

## **Application 22/500275/OUT: Land South Of London Road, Newington**

**PROPOSAL: Outline planning application for up to 135 dwellings with the retention of existing farm buildings, new public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point (Access being Sought).**

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Newington Parish Council objects to this application.

Our submission outlines our objections, referencing these to relevant reports (from Swale planning officers, SBC policy documents, planning inspectorate decisions and other applicable documents). We show how these material considerations are substantiated in SBC policy and the National Planning Policy Framework.

### **1 Recent Proposed Development History at this location**

Pond Farm is a working farm. The 18<sup>th</sup> century Grade II listed farmhouse has been in separate private ownership since 1963. The fields are traditionally used for fruit growing as part of the north Kent fruit belt. The eastern field on which the planning application is centred was used for blackcurrant growing for several years, until last year when the crop was changed to maize; the adjacent field is orchard, as it has been for generations.

There have been two recent significant planning applications on this site – both by Gladman Developments Ltd.:

15/500671/OUT – 26 January 2015 - for 330 dwellings plus 60 units of extra care

15/510595/OUT – 23 December 2015 – for 140 dwellings plus 60 units of extra care

Both were refused by Swale Borough Council Planning Committee.

The subsequent, November 2016, Planning Inquiry resulted in the 9 January 2017 decision to dismiss the appeals over both applications.

Following Judicial Review, the High Court, 6 November 2017, rejected Gladman challenge to the Planning Inspectorate decision

The appeal against this decision was then dismissed by the Court of Appeal, 12 September 2019.

For the current application community consultation has been limited to 'Have your say' postcards from Gladman that were delivered to some homes in the village on 20 November 2021. NB There has been no consultation or contact with Newington Parish Council (as suggested on the penultimate page of the pre-application letter from the planning officer – see appendix 4 of the planning statement)

We are unsure how this matches the assertion in the Planning Statement

3.2.42 It is considered that the scope of the community consultation with has met with, and gone beyond, the recommendations of Local and National planning policies and legislation

Much of the documentation seems to be a re-issue of the 2015 application, repeating the errors made then and not updated to include changes over the past 6 years – such as completed developments (eg 124 homes built by Persimmon) or the effect of transportation following brickearth extraction adjacent to this application site. Air Quality and Transport Assessments seek to take advantage of unusually low traffic volumes due to High Street closure in 2020 and the effect of Covid restrictions.

## 2 Swale Borough Council and NPPF Policies relevant to this proposal

- It is not part of the existing Swale Borough Council Plan
- It is not included in the latest consultation exercise on the local plan
- It was part of the 'call for sites' for the Strategic Housing Land Availability Assessment in October 2020 but was assessed as 'undeliverable'
- The Swale Local Plan Panel on 29 October 2020 followed the officer recommendation *'that no sites in Newington should be progressed for inclusion as allocations in the Local Plan Review'*. This was supported by Cabinet in December 2020 and Full Council in January 2021.

Therefore this application is contrary to Swale Borough Council's policies and procedures. It is a premature application.

In the Local Plan, Policy ST 3 identified Newington as a Tier 4 Rural Local Service Centre with noted limitations to expansion, so the village was allocated a growth rate of 1.3%. Even in the 2017 edition of the Local Plan, the restrictions on growth were reiterated with the single exception of "Land North of the High Street".

The following facts emphasise the extent that Newington has already played in fulfilling the targets of the Local Plan: total already built in Newington 2014 to now is 183 properties; for the target six years to date that is 206%

Since the Census in 2011 (population 2551 in 1089 household spaces; data from 2021 not yet available), this village has grown by 18%.

In reality: the village school has vacancies only in specific year groups; there is one convenience store, a public house and a joint pharmacy/post office; the GP surgery is not accepting new patients (extensively covered by recent media reports highlighting difficulties for Newington residents to obtain the services of the doctor locally by telephone or face-to-face); there is a limited weekday bus service, nothing on Sundays; one train per hour in each direction stops at Newington station. This was one reason for the Local Plan Panel October 2020 decision not to progress allocations in the local plan review

The Parish Council is sure that Members will understand the cumulative effect of this increase and that of the proposal for a further 135 homes.

This application is outside the built-up (see policies E6 RC3). The exception – where a proposal is *'able to demonstrate that it would contribute to protecting and where appropriate enhancing the intrinsic value, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities'*.

does not apply.

This proposal does not enhance the countryside or the *vitality of the rural community*.

The proposal does not meet the definition of sustainable development in rural areas

*"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.*

It does not provide housing for agricultural workers on neighbouring land and so is contrary to the principle.

The land is not a 'brownfield' site; it is still worked agricultural land.

Policy DM31: Agricultural Land – confirms development on agricultural land will only be permitted when there is an overriding need that cannot be met on land within the built-up areas.

Development on BMV will not be permitted unless:

1. The site is allocated
2. There is no alternative site on land of a lower grade than 3a
3. The development will not result in the remainder of the agricultural holding becoming not viable or lead to likely significant losses of high-quality agricultural land

### 3 The proposed development is outside the defined urban boundary of our village.

We give detail of three recent inspectorate decisions 2018-2021 in Newington where dismissal of the appeals was due to the proposal being outside the defined built-up area.

(see: 132 High Street: PINS ref APP/V2255/W/20/3247555;

6 Ellen's Place: PINS ref APP/V2255/W/20/3250073;

148 High Street: PINS ref APP/V2255/W/17/3185369;

There is an older inspectorate decision (2016) in Newington which we believe to be relevant and we quote also from the 2020 decision in a neighbouring village, dismissed on the same grounds.

In each case the Inspector decisions were that any, then deficit in Swale's current supply was *not* a reason to approve the applications.

#### a) Land to the rear of 132 High Street, Newington

*This is 800 metres east of Pond Farm, also on the south side of the A2.*

Land to the rear of 132 High Street, Newington ME9 7JH 19/500029/FULL proposed 4 bedroom detached dwelling

Decision date 25 January 2021 Appeal Ref: APP/V2255/W/20/3247555 19/500029/FULL

13. ... The development would have a significantly urbanising effect upon the site and would substantially change its character. This would result in a diminution of the rural character and appearance of the area.

14. I have been directed to a residential development known as Eden Meadow and the New Farm car sales/workshop site where those developments project further south than that of the appeal site. However, I have not been provided the full details of those developments and when they were granted planning permission. It may be that they predated the revised 2019 National Planning Policy Framework (the Framework) and the 2017 Local Plan. If so, those developments would have related to a different development plan context where different considerations may have applied. I do not consider that those developments would justify either setting aside the current applicable development plan policies or the proposed development at this appeal site.

15...I conclude that the proposed development would not be an appropriate location for a new dwelling having regard to the spatial strategy of the development plan. Furthermore, the proposed development would have a harmful effect upon the character and appearance of the countryside. The proposal would, therefore, conflict with Policies ST1, ST3, DM9 and DM14 of the Local Plan. These policies seek, amongst other matters, to resist development in the countryside and to conserve and enhance the countryside.

18. Paragraph 213 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. The intrinsic character and beauty of the countryside is recognised by the Framework. Development in rural areas is not precluded but the Framework indicates that great weight should be given to the benefits of using suitable sites within settlements for homes and therefore supports the general thrust of the Local Plan in terms of the location of housing. The appeal site lies adjacent to the built-up area boundary close to services, facilities and public transport and is not constrained by land designations, design, highway, or neighbour living conditions concerns. However, it is nevertheless outside the built-up area and where such development would be harmful to the character, appearance, and wider amenity value of the countryside.

20. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reason given, the appeal should not be allowed

#### b) 6 Ellen's Place, Boyces Hill, Newington

*This is 1100 metres east of Pond Farm, also on the south side of the A2.*

6 Ellen's Place, Boyces Hill, Newington, ME9 7JG 19/503203/FULL proposed erection of a chalet bungalow with detached garage; creation of new vehicular access and erection of a detached garage to serve no. 6.

Decision date 3 January 2021 Appeal Ref: APP/V2255/W/20/3250073

5. The new development referred to above, now named Eden Meadow, is a somewhat stark intrusion into the landscape that was allowed on appeal. I have been supplied with a copy of the appeal decision notice; it is clear that the appeal was determined under earlier circumstances, in particular when the council was unable to demonstrate a 5-year supply of housing land to a significant extent, so that the Inspector decided that the development would contribute significantly in economic and social dimensions that outweighed the conflict with the development plan. I would add, though, that the Inspector stated that *“it would introduce a substantial and largely self-contained enclave of development which, in landscape terms, would have little resonance with the more conventional and established arrangements along High Street”*.

7. Policy ST3 of the Swale Borough Local Plan 2017 (the Local Plan) sets out the settlement hierarchy within the Borough. It is the fifth element of this policy that is pertinent in this case:

*“5. At locations in the open countryside, outside the built-up area boundaries shown on the Proposals Map, 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”*. Policy DM9 sets out exceptions under which new dwellings will be permitted within the countryside, none of which are applicable here.

8. These policies clearly place stringent restraints on new residential development within the countryside. In spite of the recent development of Eden Meadow, which currently is very raw and may soften as any landscaping scheme evolves, the appeal site is clearly within the countryside. These policies were adopted in 2017, before that latest version of the Nation Planning Policies Framework (the Framework) was published by the government, but the 2019 version continues to support local plan policies that protect the countryside. Framework chapter 15 sets out policies for conserving and enhancing the natural environment. Within this, paragraph 170, part b) is apposite in relation to this case: *“170. Planning policies and decisions should contribute to and enhance the natural and local environment by:*  
*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;”* **NB:** This is retained in the July 2021 version of the NPPF at Para 174 (b).

9. In respect of providing for housing, Framework chapter 5 deals with delivering a sufficient supply of homes. Within this chapter, under the heading Rural housing, are paragraphs 77 and 78. These state, as relevant here, *“In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs, ...”*; and, *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services”*. As far as the appeal proposal is concerned, whilst it may be in a reasonably sustainable location to access shops, public transport and community facilities, there is no local need, particular to the area that has been identified. Furthermore, it cannot be said to provide an opportunity for the village to grow and thrive, and it would not support local services to any material extent. The appeal site is not isolated, and therefore Framework paragraph 78 dealing with isolated homes is not relevant.

11. I should also mention that the council currently cannot demonstrate a 5-year housing land supply and the engagement of footnote 7 to Framework paragraph 11 should therefore be considered. However, the council has now been able to identify 4.6 years supply (as compared with the supply of 3.17 years quoted in the Inspector’s decision that led to the Eden Meadow development), a shortfall of just 0.4 years.

### Conclusions

20. I conclude that the proposed development would be contrary to Policy ST3 of the Swale Borough Local Plan 2017 in that, being outside the defined built-up area, it would harm the character, appearance, and intrinsic amenity value of the countryside.

c) 148 High Street, Newington (2 appeals)

*This is 870 metres east of Pond Farm, also on the south side of the A2.*

An Appeal for 3 homes to be sited on the south side of the A2, at 148 High Street, Newington, was dismissed by the Planning Inspectorate.

Decision date 17 January 2018 Appeal Ref: APP/V2255/W/17/3185369 Application 17/500946/FULL

4 ...the area in which permission is sought to construct three new dwellings lies beyond the settlement boundary. For planning purposes the site is therefore within the countryside.

6. Although the commercial activities to the east have encroached to a small degree into the area to the rear of the High Street, the remainder has retained its open, rural character. Any other existing buildings appear to be part of the agricultural activities that previously took place in the area and are typical of those that can be seen in the countryside. There is therefore a significant change of character between the development which fronts the High Street and the area to the south.

7. The largest of the proposed dwellings would be a clear incursion into the open, rural landscape and countryside to the south of the High Street... the introduction of the proposal as a whole with its access road, garages, parking areas, gardens and associated residential paraphernalia, would significantly erode the open, rural character of the area.

8 ...Consequently, the development as a whole would represent an unacceptable incursion into the countryside which would be harmful to the area's open, rural character and appearance. This would be the case regardless of the precise details of the layout or design of the individual buildings.

9. I therefore conclude that the proposal would harm the character and appearance of the countryside, contrary to Policies ST3, CP3, CP4 and DM14 of the Local Plan, all of which seek to conserve and enhance the countryside.

10. Notwithstanding the fact that Newington is an accessible village with a significant range of services, the Local Plan has defined its built-up area boundary. The supporting text of Policy ST3 recognises that development opportunities within the village are limited for a variety of reasons, including poor air quality and the surrounding high quality agricultural land. Any residential development beyond the boundary established by the Local Plan would therefore conflict with the aim of providing homes in accordance with the Borough's identified and agreed settlement hierarchy.

15. I am aware that an Inspector granted planning permission for development of nine dwellings at Ellen's Place in March 2017. However, that scheme was assessed against different policies and when the Council was unable to demonstrate a five year housing land supply. The Inspector found that even though that scheme did not conform to the development plan, the adverse impacts did not significantly and demonstrably outweigh the benefits. The particular circumstances of that site and the policies which applied at the time therefore justified allowing the appeal.

**A further appeal was also dismissed**

Land rear of 148 High Street, Newington, ME9 7JH. Decision date 14 August 2020 Appeal Ref: APP/V2255/W/20/3245359 19/505596/FULL *"conversion of former agricultural barn to a dwelling house including elderly dependent relatives replacement structure, associated car parking and access driveway"*

6. Bearing Fruits 2031: The Swale Borough Local Plan 2017 (the Local Plan) has defined its built-up area boundary and Policy ST3 of the Local Plan seeks to provide new homes in accordance with the settlement hierarchy for the Borough. Part 5 of Policy ST3 states *"At locations in the countryside, outside the built-up areas boundaries as shown on the Proposals Map, 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"*.

7. Given that the site's location would be outside the built-up area boundary of Newington, the appeal site would not be an appropriate location for residential development.

9. ...The appeal site is situated within the open land to the south of the High Street and exhibits all the attributes of the countryside.

10. ... The development would have a significantly urbanising effect upon the site and would substantially change its character. It would result in a diminution of the rural character and appearance of the area and negatively impact upon the tranquillity and beauty of the countryside.

12. Furthermore, the proposed development would have a harmful effect upon the character and appearance of the countryside. The proposal would, therefore, conflict with Policies ST1, ST3, DM9 and DM14 of the Local Plan. These policies seek, amongst other matters, development to support the aims of sustainable development, adhere to the Council's settlement strategy and to conserve and enhance the countryside.

17. At the heart of the National Planning Policy Framework (the Framework) is the presumption in favour of sustainable development. Notwithstanding this, the appeal site lies outside the settlement boundary and is within the countryside, a location that would conflict with the aim of providing homes in accordance with the Borough's identified and agreed settlement hierarchy. Furthermore, I have found that the proposal would harm the rural character and appearance of the countryside.

19. I, therefore, conclude that the adverse impacts would significantly and demonstrably outweigh the moderate benefits of the scheme when considered against development plan policies and the Framework read as a whole. Consequently, the presumption in favour of sustainable development does not apply in this case.

**d) Land to East of St Mary's View, Church Lane.**

*St Mary's View is off Church Lane, in the village centre, north of the A2*

Land to East of St Mary's View, Church Lane, 15/509664/OUT 'Outline application for the erection of up to 26 residential dwellings with all matters reserved with the exception of access'; Planning application from November 2015, refused at Swale Borough Council Planning Committee in May 2016, decision notice July 2016, with the subsequent planning appeal dismissed in July 2017

The close proximity to this application makes the reasons for the inspector decision relevant:

Appeal Ref: APP/V2255/W/16/3157268 Decision date 6 March 2017 Application 15/509664/OUT  
29. The site comes within the Iwade Arable Farmlands as identified by the Swale Landscape Character and Biodiversity Appraisal SPD. This area is characterised by very gently undulating rural landscapes that may traditionally have supported fruit growing. The SPD refers to the large arable/horticultural fields with regular field patterns and rectangular shapes predominating, and a sparse hedgerow pattern.

34. ...in my view the proposal would significantly harm the rural character and setting of Newington. This harm would not be mitigated by the landscape proposals. The proposal would therefore conflict with paragraph 17 of the National Planning Policy Framework, which amongst other matters states that regard should be had to the different roles and character of different areas, and that the intrinsic character and beauty of the countryside should be recognised.

36. I therefore conclude that the proposal would significantly harm the character and appearance of the surrounding area and would fail to comply with Local Plan policies E6 and E9. Loss of Agricultural Land

37. The appellant acknowledges that the proposal would result in the loss of an area of BMV land. Policy DM31 of the emerging local plan sets out that development on BMV land will only be permitted when there is an overriding need that cannot be met on land within the built up area boundaries, unless the site is allocated for development by the Local Plan or, there is no alternative site of lower quality.

43. At the heart of the Framework is a presumption in favour of sustainable development. There are three dimensions to sustainable development, social, economic and environmental. These roles should not be undertaken in isolation, because they are mutually dependent. In social terms the proposal would provide market and affordable housing, within walking distance of a primary school, shops, services and public transport.

44. Economically the proposal would provide employment during the construction period and would make a modest contribution towards household expenditure in the area. The developer contributions would provide mitigation against the adverse impacts of the proposal on local infrastructure and therefore are not an economic benefit of the proposal. In environmental terms, the proposal would result in the loss of BMV land, and would result in harm to the landscape and character of the area. Whilst the proposal includes mitigation measures these would not outweigh the environmental harm arising from the proposal

46. In the absence of a five year supply of housing, the Framework recognises the intrinsic beauty and character of the countryside as a core planning principle, and it should be given significant weight.

47. Whilst there is an existing shortfall in the five year housing land supply, it is likely that this will be resolved in the context of the emerging Local Plan and therefore the existing shortfall is likely to be of limited duration. In this context there is insufficient evidence to persuade me that the loss of the BMV land which comprises the appeal site is necessary to meet the housing needs of the Borough.

48. I have concluded above that the proposal would cause significant harm to the rural character and appearance of the site and the surrounding area and would also result in the loss of BMV land.

50. Taking everything into account, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development. In the circumstances of this appeal, the material considerations considered above do not justify making a decision other than in accordance with the development plan.

e) Land Off Jubilee Fields, Upchurch

*Upchurch is 2 miles from Newington. We cite this appeal decision as it was made 12 months ago.*

We also refer to 19/501773/OUT 'Land Off Jubilee Fields Upchurch Kent ME9 7AQ', Outline application for residential development of 41no. two, three and four bedroom houses. This planning appeal in our neighbouring village was rejected in December 2020 (APP/V2255/W/20/3246265)

Even though, at the time, the

'5YHLS is no more than 4.6 years and may be closer to 4 years. The shortfall is therefore of concern but cannot be said to be acute.'

and the conclusion:

I have found that the proposal conflicts with the development plan as a whole. The other considerations in this case, namely the shortfall in 5YHLS and the provisions of the Framework, are of insufficient weight to outweigh that conflict. For this reason, the appeal is dismissed.

We believe that this decision should equally apply to this application in Newington.

One application only was permitted by the Planning Inspectorate: The Eden Meadow development at Boyces Hill, Newington. This is 1010 metres east, also on the south side of the A2. (16/505861/OUT, for 9 dwellings) was rejected at the 2 February 2017 Swale Borough Council Planning Committee meeting on the advice of officers.

Extract from Officer report

- i. It is outside the defined urban boundaries of Newington
- ii. Newington is considered a less sustainable settlement (services, transport and access to employment)
- iii. There would be significant adverse impact on the landscape character, quality and value of the rural setting.
- iv. There would be significant, permanent and unnecessary loss of a large area of best and most versatile agricultural land.
- v. 'As such it is considered that the proposed development does not accord with the National Planning Policy Framework' (see report to 2 February meeting (10.1) for detail

Newington Parish Council believes this was an accurate and balanced report. The reasons for refusal, above, apply to the current proposal.

The subsequent Appeal (non-determination) was allowed. Decision date 31 March 2017 Appeal Ref: APP/V2255/W/16/3162806

7. The appeal site lies adjacent but outside the built-up area for Newington as defined in the "Swale Borough Local Plan 2008" (the LP). Saved Policy H2 states that residential development in the countryside will only be permitted where it meets one of the exceptions listed in Policies E6 and RC3. The provision of 9 open market dwellings does not fall within any of the exempted categories and consequently there would be conflict with the LP in this regard.

8. However, the LP is now time-expired and whilst this does not mean that it cannot carry weight, its policies need to be considered in relation to their consistency with the Framework.

The Local Plan, subsequently examined in summer 2017 and found to be sound is now valid and current; its policies apply fully. This application was not included in the recent Regulation 18 consultation.

A more recent application to extend the Eden Meadow development 20/501475/FULL with 20 additional dwellings was withdrawn by the applicant on 7 January 2022 shortly before it was due to be decided by the planning committee, with the officer recommendation to refuse.

Consistency of decision making is a fundamental principle of planning law and local authorities can only depart from it if they give cogent reasons for doing so.

<http://www.bailii.org/ew/cases/EWCA/Civ/2018/1519.html>

Bearing Fruits 2031: The Swale Borough Local Plan 2017 has defined its built-up area boundary and Policy ST3 of the Local Plan seeks to provide new homes in accordance with the settlement hierarchy for the Borough. Part 5 of Policy ST3 states

*“At locations in the countryside, outside the built-up areas boundaries as shown on the Proposals Map, 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”.*

National planning policy does not support this application and it certainly does nothing to protect or enhance the setting.

## 4 Newington Air Quality Management Area

a) The proposed development is at Pond Farm. The effect on air quality was one of the two reasons why the Pond Farm appeal was refused after the Planning Inquiry in November 2016

See Pond Farm Inquiry - Appeal decision date 9 January 2017; Appeal Ref:

APP/V2255/W/15/3067553 and APP/V2255/W/16/3148140 (subsequently upheld by the High Court and Court of Appeal):

‘even after taking into account the proposed mitigation measures, the appeal proposals would have an adverse effect in air quality, particularly in the Newington and Rainham AQMAs (proposals conflict with NPPF paragraphs 120 and 124)’

135 homes cannot be seen as a modest proposal and the cumulative effects of other recent developments, within Swale and also in the neighbouring authority of Medway which has permitted large developments in Rainham, will result in an increase in traffic flows through Newington. These combined cumulative developments already have a significant effect on the health of village residents, especially children and the elderly.

NB There were sporadic roadworks due to emergency gas repairs along the A2 through 2018 and into 2019. Newington High Street was closed completely for 5 weeks in summer 2019 for further emergency work to replace pipework. A larger 42 week scheme to replace all pipework began in September 2019 with one-way operation on different stretches since. The High Street was closed again in the early summer of 2020 to relocate a main valve and there have been several closures since due to emergencies and the new road junction to Watling Place. There was also lighter traffic due to the Covid-19 emergency. We therefore submit that air pollution readings over the past two years are not typical and cannot be considered as a baseline when estimating future pollution levels.

b) Air Quality Management Area in Newington.

Newington Parish Council has been working with MidKent Environmental Services in recent years and new, more accurate (PM10 and PM 2.5) monitoring equipment has recently been installed in the village centre. In addition to the vehicle numbers please consider also recent evidence of increased harm to those who have suffered Covid-19 from vehicle pollution and particulates. We note that the submitted Air Quality assessment proposes mitigation measures.

5.2.20 ..the mitigation measures implemented should be equivalent to the value determined by the damage cost calculation (£51,191

This modest amount does nothing to reduce pollution in the village centre. More important, it does nothing to prevent further harm to the residents and pedestrians in the village – especially the vulnerable elderly and children walking to the village school or older children walking to bus stops to access secondary education in Rainham or Sittingbourne.

The air quality assessment does not consider the cumulative effect of other planning developments proposed for Newington.

The medieval layout and buildings in the Newington High Street Conservation Area create both a canyon effect on pollution and traffic congestion. This has been acknowledged by Kent County Council who have adopted and funded the measure suggested in the Parish Council's Highways Improvement Plan with the roads leading to the village centre and the main A2 becoming a 20mph zone, and the exit from Bull Lane restricted to one-way.

As well as the 2017 Pond Farm planning inspectorate decision we cite the Coroner verdict following the tragic death of Ella Adoo-Kissi-Debrah in Lewisham; also the successful legal challenges brought by Client Earth. We wish to protect the health of residents, especially young children and the vulnerable elderly in our village.

c) Air quality concerns immediately East of Newington

The 20 April 2020 Environmental Protection Report informs the intention for the ...

declaration of an AQMA in the Keycol Hill area (1km East of Newington) in response to exceedances shown in 2019. Therefore, I would recommend that a revised AQA is necessary to include 2019 data and the additional tubes to be included in the model. This is due to the significant air quality sensitivity that exists currently in the area and the need to address the worst case scenario.

Receptors that show moderate or substantial are R4; R5; R7; R14; R15. All receptors which show the highest impact on air quality are within the Newington AQMA.

There are therefore concerns about air pollution to the east and west of this proposed development, currently in open countryside, with AQMA's 300 yards and 2 miles west and the proposal for a new AQMA 1 mile to the east.

d) Air Quality concerns West of Newington – as traffic through Newington passes to and from Rainham.

Please see:

Letter from Head of Planning Medway Council to Planning Officer at Swale Borough Council 24 February 2017 in response to the application for 124 homes on the A2 – now Watling Place

Neither the submitted Air Quality Assessment, as amended, nor the letter from the applicant's Air Quality Consultants, has assessed the impact of the development on the Rainham Air Quality Management Area, which is located approximately 1.8 miles (2.9km) west of the application site. Without evidence to the contrary and in the absence of an appropriate assessment Medway Council is unable to assess the full impact the development would have upon the Rainham Air Quality Management Area and as such, the development would be contrary to the provisions of paragraph 124 of the National Planning Policy Framework, the National Planning Practice Guidance in regard to Air Quality and Policy BNE24 of the Medway Local Plan 2003.

e) Relevant case history in Newington

The potential effect on air quality in Newington was one of the two reasons why the Pond Farm appeal was refused after the Planning Inquiry in November 2016

See Pond Farm Inquiry - Appeal decision date 9 January 2017: Appeal Ref:

APP/V2255/W/15/3067553 and APP/V2255/W/16/3148140 (subsequently upheld by the High Court and Court of Appeal):

‘even after taking into account the proposed mitigation measures, the appeal proposals would have an adverse effect in air quality, particularly in the Newington and Rainham AQMAs (proposals conflict with NPPF paragraphs 120 and 124)’

The Court of Appeal decision [EWHC 2768 (Admin)] 12 September 2019 (between Gladman Developments and Secretary of State for Communities and Local Government, Swale Borough Council & CPRE Kent

71. It was not unreasonable to think that the section 106 obligations represented the basis on which he was being invited to conclude that the financial contributions and proposed mitigation measures were adequate and would be effective. His conclusions show very clearly that he was unconvinced by both parts of the mitigation strategy – the financial contributions and the mitigation measures themselves.

77.... As Dr Bowes submitted, an essential purpose of the air quality action plans was to improve air quality in the Air Quality Management Areas, which, as the air quality action plan for Newington made quite clear, might require planning permission to be refused where effective mitigation could not be secured. Proposed development such as this, judged likely to worsen air quality in a material way because the proposed mitigation had not been shown to be effective, was inevitably inconsistent with the air quality action plans.

f) Conditions recommended on a current planning application in Newington

We note that, for the current planning application for 20 dwellings (20/505059/FULL: Willow Trees, 111 High Street, Newington ME9 7JJ, Highways England have commented on the effect of the application to the proposed improvements to A249 junctions:

It is therefore necessary, via the imposition of a condition, to ensure that there are no occupancies in this development prior to the completion of the junction improvements at M2 J5.

Newington Parish Council is concerned that, if/when improvements to the A249/M2J5 junction are made, this will result in increased traffic flow through the village, impacting through increased pollution within our AQMA

Planning Statement

3.2.3. ... there should be no material air quality harm to weigh in the planning balance

We note there are no proposed mitigation measures that would effectively prevent an increase in traffic pollution. The suggestion of a ‘community orchard’ would have little mitigation effect. Newington is classified as part of the ‘fruit belt’ and is surrounded by orchards growing many varieties of fruit, some maintained by large growers, others as individual smallholdings. Residents are therefore unexcited by the prospect of a community orchard.

In December, Newington Parish Council has commissioned an independent report from the University of Kent Centre for Health Service Studies to examine the air quality reports that form part of each of the four significant planning applications then current in the Village and the data available from the air quality monitoring devices in Newington. **The report is attached.** Subsequently an addendum was commissioned to respond to the comments in the applicant’s air quality statement from Wardell-Armstrong. **The addendum is attached**

## The Air Quality report for Land South of London Road

- 4 The developer's AQA does not consider cumulative impact..
- 5 There are large differences between the baseline predictions used for verification.... The discrepancies cast doubt however on the accuracy of all of the models
- 6 The predictions for ESR13 and ESR9 do not make sense
- 7 The model should be re-executed using more diffuser tube locations for verification and without omitting SW37 and SW130
- 8 Health effects are not considered using contemporary scientific evidence
- 9 The cumulative impact is underestimated. Proposed mitigation is consequently non-scientific and probably inadequate.
- 13 We are unable to make a direct comparison between Wardell-Armstrong's baseline 2019 predictions and actual diffusion tube measurement sites for 2019 ... because Wardell-Armstrong have chosen to use their own locations
- 17 ... a strange excuse for omitting SW37 from the verification dataset  
(NB Wardell-Armstrong report C.23 'Diffusion tube SW37 is located along High Street Newington, however, it has not been included in the model verification process as it is located in close proximity to a road junction...')
- 18 the AQAs baseline predictions for 2019 around Keycol Hill and compares them with the measurements from SBCs 2020 ASR
- 20 ESR 13 seems to be out of keeping with the local authority measurements as does ESR15
- 24 It is highly unlikely that the predicted value of ESR13 is anywhere near correct
- 25 both Tables C7 and C8 contain entries ... but with different values for the "observed value" which cannot possibly be true
- 28 ,... all the entries in Table C8 are wrongly labelled
- 29 The entire point of verification is to see how well the model performs on known datapoints, thus it makes no sense to omit SW37 for the stated reason.

### **Section 8 True Health impacts are neglected**

- 6 All predicted values for the development exceed WHO guidelines for health
- 7 The development contributes negatively to an already unhealthy environment

### **Section 9 Mitigation proposals are non-specific**

- 8 The developer's AQA (5.2.19) claims the impact of the development will be "negligible" and thus don't propose any specific mitigation advice.
- 9 As indicated in the AQAs for other development the cumulative impact was considered high or very high.
- 10 Given the likelihood of significant cumulative impact , mitigation measures proposed should be specific and actionable.

## 5 Visual Amenity

Swale Borough Council's October 2019 Landscape Sensitivity Assessment

Pp 471-484; A1.214-A1.215

Character: 'The landscape provides a rural back drop to the western edge of Newington.'

Graded 'Moderate' overall sensitivity

The Officer report to Swale Borough Council Planning Committee for 28 April 2016, to consider one of the previous applications from Gladman for this site: For 15//510595/OUT for a development of 126 dwellings (resubmission of 15/500671/OUT)

### 7.05 The Council's Landscape and Visual Impact Consultant

"The landscape condition/quality of the site and the surrounding countryside is considered to be good. ...it is considered to derive some landscape value from its attractive orchard farmland and the immediate context of a listed building and a community woodland.

The proposed development would represent a substantial, approximately 20% increase in the existing built up area of the village of Newington, and the scale of the proposals are not considered to be appropriate to the established landscape character of the area, or to take appropriate account of the existing townscape of the village.

From a review of the development proposals there are considered to be some serious concerns about whether the proposed western boundary would represent a logical, defensible, long term boundary for the village and there are a number of other uncertainties relating to the height of the proposed development, setbacks and the landscape strategy in the absence of clear parameters being set. It is further considered that the proposed development would be likely to give rise to a number of significant, localised adverse landscape and visual amenity effects: ie result in harm to the site and its immediate context and to users of some of the local PROWs. This harm would be likely to arise from the proposed access, from the loss of characteristic orchard farmland to residential development and from the implicit extent, scale and height of the development.

Overall it is considered that the development would be in conflict with relevant National Planning Framework policies in respect of landscape and design, in particular paragraph 17 bullet point 5 (set out in full at paragraph 5.03 above), paragraph 64, together with local plan policies E7 and E9, and the adopted Supplementary Document Swale Borough Council Landscape Character and Biodiversity Appraisal Guidelines.

Taking account of the above conclusions, it is considered there would be a strong justification for Swale Borough Council to refuse the planning application on landscape and visual grounds."

Newington Parish Council believes this assessment applies equally to 2022 and therefore should lead to the same conclusion

The Planning Inspectorate decision following the Inquiry into the previous Pond Farm application Appeal decision date 9 January 2017; Appeal Ref: APP/V2255/W/15/3067553 and APP/V2255/W/16/3148140 (subsequently upheld by the High Court and Court of Appeal): Third of the nine main issues 'The effect of the appeal proposals on landscape, character and the form of Newington'

The Inspector's decision was that the proposals would have caused substantial harm to landscape character

41 ... I find that these considerations justify regarding the appeal sites as constituting a valued landscape that should be protected and enhanced, in the terms of NPPF paragraph 109.

47 These changes, which would be evident from the public footpaths over Mill Hill and across part of Field B, would take away almost all the locally typical small-scale orchard and horticultural landscape characteristics of fields A and B together with their intrinsically attractive rural character. In views from London Road the changes would have a similarly harmful urbanising effect as the Appeal A proposals. The retained areas of landscaping and open space, including a small proposed community orchard, and the replacement frontage hedgerow would not overcome these effects, as they would be experienced in the context of the new housing development rather than as part of a wider rural landscape. Even if Field C

were retained in fruit production, it would appear as an isolated remnant of the existing, coherent enclave of fruit fields separated by shelterbelts.

50...both appeal proposals would cause substantial harm to landscape character

This proposal would lead to serious loss of visual amenity from surrounding viewpoints: Mill Hill to the north and the footpaths to the west and east (footpaths ZR38, ZR60 and ZR62)  
SEE PHOTOGRAPHS BELOW: VIEWS FROM MILL HILL TOWARDS THE APPLICATION SITE

The Applicant's Transport Assessment:

5.1.5.2 .. there is an extensive network of footpaths in/ near Newington, providing good opportunities for leisure walking in the vicinity of the site.

We suggest this footpath network is well-used and valued because people like to walk through and look onto countryside – not a housing estate. There is a weekly walking group in the Village, frequent walks arranged by rambling groups from the wider area and Health Walks promoted by the NHS. The Kent Ramblers made a significant contribution to the Pond Farm Planning Inquiry explaining how, at pedestrian eye-level the landscape is entirely rural. The inspector took up this point:

The January 2017 Appeal decision

38 Another public footpath runs from London Road across the north-western corner of Field B and Field C. Once one is behind the boundary hedge the traffic noise begins to recede and the fields are experienced as an almost entirely rural landscape, heavily enclosed by the closely-spaced rows of apple trees and the surrounding shelterbelts.

Also, from The Officer report to Swale Borough Council Planning Committee meeting 28 April 2016 (15//510595/OUT for 126 dwellings)

7.06 The Council's Rural Planning Consultant

sets out the scale of development, and notes that the site, which is best and most versatile for planning purposes, states; "To summarise, the NPPF states that necessary development that impacts on agricultural land should take place on poorer land in preference to land of higher quality.

We await the comments of the Swale Conservation Officer to this application and anticipate submitting additional comments when these have been added to the midkent portal.

## 6 The Ecology of this Best and Most Versatile Farmland

The application site is classified as Best and Most Versatile land

From the January 2017 Planning Inspectorate decision:

67. The appeal sites .. are made up entirely of Grade 1 and Grade 2 agricultural land

68. NPPF paragraph 112 advises that the local planning authorities should take into account the economic and other benefits of BMV land. . they should seek to use areas of poorer quality land in preference to that of a higher quality.

Members may share the view that land such as this, of the highest grade, is an especially valuable resource at a time of global turbulence; as the UK needs to ensure we are able to produce as much of our own food as possible.

Dr Sarah Arnold, (Senior Lecturer in the Agriculture, Health and Environment Department of the University of Greenwich) is a resident of Newington and has been advising the Parish Council on other ecology projects in the recreation ground and community woodland within the Village. At the February 2022 Extraordinary Parish Council meeting called to discuss this planning application she made comments which included:

- a) Damage to wildlife and biodiversity. The orchard area has populations of viviparous lizards, and numerous bee species, various bird species, and viviparous lizards have been recorded on the orchard area. This contradicts the ecological survey, implying a possible methodological issue with the ecological survey. Clearwing moth have been recorded on the orchards. The current orchards provide a vast feeding resource to several dozens of blackbirds over winter. The developers make no alternative proposals to feed that many blackbirds through winter. There is a lot of old hedgerow around the site that is used a lot by birds and the existing proposals seem to only retain parts of this.
- b) The orchard also acts as a corridor between the adjacent field by the industrial estate (shown in Photo Viewpoint B), home to slow-worms and various insects and birds as well as orchids, and wildlife areas such as Newington Community Woodland. Notably the ecological survey does not mention this field even though it is effectively a wildflower meadow. The proposed development would reduce value as a corridor as there is nothing to stop householders astroturfing the gardens and putting up impenetrable fences, and the roads will be dangerous to non-flying wildlife. The large number of people on this site would inevitably mean a large increase in foot traffic on nearby footpaths, e.g. ZR60. This crosses a site with a very high grasshopper population, wild orchids and broomrapes, slow-worms and the relatively rare bee-fly *Bombylius discolor*, and then leads to a scrub area that has enormous bird nesting potential. Increased use by estate residents could disturb bird nesting and the slow-worms.
- c) The existing orchard areas have early spring forage for diverse wild bee species and also bare soil and short-to-medium sward grass in sunny locations that is used by wild bees for nesting. It is unclear whether the new development will continue to provide the same resources in the same proximity to support local bee populations, as the mitigations mention nectar/pollen sources but not nesting habitat. Newington hosts a range of rare and local solitary bees and the orchards are one of the relevant habitats.
- d) The ecological survey has flagged that dormice are present. Hazel dormice are in steep decline in the UK and any populations must be protected. These are highly dependent on habitat connectivity and ability to access surrounding habitats, and so connectivity must be maintained. A large development like this is likely to bring a large increase in domestic cats which will threaten the dormice and also local nesting birds. The ecological survey suggests distributing literature to local residents but provides no evidence that this will be effective given the large number of likely additional cats.
- e) There are issues with the ecological survey, which the writer notes is incomplete. The botany survey/Phase 1 habitat survey was carried out in late July 2021, with a follow up visit in November 2021. No surveys were carried out before June 2021. This is utterly inappropriate as it misses the entire spring and early summer season, including short-lived plants from that time of year and the majority of bee and other spring insect species. There is also a much higher local population of stag beetles than the survey report implies. The management plan suggests "insect hotels/houses" to conserve invertebrates. There is little evidence these are effective for anything other than woodlice and are not an adequate mitigation - they are greenwashing. Suitable mitigation involves maintenance of habitat (both quality and area), year round foraging and ensuring that residential gardens are maintained as lawn and plant borders, not paved or astroturfed.

For the proposed 'Community Orchard' there is nothing on:

- staffing - for harvest, pruning, mowing and year-round maintenance work
- management
- an ecologically appropriate integrated pest and pollinator management scheme
- monitoring to ensure it does not become a reservoir of pests or diseases that will affect surrounding farms

## 7 Highways, Traffic and Transport

The A2, running East-West, bisects Newington. The Roman Watling Street has evolved into London Road, a 'B' quality road, with 'A' road designation. Newington High Street outside the grade II listed Bull Inn is the narrowest point of the whole length of the A2.

There is no mention of the effect of brickearth extraction in the report by Wardwell Armstrong for this application for Land South of London Road. It is interesting to note that, amongst other documents, the same consultant compiled the December 2018 Traffic Management Plan for the transportation of brickearth from the Wienerberger works adjacent to the west of Pond Farm.

This predicts

1.3.6. worked over a series of 19 phases (19 years)

1.3.9. Each year of extraction will provide approximately 27,429m<sup>3</sup> (46,629 tonnes) of mineral. There will be an extraction period and export period when material will be removed from the site; this is anticipated to last between 10 to 12 weeks.

1.3.11 restricted to 07.00 – 19.00 Monday to Friday; 08.00 – 13.00 Saturday

1.1.2 b)... routing via the A2

2.4.1 (table) Forecast HGV: Traffic peak hours (am and pm) 7 HGV movements; 12 hour operational day 85 movements

and staff vehicle movements, all during the peak periods.

Newington Parish Council has commissioned Railton Transport Planning Consultancy to assess the Ashley Helme documentation. The full document is attached on the planning portal. Railton TPC's conclusion:

### **8 CONCLUSION**

8.1 Railton TPC Ltd has been instructed by Newington Parish Council to assess transport work submitted in support of a planning application for up to 135 dwellings on land south of London Road, Newington (Swale Borough Council (SBC) ref. 22/500275/OUT). This report summarises the findings of the review and identifies a number of concerns, particularly relating to the underestimation of future year traffic flows.

8.2 The applicant relies upon traffic surveys undertaken in June 2021. The surveyed flows are significantly lower than flows recorded in 2015. It appears highly likely that the 2021 surveys were significantly affected by the COVID restrictions that were in place at the time. If past trends in traffic growth return to pre-COVID levels it is possible that flows will be 16%-18% higher than predicted in the peak hours.

8.3 The applicant fails to provide traffic survey data so it is impossible to check whether summary flows are correct and impossible to assess whether shortfalls in the peak hours are replicated on a daily basis. If the latter were the case, it would have implications in terms of air quality assessment.

8.4 The traffic growth rates applied by the applicant are 41% lower than expected to 2026 and 25% lower than expected to 2031. The applicant needs to explain this discrepancy.

8.5 The applicant has considered the impact of a number of committed developments but none of the traffic generated by those that impact on the A2 west of the A249 is assumed to pass through Newington. This assumption is clearly unreasonable.

8.6 The applicant has failed to allow for traffic generated by five developments, validated before the South of London Road application, of between 20 and 74 dwellings that impact either directly or indirectly on the local highway network.

8.7 The applicant has made no allowance for the Paradise Farm brickearth extraction that will lead to a significant increase in HGV movements past the site and through Newington on a daily basis.

8.8 The applicant has incorrectly assumed that the modelling of the Keycol junction is reliable despite clear evidence that the model is significantly under-estimating queues.

8.9 The applicant seeks to convey the impression that a contribution towards capacity improvements at the Keycol junction can adequately mitigate the impact of the proposed development. Significant work undertaken since 2015 has shown that the only viable way to improve capacity at the junction is to signalise the A249 off-slip and this scheme has already been implemented. The scheme does little or nothing to improve capacity on the eastbound A2 approach or on the majority of other entries.

8.10 The M2 Junction 5 improvements will not improve traffic conditions on the A2 through Newington. Modelling of the scheme shows it to lead to a small increase (+16 vehicle trips) through Newington in the AM peak hour and a small decrease (-13 vehicle trips) in the PM peak hour.

8.11 The proposed Travel Plan (TP) adopts a target AM peak hour mode share that is meaningless since car use could *increase* above typical levels and the target would still be achieved. The TP is extremely weak and should be given no weight in judging the ability to mitigate the transport impact of the proposed development.

8.12 Overall it is concluded that the proposed development is likely to lead to a significantly greater traffic impact than suggested by the applicant.

As well as the expert opinion summarised above, we believe the transport assessment does not present a true picture of services provided:

At time of submission of this response there is no document from KCC Highways on the planning portal. Hopefully this will not consider this application in isolation, but link it to recent developments in the village and to other significant 'live' planning applications. Newington Parish Council anticipates submitting additional comments when the KCC comments have been added to the midkent portal.

#### Planning Statement

4.2.28 Until the Swale Borough Council Supplementary Planning Document is adopted, the council will continue to apply the extant Kent County Council vehicular parking standards to new development proposals

Members will be aware that the revised standards were adopted by Swale Borough Council in 2020 and are being applied to all new planning applications.

#### The applicant's Planning Statement includes

3.2.46 It is proposed that 2no bus stops are introduced in London Road in the vicinity of the site. Both bus stops are to provide a shelter to quality bus standards (if space permits on the footway on the north side of London Road) together with low floor kerb access. The bus stops will include Real Time bus information.

This is a careless statement: There is insufficient space for a shelter on the narrow pavement on the north side of London Road. The provider of services through the village is Chalkwell. They confirm that their bus fleet does not have the necessary technology for real time information to be relayed and displayed.

3.5.2 Figure 3.2 shows that there is an extensive network of footpaths in / near Newington, providing good opportunity for leisure walking in the vicinity of the Site

Leisure walking is indeed popular – and many people use these footpaths because they are through countryside.

#### The applicant's documentation

3.2.6.1 The nearest primary school to the Site is Newington Primary School on School Lane. The walk distance from the centre of the Site to the school is circa 1.5km. It is agreed with KCC (confirmed in Statement of Common Ground for previous Appeals) that Newington Primary School is within walking distance for residents of the proposed development.

This may be true, but is misleading and suggests an assumption that children from the proposed housing development would be able to enrol at Newington School.

(3.2.44 vii).The footway on the east side of Church Lane terminates at the High Oak Hill junction.

Children must cross Church Lane to access the footway on the south side of School Lane. The appellant proposes to fund a scheme of localised carriageway narrowing to assist pedestrian crossing movement and to help control vehicle speeds

This is very well-meaning; but the school does not have places in all year groups that would be available to children living in the new development.

Newington CP School PAN (Planned Admission Number) 210; Number on Roll 204; 3 year groups full as of start of Term 3 (Monday 28 February 2022) – information verified with Executive HeadTeacher.

The Ashley Helme Travel Plan repeats some of the points made in the Transport Assessment and Planning Statement. It has many inaccuracies and platitudes in spite of the statement:

5.2 The TP is a tool identified by the local authority to be employed to assist in supporting and promoting identified policies to reduce car travel. The SMART criteria adopted for this TP are:

- Specific there must be no ambiguity in the output,
- Measurable the policy target(s) can be set against directly observable output(s),
- Achievable the policy must be feasible,
- Realistic target should be within reasonable bounds and not too optimistic,
- Time bound the output of the policy should be observable over a pre-determined time frame.

3.2.4.4 ..."Following amenities are located within an 800--1200m of the site" - Salon.

The hair salon closed many years ago. Newington has one convenience store; a pharmacy/post office; public house and two take-aways.

3.2.4.5 Newington Industrial Estate is within an 800m walk of the Site, potentially providing employment opportunities for residents of the Site

As already stated this is unlikely.

3.4.2.2 The existing bus services summarised in Table 3.1 offer travel to a range of destinations including Rainham, Gillingham, Chatham and Sittingbourne. Services Nos 326 & 327 combined operate on an hourly basis. Service no 328 operates 4 trips per day, Service 372 operates 3 trips per day.

This fails to make clear that some trips operate on schooldays only.

3.4.2.5 The existing bus service operating in the vicinity of the Site offer a good level of frequency and a range of destinations

'good' is not defined: buses do not operate in the evening, Sundays or Bank Holidays. It should be noted that bus services are roughly hourly, with 'direct' routes alternating with those via other local villages and taking more than an hour to Chatham. On weekdays the last bus to stop at Newington is 18.36 and 18.29 on Saturdays. There is a three hour gap between the more direct service to Chatham at 06.31 (terminates at Medway Hospital) and the next at 09.11.

7.3.3 2 new bus stops to be introduced (subject to further discussions with KCC).

This would be 130 m from the existing one, would cause congestion and would be difficult to fit on the north side of the A2

3.4.3 Rail. It is demonstrated that there is opportunity for residents of the Site to undertake journeys by rail to a good range of destinations

This carefully avoids mentioning the poor frequency of the service.

7.1.4 details the footway of 130m on south side of A2, with an additional Puffin crossing, which will create more air pollution with cars stopping.

7.1.6 The applicant is proposing to install a scheme of localised carriageway narrowing to assist pedestrian crossing movement in Church Lane.

Already considered and dismissed, on the advice of KCC, when considering our own Highways Improvement Plan.

And for cycles

7.2.2 Residents of the development will have the opportunity to park cycles at their homes, and similarly for their visitors

This is hardly a novel facility. Nor is:

7.2.5 The TPC will establish a cycling action plan that identifies a range of measures to be explored/pursued. This includes, for example but not exclusively: • Promotion of National Bike Week, • Bike buddy scheme, for those not confident about cycling.

7.2.6 Promotional events and literature will be arranged by the TPC, to encourage cycling and emphasise the health benefits.

Other means supposed to reduce polluting car usage or to encourage electric vehicles:

7.4.2 The TPC will identify a car share scheme to be promoted to residents. There is no cost to the developer.

7.4.3 The car share scheme will be promoted by the TPC through a variety of means (refer Chapter 8), including for example sales literature, Induction Packs, online resources.

Hardly revolutionary or meeting the SMART objectives above.

7.5.1 To encourage residents of the proposed development to operate Electric Vehicles (EV), the development will include the provision of a 32Amp single phase electrical supply that will allow for the future inclusion of an individual electric car charging point for each property.

Already stipulated as a Swale Borough Council condition for all new developments

The Railton TPC report questions much of the data and the consequent assumptions in the applicant's transport assessment. Newington Parish Council has also added comments on the remaining text of this and the Travel Plan. Combined they pay lip-service only to the requirements of Paragraph 110 of the NPPF

"Applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations."

We note that the provision is of wiring only – not the actual charging points, which means additional costs to house purchasers.

The July 2021 Government response to the 2019 consultation on Electric Vehicle Smart Charging makes clear that there are real concerns about the capacity of the National Grid to cope with any increased demand.

## 8 The five year supply

We understand that Swale currently has a 4.6 year supply (ie an annual shortfall of 310 homes) and would submit that this is close enough for the harm from this proposed development to outweigh the need.

We repeat the December 2020 planning appeal decision

19/501773/OUT Land Off Jubilee Fields Upchurch (APP/V2255/W/20/3246265)

I have found that the proposal conflicts with the development plan as a whole. The other considerations in this case, namely the shortfall in 5YHLS and the provisions of the Framework, are of insufficient weight to outweigh that conflict. For this reason, the appeal is dismissed.

The principle of consistency within planning decisions requires that a previous decision is capable of being a material consideration in a subsequent similar or related decision.

## 9 Conclusion

The proposal does not meet the definition of sustainable development in rural areas

*“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.*

It does not provide housing for agricultural workers in the neighbouring fields and so is contrary to the principle.

The Sustainability and Energy Statement is unimpressive

Low and zero carbon technologies - Domestic Properties 4.14. This section reviews the feasibility of a range of Low and Zero Carbon (LZC) technologies that **could** be used to achieve a reduction in CO2 emissions.

12 The LZC technologies that **could** be considered for use at Newington are: • Photovoltaics • Solar thermal panels • Ground & air source heat pumps • Biomass Boiler

4.31. The most suitable at this stage would appear to be the installation of some solar photovoltaic systems within the development. **However, there may be a considerable cost implication** which would need to be reviewed at detailed design stage

This is hardly 21<sup>st</sup> century cutting-edge green technology

And

4.33. Depending on the space and water heating design for **the extra care accommodation**, air source heat pumps or a centralised biomass boiler may be considered by the developers to be the best option to meet building regulation emissions targets.

This is the only mention of ‘extra care accommodation’ in any of the documentation for this application. It seems to be a careless ‘cut-and-paste’ from the failed 2015 applications

Comments such as Transport Assessment

5.1.4.5 Newington Industrial Estate is within an 800m walk of the Site, potentially providing employment opportunities for residents of the Site

are glib and poorly researched. Newington Industrial estate is on the site of the former brickworks. Most of the units have few employees and choose the site for storage of building or roofing supplies, car repairs etc.

The facilities list in 5.1.44 is out of date

#### 5.1.6.1 states

Newington Primary School is within walking distance.

This is true, but the School is full for most year groups and it is KCC policy that it should not expand due to traffic issues in Church Lane. This is why S106 funding for the previous applications was destined for Regis Manor – meaning a car drive or bus for children from 5 years upwards. This is 3.7miles from the site and AA routefinder suggests a 10 minute car journey.

5.2.1 ...cycling has the potential to substitute for short car trips

Surely no-one would suggest cycling on the busy polluted A2 to be a safe proposition

This site was put forward in the call for sites but has not been recommended for allocation in the draft plan.

The initial assessment in the most recent (2020) SHLAA process was:

The previous application was refused (and dismissed on appeal) was not able to demonstrate how the impacts of the development on traffic and air quality could be mitigated. The site also falls within a minerals safeguarding area and a minerals assessment would be required. With this in mind, it is unlikely that there is a reasonable prospect of development coming forward for this site as the mitigation measures required could make development unviable. The site is therefore considered to be unachievable.

Indeed the Swale Local Plan Panel on 29 October 2020 followed the officer recommendation that 'no sites in Newington should be progressed for inclusion as allocations in the Local Plan Review'. This was accepted unanimously at full council.

The December 2020 planning appeal decision

19/501773/OUT Land Off Jubilee Fields Upchurch (APP/V2255/W/20/3246265)

there is no specific evidence to suggest that the need for affordable homes in Upchurch is particularly pressing. In the short term, the school would face difficulties accommodating the extra 11 children

We believe the same argument applies to Newington.

We have major concerns for the health of Newington residents with potential further harm due to cumulative development in addition to the traffic which already passes through our village each day and the increase expected due the permitted extraction of brickearth. Please see the University of Kent School of Health Studies report which evaluates the unacceptable pollution levels in the village and the potential increase if further housing development is permitted.

Para 108 of the NPPF

- In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Newington Parish Council does not believe this application meets these requirements

The proposal does nothing to improve the *economy* of Newington, there are no obvious *social* benefits and clear *environmental* harm through increased pollution and the loss of farmland.



We anticipate submitting additional comments when any additional reports requested by the planning officer have been added to the midkent portal.

***Please see***

- 1. the independent report from the University of Kent Centre for Health Service Studies which examines the air quality reports that form part of each of the four significant planning applications that were current in the Village (December 2021) and the data available from the air quality monitoring devices in Newington.***
- 2. There is a separate addendum on the Wardell-Armstrong report for this application.***
- 3. The Railton TPC Transport and Highways report commissioned by Newington Parish Council.***

***Newington Parish Council requests that, in the event of the planning officer recommending approval, this response be forwarded to all members of planning committee as well as the customary summary in the officer report.***

Submitted 7 March 2022