



The countryside charity

Kent

July 2024

Application: 24/502123/EIOUT - Land North And South Of The A2 Boughton Bypass Dunkirk Kent ME13 9LG

Proposal: *Outline application (all matters reserved except for access) for a mixed use phased development comprising up to 1,815 dwellings (Use Class C2 and C3); an Employment park (Use Class E(g) and B8); local centre accommodating a mix of units to provide a Health and Wellbeing Centre (Use Class E(e)) etc*

We are CPRE Kent, 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 more than 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 more than 1,300 members, including more than 160 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.

Whilst we will routinely comment upon many planning applications across Kent, we are particularly concerned about this application given it is in such an unsustainable location and practically within the Blean ancient woodland. We therefore **strongly object** to this application.

It is very clearly an opportunistic proposal that is looking to take advantage of both the stalled Local Plan process within the Swale District and the wider complete muddle that is currently the national planning policy picture. The site promoter here is obviously trying their luck by offering a site it knows may be politically convenient owing to its location right on the edge of the administrative boundary and away from a sizable voting population within Swale.

This, however, cannot distract from the fact the site would be an extremely poor spatial planning choice for Swale. Its location means it will clearly be nearly entirely car-dependent, with the size of the development meaning any genuine trip internalisation will be limited at best. More significantly, the site is effectively enclosed within ancient woodland where the environmental and ecological impact will inevitably be exacerbated.

Thankfully, Swale Council have already recognised its clearly inappropriate location by rejecting it at the earliest stage during the previously aborted Local Plan site selection process. In dismissing this site as part of the 2019 local plan SHLAA process, the Council's previous assessment stated:

"The site is physically separated from it (Dunkirk) by the A2 and in any case; Dunkirk is a very small village. The site would give rise to clearly isolated homes in the countryside. Furthermore, Dunkirk has extremely limited services, facilities and employment opportunities. Although the neighbouring settlement of Boughton has a better range of everyday services, it still does not amount to a local service centre and travel would almost certainly be required into the surrounding towns, most likely by car. As such, and despite the more relative sustainability of nearby Boughton, the site is considered to be in an unsustainable location which is not suitable for residential development."

CPRE Kent, Queen's Head House, Ashford Road, Charing, Kent TN27 0AD
Email: info@cprekent.org.uk, Phone: 01233 714540, Website: www.cprekent.org.uk

The Kent Branch of the Campaign to Protect Rural England
exists to protect the beauty, tranquillity and diversity of the Kent countryside.
Charity No. 1092012 Company Limited by guarantee No. 4335730

Patently these facts have not changed. This application therefore needs to be refused at the earliest opportunity and before the site promoter can build any form of momentum behind it as a serious contender for the upcoming Local Plan consultation.

Even without yet further evidence being produced, there are already ample reasons to refuse this application, including:

- **Principle of development**
- **Conflict with Boughton and Dunkirk Neighbourhood Plan**
- **Unsustainable location**
- **Impact upon South Blean Ancient Woodland**
- **Impact upon Biodiversity**
- **Light pollution and impact upon an area of tranquillity**
- **Landscape Impact**
- **Highways Impact**
- **Failure to consider brownfield-first options**
- **Affordable Housing**
- **Heritage Impact**
- **Loss of Agricultural Land**
- **Water Drainage Strategy**

We provide detailed comments on the following matters:

1) Principle of development

The site is not allocated for housing development. It is therefore considered contrary to adopted development plan and in particular policy ST3, which sets out the settlement strategy, directing development to existing defined settlements and allocated sites. It also generally seeks to restrict development in the countryside.

Specifically, point 5 in ST3 in the Local Plan states that:

“At locations in the open countryside, outside the built-up area boundaries development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.”

This position was reiterated as point 6 in the Reg. 19 plan produced by the Borough Council. Although this was subsequently withdrawn, it indicates that the Council’s position with regards to the isolated development within the countryside has not changed.

As noted above, the site was considered as a SHLAA submission under the ‘call for sites’ by the Council though was rejected outright and at the earliest stage as a clearly unsustainable location and therefore unsuitable site. Accordingly, the site was not included within the now withdrawn Regulation 19 version of the emerging Plan. It is therefore clear that the Council consider there are sufficient reasonable alternative sites to the application site.

Whilst it is recognised that Swale currently does not have a five-year supply, it is our view the arguments being put forward by the applicant with respect to weight being given to housing need are overstated. Firstly, the applicant is a site promoter and not a housebuilder and the application is in outline only. More significantly, however, this is a large and complicated site predicated upon the delivery of considerable infrastructure upgrades, not least the new junction envisaged for the A2, part of the Strategic Road Network.

As set out within the most recent Lichfields Start-to-Finish report¹, the median lead-in time (time between the planning application and first house being built) for a development of this size is five years, extending to 6.9 years for the more complicated sites such as those which are not allocated within a Local Plan. Given the complexities of this site, we would expect the lead-in time to be within this upper quartile. Once building does finally start, the Lichfield report finds that a medium delivery of 104 dwellings per year should be expected for a site of this size.

Accordingly, this site would not be contributing to the housing supply in the short to medium term. We would therefore urge a lesser weight be given to purported housing benefit on this basis. Likewise, clearly the principle of a site of this size and complexity should only be being considered within the context of the Local Plan process and against all other alternatives within the district.

2) Conflict with Boughton and Dunkirk Neighbourhood Plan

The Boughton and Dunkirk Neighbourhood Plan (BDNP) was formally made in February 2023. Significantly, the BDNP contains provision to allocate only 12 dwellings. As set out within Paragraph 14 of the NPPF, where a neighbourhood plan has become part of the development plan within the last five years and allocates housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh any benefits. This conflict effectively switches off the presumption in favour of development that might otherwise apply under paragraph 11(d) of the NPPF.

The applicant themselves acknowledge that there is conflict with the BDNP². We suggest that this also includes Policy H1, which states: *“Proposals for new residential development will need to demonstrate that all aspects of the development comply with the objective of securing sustainable patterns of development within the Plan area, particularly in respect of seeking to minimise environmental impacts, such as traffic generation.”*

3) Unsustainable location

Local Policy CP2 of the Local Plan states that new development should be located within the built-up boundary, in places that minimise the need to travel for employment and services and facilitate sustainable transport. Similarly, national policy requirements to promote sustainable transport are set out within NPPF paragraphs 108, 109 and 114-116. These set out that significant development should be focused on locations that are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

The proposed development site lacks sufficient nearby amenities within walking distance. Facilities in Boughton Under Blean, including a primary school, nursery and shop, are 3 kilometres away. The development’s phasing must ensure early access to these amenities. Secondary schools are 7 kilometres

¹ https://lichfields.uk/media/w3wjmw0/start-to-finish-3_how-quickly-do-large-scale-housing-sites-deliver.pdf

² See para 6.39 of the applicants Planning, Affordable Housing and Engagement Statement

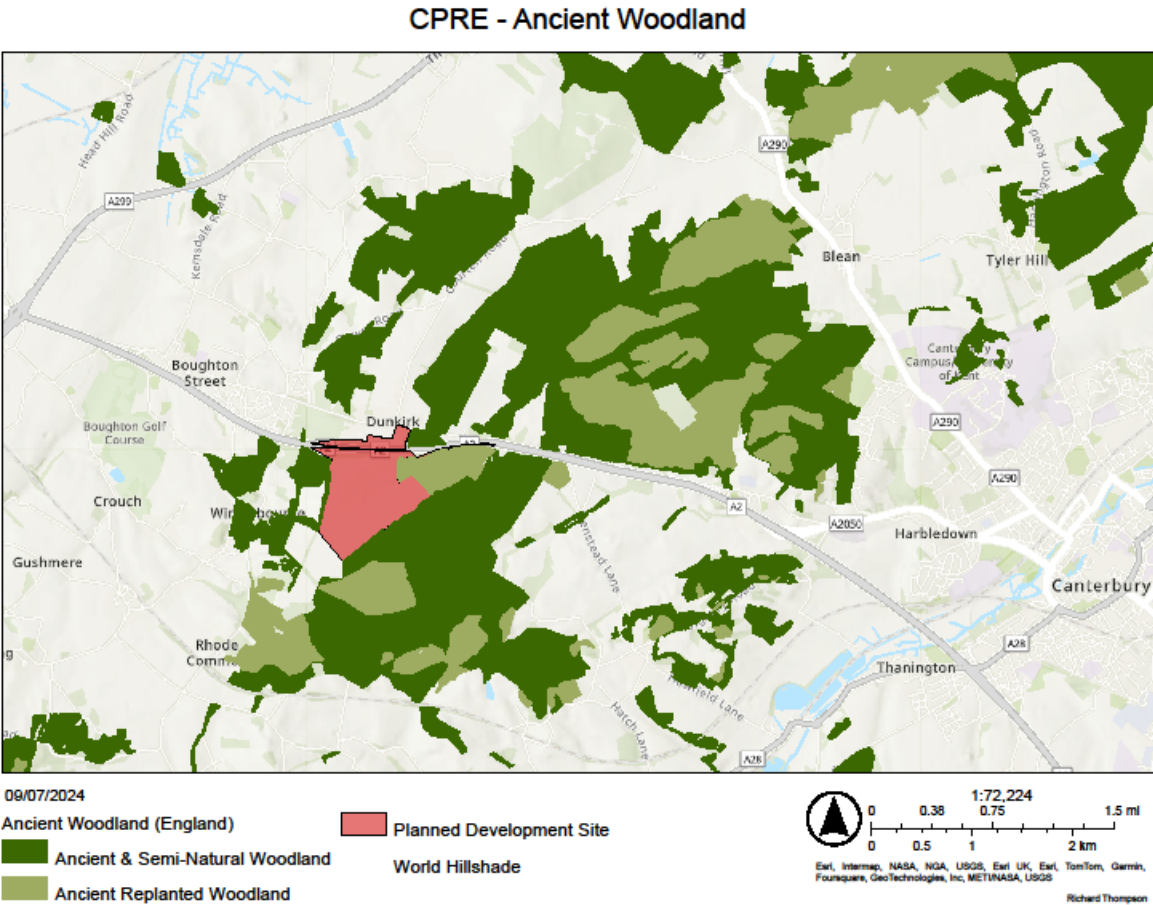
away, and pedestrian and cycling routes are inadequate, lacking footways, lighting and cycle lanes. Existing paths do not meet LTN 1/20 standards and are unsuitable after dark.

Current infrastructure is hostile to walking, wheeling and cycling, with insufficient motor traffic protection. Bus stops are 150 meters from Site A and 1.2 kilometres from Site B, served by an hourly Route 3, with plans for a new bus link offering more frequent service. However, initial phases may require longer walks to bus stops. Selling station, 3.5 kilometres away, is inaccessible due to poor infrastructure.

The proposal fails to ensure safe, suitable access for all users, with inadequate active travel routes to key amenities. The development relies heavily on motor vehicles and does not meet LTN 1/20 and Inclusive Mobility standards, conflicting with NPPF policies on sustainable transport.

4) Impact upon South Blean Ancient Woodland

As shown below, the application site is situated immediately next to South Blean Woods, an area of ancient woodland and a Local Wildlife Site (LWS), with the LWS forming the eastern and western boundaries of the site. The entire LWS is classified as ancient woodland and, according to the Kent Wildlife Trust, supports at least 46 ancient woodland indicator higher plant species. The site also includes fragments of dry and wet heathland, ancient bog habitat, acid grassland and traditional orchard, all of which contribute to its ecological significance.



The LWS is a breeding ground for species such as nightingale, honey buzzard, spotted flycatcher, lesser spotted woodpecker, nightjar and tree pipit, with other notable species like mistle thrush, goshawk and

turtle dove also recorded. South Blean Woods LWS features a diverse ground flora, with notable species such as spotted orchid, early-purple orchid, common twayblade, yellow-wort, fairy flax, marsh violet, wood horsetail and English bluebell.

We are concerned that the proposed development would jeopardise the work done to protect this area, as the significant increase in recreational pressures and disturbance could degrade the habitats within South Blean Woods LWS, which currently experience low levels of foot traffic. The scale of the development is likely to lead to a substantial increase in footfall and disturbance from people and dogs, as well as cat predation. This impact has not been adequately assessed or mitigated against. Small mammals, including dormice known to inhabit the site and South Blean Wood LWS, as well as birds, particularly ground- and low-ground-nesting birds such as the skylark and nightingale on site, and nightjar and woodcock within the LWS, will be especially vulnerable to cat predation and disturbances from people and dogs during the breeding season. In this context, we share the concern expressed by Kent Wildlife Trust regarding the potential for 600 cats to reside within the proposed development.

5) Impact upon Biodiversity

Whilst CPRE Kent's Ecologist will be responding separately with our detailed comments on issues of biodiversity, we note, support and share the detailed concerns that have already been raised by the Kent Wildlife Trust and RSPB. We also anticipate that there will be many further objections on ecological grounds given the sites particularly environmentally sensitive location.

As highlighted within the detailed comments of KWT and the RSPB, South Blean Woods Local Wildlife Site (LWS) and the surrounding designated sites are afforded protection under Section 15 of the National Planning Policy Framework. South Blean Woods LWS and the application site itself are also protected under Swale Borough Local Plan DM28 as a Designated Site for Biodiversity for containing habitats or supporting species that are endangered at international, national or local levels. The policy states: *"Within locally designated sites (including draft published sites), development likely to have an adverse effect will be permitted only where the damage can be avoided or adequately mitigated or when its need outweighs the biodiversity interest of the site. Compensation will be sought for loss or damage to locally designated sites."* Further, Local Plan Policy DM3 relates to the rural economy and requires development in rural areas to cause no significant harm to the biodiversity of an area.

The proposed development site and its surrounding ecologically rich landscape support several important species. These include Lesser Spotted Woodpecker, Woodcock and Nightingale, all of which are Red Listed Birds of Conservation Concern. Additionally, Skylarks, a ground-nesting species, nest directly on the proposed site. The area is also a breeding ground for the Amber Listed Nightjar, another scarce ground-nesting bird. The site itself encompasses various habitats such as veteran trees, coppice and ditches, which are crucial for breeding birds, Dormice and other rare and vulnerable wildlife. The destruction of these habitats would significantly harm local biodiversity.

The proposed development would have several detrimental effects on the area's biodiversity. Increased artificial lighting would negatively impact the invertebrate population in the nearby ancient woodland, leading to cascading effects on birds, bats and other wildlife. This concern is heightened by the site's proximity to Buglife's Kent Downs and Stour Valley Important Invertebrate Area, which is renowned for its nationally or internationally significant invertebrate populations and habitats.

Additionally, the development would lead to increased noise and traffic, and the proposed buffer zone would be insufficient to mitigate these impacts on local wildlife. The construction phase would bring more

artificial light, noise, runoff and dust pollution. During the operational phase, further light and noise pollution, air quality degradation, recreational pressures, littering and cat predation would exacerbate the negative impacts. The anticipated surge in foot traffic and disturbances from people, dogs and cats to South Blean Woods LWS has not been adequately assessed or mitigated.

Small mammals, including Dormice present on the site and within South Blean Wood LWS, along with birds – especially ground- and low-ground-nesting species like Skylark, Nightingale, Nightjar and Woodcock – will be particularly vulnerable to cat predation and disturbances from people and dogs during the breeding season.

Given the clear and significant adverse impacts on biodiversity, the proposed development should be refused outright. The harm to key species and habitats, in combination with the inadequate mitigation measures, contravenes both local policies DM24 and DM28 and national policy under Section 15 of the NPPF. In line with NPPF paragraph 180, which emphasises that if significant harm to biodiversity resulting from a development cannot be avoided, mitigated or compensated for, then planning permission should be refused. The biodiversity impact alone provides sufficient grounds for refusal of this application.

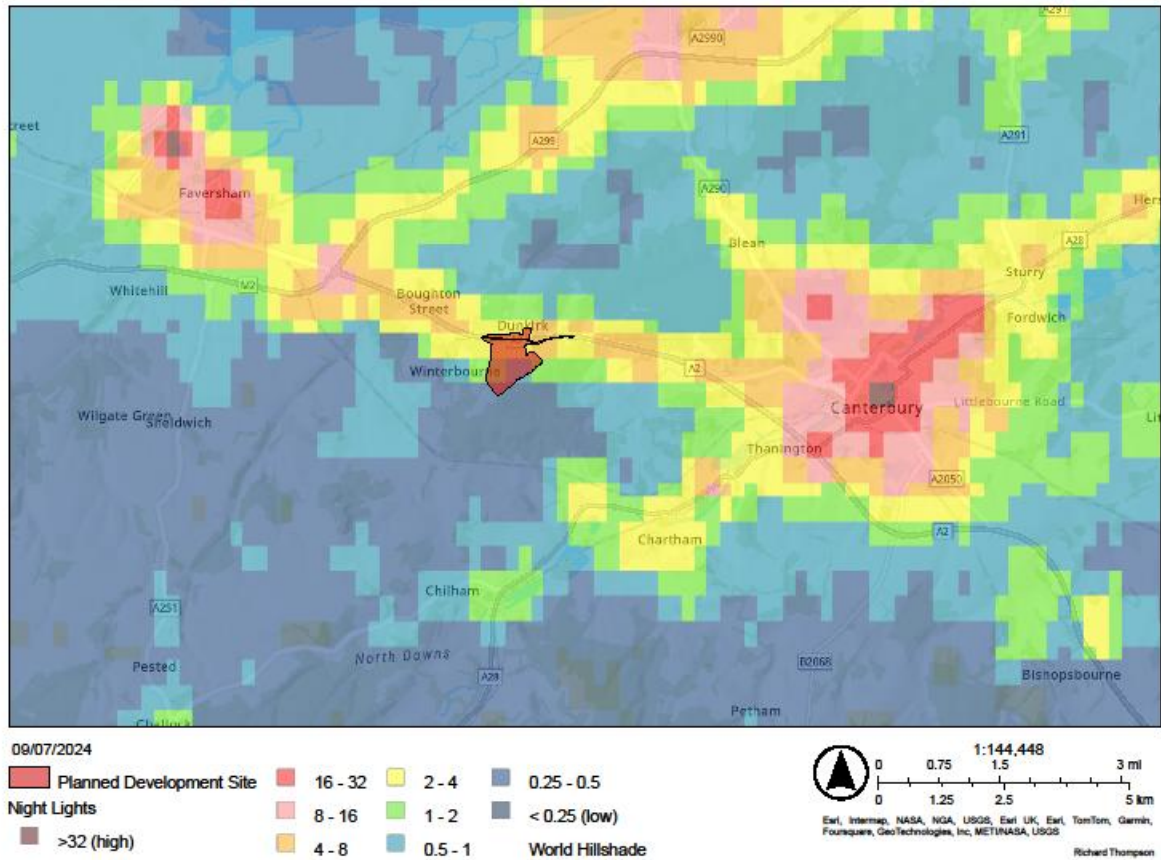
6) Light pollution and impact upon an area of tranquillity

Protecting England's dark skies and areas of tranquillity is a significant campaigning issue for CPRE. Artificial light is known to cause confusion to migrating birds, often with fatal outcomes. It interrupts natural rhythms, including the reproduction, feeding and sleeping patterns of pollinating insects, bats and nocturnal animals. In humans, studies show that exposure to light at night interrupts sleep and can disrupt the body's production of melatonin, a brain hormone best known for its daily role in resetting the body's biological clock.

Dark skies are an important part of the overall issue of light pollution because artificial light can obscure the natural beauty of the night sky, which is one of the most visible consequences of poor lighting. The protection of dark skies through both reducing light pollution and protecting existing dark areas is an important part of policy on artificial light.

As shown on the map below, it is very concerning to see that a development of this size is being proposed within an area of darker skies, with parts of the site within an area of our darkest skies.

CPRE Kent - Dark Skies Map



Any light or sound is likely to travel some considerable distance, disrupting bird behaviour and interfering with migratory birds. Artificial light at night (ALAN) not only negatively disrupts birds but also reptiles, amphibians, invertebrates, moths and bats and their feeding behaviours, and other flora and fauna. ALAN is one of the worst disrupters of wildlife behaviour.

7) Landscape Impact

Policy CP4 of the Local Plan requires proposals to be of a high-quality design that is appropriate to its surroundings in respect of materials, scale, height and massing. Local Plan Policy ST1 relates to delivering sustainable development in Swale and states (part 11) that the policy seeks to conserve and enhance the natural environment. Policy DM14 sets out general development criteria. Part 6 of this Policy refers to the desirability of conserving and enhancing the natural environment. Policy DM24 states that non-designated landscapes will be protected and enhanced.

The site is in an area designated as of High Landscape Value (Kent Level), which is protected for its scenic importance in a county-wide context. The entire site reflects this, along with the broad landscapes of Blean Woods. These landscapes are considered to be scenically important in a county-wide context. The nature and scale of the proposed development is such that there would inevitably be a significant change to the landscape character. The overall adverse effect of the loss of open land would result in clear conflict with policies CP4, DM14 and DM 24.

8) Highways Impact

Policy CP2 of the Local Plan states that new development should be located within the built-up boundary, in places that minimise the need to travel for employment and services and facilitate sustainable transport. The site is not within the built-up boundary.

We note the significant and standing objection from National Highways. This lists a truly remarkable 33 separate action points that they require the applicant to undertake before they can give a view as to whether the proposal meets the requirements of the NPPF paragraphs 104,110, 111, 112 and 113. Overall, they conclude that it is not possible to demonstrate that the application would not have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN (the tests set out in DfT Circular 01/2022 and the recently updated DLUHC NPPF December 2023).

Whilst we are yet to see the detailed comments of KCC Highways, we would fully expect them to have just as many, if not more, concerns. Whatever their response, clearly significant work still needs to be undertaken to address the transport issues associated with development at this site.

However, rather than enter into what will be months, if not years, of back-and-forth negotiations with the various highways authorities, given the multitude of very significant non-highway issues with this site, it is clear to CPRE Kent that the Council should just be refusing this application now. As it currently stands, the highway issues raised by National Highways alone also remain a clear reason for refusal.

Notwithstanding this point, we would wish to continue to be consulted upon this information as received.

9) Failure to consider brownfield-first options

CPRE has a campaign commitment to seek to prioritise development on brownfield land. As such, it is considered that the strategy for housebuilding across the borough should be established through the Council's emerging Local Plan. It is noted that a Regulation 18 public consultation on a draft Local Plan is expected to take place October-December 2024.

Clearly this is a greenfield development where there has been no attempt to consider whether there are more appropriate brownfield-first alternative site options for development.

The Council will need to satisfy itself that its Brownfield Land Register is accurate (based on site survey) and up to date. It is well known that many site promoters do not engage in the Brownfield Land Register process because they know that these sites, where they lie within an urban boundary, will in all likelihood be granted planning permission for development, whether allocated or not. Instead, developers/site promoters will often put more effort into their submissions for greenfield sites through the Local Plan call for sites process, where planning permission would not necessarily be so easily achieved, and profits are far greater. This has the effect of skewing that actual apparent availability of brownfield land.

CPRE has developed a Brownfield Land toolkit and will be happy to assist the Council in its endeavours to rigorously assess the supply of brownfield sites within the borough

10) Affordable Housing

The development is within a rural area where Adopted Local Policy DM8 requires 40% of all dwellings to be affordable houses. Policy H3 of the recently-made BDNP similarly applies a requirement of at least 40%. Here the applicant is offering just 545 out of a total of 1,815 dwellings, which equates to just 30%. The proposal is therefore contrary to both the Local Plan's and neighbourhood plan's affordable housing

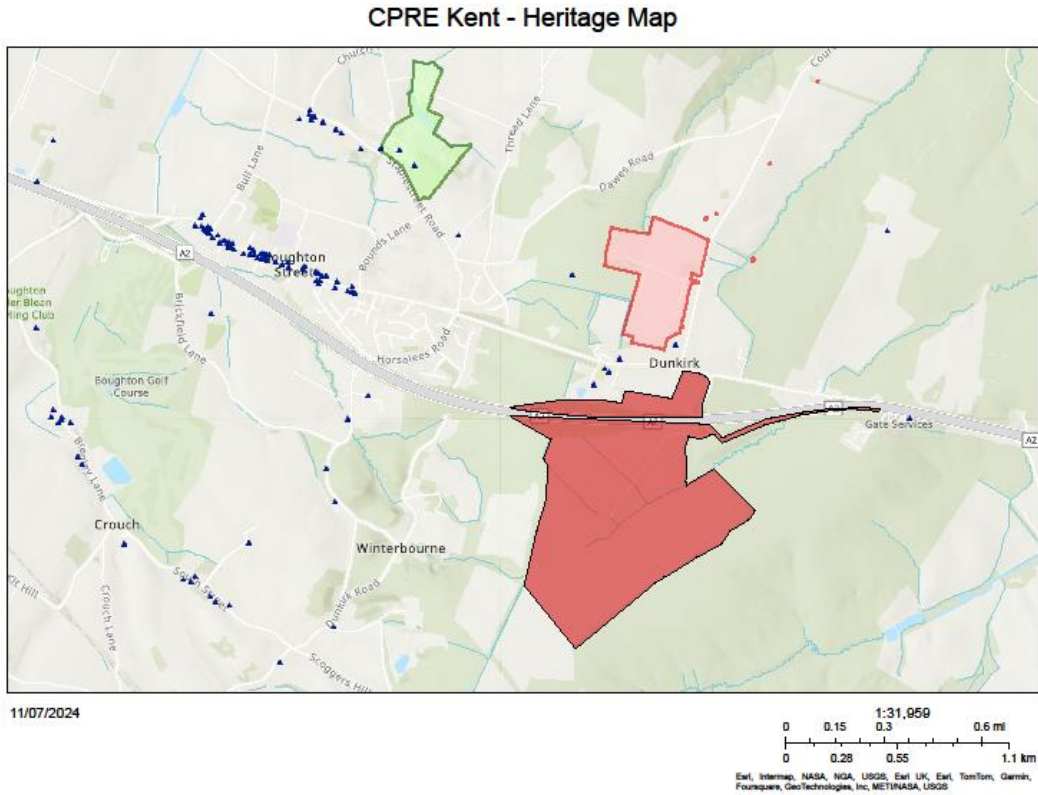
requirements. Failure to provide a policy-compliant level of affordable housing certainly should not be being touted by the applicant as a benefit of the scheme as it currently is being.

Further, far more detail should be provided as to exactly how far the applicant has got with respect to securing interest from Registered Providers (RPs). This is because, as the Council and applicant will know, there is currently a significant issue within Kent in finding RPs to deliver affordable housing³. Whilst this problem is particularly acute on smaller sites, the consequence is larger sites need to be delivering more than policy requirements to compensate for the under-delivery on smaller sites. A single line that a discussion with an RP has taken place surely cannot give the Council sufficient confidence that this development will provide the much-needed affordable houses for Swale.

11) Heritage Impact

Local Plan Policy CP8 sets out various requirements that proposals must accord with to sustain and enhance the significance of Swale’s designated heritage assets. The policy states that development will sustain and enhance the significance of designated and non-designated heritage assets to sustain the historic environment whilst creating for all areas a sense of place and special identity.

Policy DM32 relates to development involving listed buildings and states that development proposals affecting a listed building or its setting will be permitted provided that the building’s special architectural or historic interest, and its setting and any features of special architectural or historic interest that it possesses, are preserved. Further, Local Plan Policy DM 34 is clear that development will not be permitted which would adversely affect a Scheduled Monument and/or its setting,



³ <https://www.dhaplanning.co.uk/knowledge/market-failure--where-are-we-with-affordable-housing-delivery>

As shown on the map above, this development site is in close proximity to the scheduled Chain Home Radar Station (NHLE: 1020388). We understand that this Scheduled Monument is a key development in the history of radar and is 1 of only 5 that remain. The applicant has, however, dismissed the impact simply on the basis of limited intervisibility. This assessment completely misses the fact that the rural context within which the mast is sited is pivotal to the integrity of this monument and therefore should be maintained.

Likewise, again as shown on the map above, there are several designated heritage assets in close proximity to the site. These include Grade II-listed Dunkirk Primary School (NHLE: 1107903), approximately 140m north-west of the Site; Grade II-listed The Old Vicarage (NHLE: 1107927), approximately 160m north-west of the Site; Grade II-listed Christ Church (NHLE: 1344004), approximately 120m north-west of the Site; and Grade II-listed Dunkirk Parish War Memorial (Grade II, NHLE: 1444723), approximately 150m north-west of the Site.

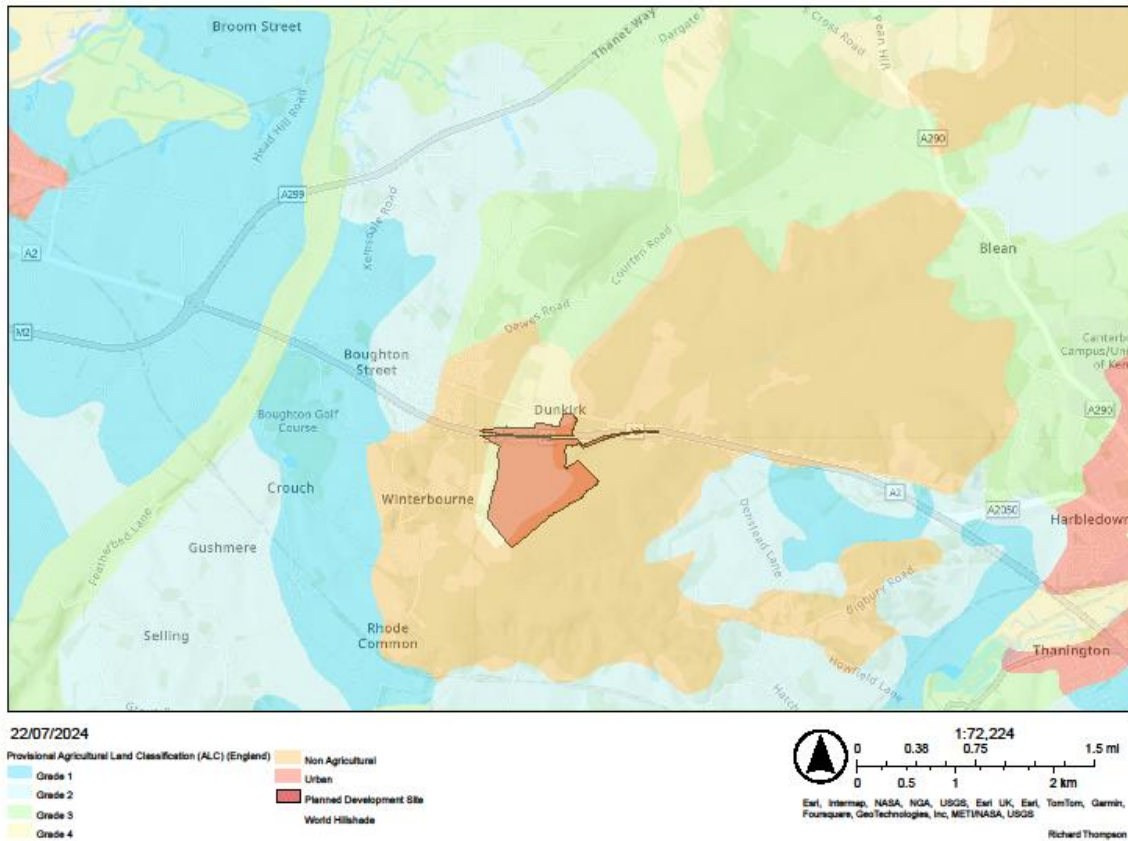
We are concerned that Archaeological and Built Heritage assessment downplays the significance of the impact on nearby Heritage Assets and in particular Forester's Lodge Farm (KHER: MKE86063) located at the centre of the Site. We note that there have been no comments to date from the Council's conservation officer and are therefore concerned that this element is being overlooked.

12) Loss of Agricultural Land

We note that the applicant states the land is Grade 4 Agricultural Land. Grade 4 is defined as "Poor Quality Agricultural Land with severe limitations which significantly restrict the range of crops and/or the level of yields. It is mainly suited to grass with occasional arable crops (*eg* cereals and forage crops), the yields of which are variable.". However, the Government (Defra and Natural England) Agricultural Land Classification (ACL) map does not list the development land as Grade 4 but actually as "Other Land primarily in non-agricultural use". This is probably because adjacent land has been left as common land and it has been grouped in with this. (Orange/brown area on the ACL map below).

Adjacent land, however, away from the common land, is rated Excellent (dark blue) or Very Good (light blue) farmland, so unless there is some underlying geological feature that would downgrade the land in question to poor (not very probable,) then we can assume that it is actually good farmland. If the grading is based on a very recent investigation, then it needs to be assured that the ground has been maintained as good for crops rather than left dormant in the hope of getting the planning permission

Agricultural Land Classification



That the land is decent quality as farmland and therefore valuable for just that purpose would seem to be borne out by satellite pictures of the land that show it being well, and continuously, cultivated.

13) Water Drainage Strategy

The proposed foul water strategy for the development includes a series of pumping systems designed to channel wastewater towards the Faversham Wastewater Treatment Works, with a combined flow rate of 85.6 l/s. Confirmation from Southern Water regarding their capacity to handle the increased load from this and other developments is crucial, especially considering their history of raw sewage discharges in Faversham. Notably, incidents in August 2021 saw untreated wastewater released into local waterways, highlighting the ongoing issues with effluent management and water quality in the area.

For surface water drainage, two routes are considered: via White Drains into the Oaze or into an “ordinary watercourse” that is actually the source of the Sarre Penn. The Oaze, a protected wetland, is deemed unsuitable due to cost and potential ecological impacts. Discharging into the Sarre Penn is problematic as the area around Forester’s Lodge Farm is its source, meaning any changes to water flow or quality here directly affect downstream ecosystems, including the RSPB Blean Woods Nature Reserve. Concerns include the impact of impermeable surfaces increasing runoff, construction pollution and the direct discharge of surface water into the stream without soil filtration, which would exacerbate pollution and disrupt the natural water management processes.

Given these factors, the proposal could significantly degrade local water quality, impacting the Sarre Penn’s flow and the health of downstream habitats. Moreover, these changes may conflict with the Stodmarsh

Nutrient Plan, which aims to manage nutrient loads to improve water quality in the region. This development threatens to reverse the progress made in recent years in improving the ecological status of the Sarre Penn, which remains vulnerable due to persistent chemical pollutants.

Conclusion

It is CPRE Kent's view that the adverse impacts of the proposed development set out above outweigh any purported benefits arising from the scheme. As already acknowledged by the Council, this proposal would represent an extremely poor spatial planning option whilst also being extremely environmentally damaging. Accordingly, we strongly object to this application and call upon the Council to refuse it at the earliest opportunity.

Yours sincerely

Richard Thompson

Planner



DL. 01233 714540

E. planning@cprekent.org.uk

W. www.cprekent.org.uk

Donate to CPRE Kent

Please consider the environment before printing this e-mail

The Kent Branch of the Campaign to Protect Rural England is a registered charity (number 1092012), and is also a company limited by guarantee, registered in England (number 4335730).

Registered address: Queens Head House, Ashford Road, Charing, Ashford, Kent TN27 0AD