in unsuitable and unsustainable locations.</p> <p>We are therefore concerned that the current wording is overly permissive and should be amended/strengthened to ensure a sequential approach is taken to windfall land release as required by the Swale Settlement Strategy (Policy ST 2).</p> <p>In all instances, we would request that a "brownfield-first" approach is taken to windfall land release and that only locations within settlement confines will be considered sustainable for the purposes of this policy.</p> <p>We consider that this may be adequately addressed through modification of the current wording.</p> <p>Soundness Reason: This is to ensure the plan is positively prepared and consistent with the NPPF policies on sustainability.</p>
Policy DM 16 Rural exception housing	<p>With respect to paragraph 4, CPRE Kent is not convinced that an element of market housing is ever a truly necessary cross-subsidy to make exception housing sites viable. Rather, affordable housing products can offer near market-level developer returns meaning that the provision of local need</p>

	<p>remains viable. We recommend the policy be amended to ensure all forms of affordable housing are considered ahead of market housing.</p> <p>We consider that this may be adequately addressed through modification of the current wording.</p> <p>Soundness Reason: This is to ensure the plan is positively prepared and consistent with the NPPF.</p>
<p>Policy DM 17 Open space, sport and recreation provision</p>	<p>The creation, protection and enhancement of green spaces are crucial for tackling the climate change emergency and for providing the ‘countryside next door’, which is essential for our wellbeing – an issue that has been highlighted by COVID 19.</p> <p>Sufficient public open space should be provided to serve new development and should be delivered as the development proceeds, especially where there this includes flatted development.</p> <p>We therefore recommend that this policy be strengthened by</p> <ul style="list-style-type: none"> - Setting clear site size criteria for which new provision will be required regardless of distance from existing provision. - Setting clear ongoing management requirements for new provision, including a requirement for community representation upon management companies where these are proposed. - Ensure all community use agreements are in place where funding provided to new or existing sports provision. <p>We consider that this may be adequately addressed through modification of the current wording.</p> <p>Soundness Reason: This is to ensure the plan is positively prepared and consistent with the NPPF.</p>
<p>Policy DM 18 Park homes</p>	<p>We are concerned that the wording of paragraph 1 will set the precedent that all locations with internet access are considered sustainable. We therefore object to the current wording and request that a “sustainable” location be as per the NPPF.</p> <p>We consider that this may be adequately addressed through modification of the current wording.</p> <p>Soundness Reason: This is to ensure the plan is positively prepared and consistent with the NPPF.</p>
<p>Policy DM 19 Gypsy, Traveller and Travelling Showpeople accommodation</p>	<p>We note that the GTAA 2018 evidenced a cultural need for 76 pitches, and of this number a PPTS-defined need for 59 pitches across the plan period. Whilst it is the Council’s intention for this need to be met through the expansion and intensification of existing sites, this approach may make it hard for the Council to resist windfall applications at unsustainable locations.</p>

<p>Policy DM 20 Dwellings for rural workers</p>	<p>An additional criterion should be added to this policy that requires all new dwellings granted for rural workers will be subject to a residential occupancy condition in perpetuity.</p> <p>Soundness Reason: This is to ensure the plan is positively prepared and consistent with the NPPF policies on sustainability.</p>
<p>Policy DM 21 Extensions to, and the replacement of, dwellings in the countryside</p>	<p>With respect to paragraph 2, it is not clear what criteria will constitute the most effective use of land. Additional wording should either be provided within the policy text or expanded further within the supporting text.</p> <p>Soundness Reason: This is to ensure the plan is positively prepared.</p>
<p>Policy DM 23 Extending the garden of a dwelling in the countryside</p>	<p>We are concerned that this policy as worded is far too permissive and would allow for substantial and inappropriate encroachment into the Countryside.</p> <p>We would therefore request the policy be amended so that it is clear:</p> <ul style="list-style-type: none"> - Where a dwelling already has the benefit of a substantial garden area, an extension is unlikely to be permitted. - That planning permission for garden extensions beyond settlement boundaries is only likely to be granted in the most exceptional cases. - Garden extensions which would close up substantial gaps between dwellings are unlikely to be approved. It is essential that these gaps are maintained if the open character of the countryside is to be retained. <p>Where permission is granted for the extension of a garden, we would request the following conditions be required:</p> <ul style="list-style-type: none"> • removal of an occupier's permitted development rights to erect sheds, greenhouses and other garden structures, • a requirement that the boundary of the extension (and, where relevant, other land in the control of the house-owner) should be enclosed either by a hedge formed of indigenous plant species or a natural stone wall, • a landscaping requirement to ensure that the new garden area is assimilated into the surrounding countryside. <p>Soundness Reason: This is to ensure the plan is positively prepared.</p>
<p>Policy DM 24 Biodiversity and geodiversity conservation and biodiversity net</p>	<p>We welcome and commend the Council's commitment to providing a minimum 20% net gain in biodiversity.</p>
<p>Policy DM 25 Conserving and enhancing valued landscapes</p>	<p>We welcome the reference to CPRE's tranquillity map within the supporting text and would further encourage reference made to CPRE's research on intrinsically dark landscapes. The CPRE Dark Skies map can be found at: https://www.nightblight.cpre.org.uk/maps/</p>

	<p>NPPF paragraph 180(c) requires local plans to limit the impact of light pollution from artificial light on local amenity and intrinsically dark landscapes.</p> <p>It is considered this policy (or Policy DM34) could be expanded to address this current non-conformity with the NPPF.</p> <p>Soundness Reason: This is to ensure the plan is positively prepared and consistent with the NPPF paragraph 180.</p>
Policy DM 26 Kent Downs AONB strategy	<p>We consider this policy conflicts with housing allocation Policy A 4.</p>
Policy DM 27 The separation of settlements - Important Local Countryside Gaps	<p>By seeking to define and identify a small number of specific green gaps within the borough, this policy undermines and fails to recognise the importance of all other green gaps within the borough. The consequence is that those areas not specifically defined by default are assumed potentially acceptable for development. The failure of Policy AO1 in this regard argues the case for more rigorous criteria applied to defining and defending all green spaces. Our members are also concerned the failure to identify the Faversham / Goodenstone gap and the Faversham / Boughton & Selling gap suggest that they are not as important.</p> <p>We would therefore call for this policy approach to be re-visited.</p> <p>Soundness Reason: This is to ensure the plan is positively prepared and consistent with the NPPF.</p>
Policy DM 29 Woodland, orchards, trees and hedgerows	<p>There is an area of Ancient Seminal Woodland (Toll Wood), a traditional cherry orchard (used as a community resource for events) and a traditional north Kent Millennium hedge in the parish of Lynsted with Kingsdown. These need to be protected from untoward development.</p>
Policy DM 30 Agricultural land	<p>Whilst we welcome the sentiment of this policy, clearly this approach has not been taken with respect to the proposed allocations. We therefore consider this policy to be in conflict with all the strategic allocation policies and protection of BMV land/Grade 1.</p>
Policy DM 33 Air Quality	<p>CPRE Kent is disappointed in the low level of aspiration shown in this policy. The repeated reference to the need to “avoid exceedance” in pollutant levels should be strengthened.</p> <p>Both short-term and long-term exposure to ambient levels of PM10 and PM2.5 are consistently associated with respiratory and cardiovascular illness and mortality as well as other ill-health effects. The associations are believed to be causal. It is not currently possible to discern a threshold concentration below which there are no effects on the whole population’s health.</p> <p>It is CPRE Kent’s opinion that PM10 and PM2.5 pollutants are likely to become the main areas of concern in the future. With the reduction in</p>

	<p>diesel-engine cars the fight against NO₂ is, essentially, yesterday's battle. According to Sweco's Air Quality Report, Swale has only two PM10 monitors and no PM2.5 ones.</p> <p>Any policies regarding air quality should explicitly require continuous monitoring in current AQMAs, and assessments and modelling of PM10 and PM2.5. As far as PM2.5 pollutants are concerned, this would be a welcome continuation of the former "National air quality objectives and European Directive limit and target values for the protection of human health"</p> <p>There is scope here for greater ambition to promote 'citizen science' projects based on the democratisation of pollution monitoring devices at an understood and transparent degree of accuracy. This could inform and engage local communities and schools in making choices about routes, activities, and health risks.</p> <p>Soundness Reason: This is to ensure the plan is positively prepared and consistent with the NPPF.</p>
<p>Policy DM 34 Pollution and Land Instability</p>	<p>As set out above, it is disappointing that there is no policy protecting intrinsically dark landscapes.</p> <p>NPPF paragraph 180(c) requires local plans to limit the impact of light pollution from artificial light on local amenity and intrinsically dark landscapes.</p> <p>The CPRE Dark Skies map can be found at: https://www.nightblight.cpre.org.uk/maps/</p> <p>Policy DM 34 (or Policy DM25) could be expanded to address this current non-conformity with the NPPF.</p> <p>Soundness Reason: This is to ensure the plan is positively prepared and consistent with the NPPF paragraph 180.</p>
<p>Policy DM 37 Sustainable Drainage</p>	<p>We would welcome it being made explicit within this policy that where sustainable drainage measures are incorporated within new developments, space set aside for this will be in addition to the formal open space requirement.</p> <p>We consider that this may be adequately addressed through modification of the current wording.</p> <p>Soundness Reason: This is to ensure the plan is positively prepared and consistent with the NPPF.</p>
<p>Policy DM 38 Development Involving Listed Buildings</p>	<p>Whilst we welcome much of the sentiment of this policy, we are concerned that it remains too permissive in part and with respect to criteria allowing for demolition and re-location of a listed building in paragraph 4. We would therefore ask the Council to further expand upon what constitutes "appropriate circumstances" and an "appropriate location".</p>

	<p>We are also concerned this policy if in conflict with the strategic allocation MU1 and AO 1.</p> <p>Soundness Reason: This is to ensure the plan is positively prepared</p>
<p>Policy DM 39 Development affecting a conservation area</p>	<p>Whilst we welcome the sentiment of this policy, clearly this approach has not been taken with respect to the proposed allocations. We therefore consider this policy to be in conflict with all the strategic allocation policies and in particular Policy A01</p> <p>Soundness Reason: This is to ensure the plan is positively prepared and effective.</p>
<p>Policy DM 42 Development affecting a locally listed heritage asset</p>	<p>We welcome this necessary additional policy protection with respect to development affecting a locally listed heritage asset and would encourage the Council to be adopt this approach now as is required by NPPF Para 197.</p>